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**COUNSELLORS AT LAW**

SITE: Peterson-Puritan  
BREAK: LL 2 Champ  
OTHER: 042

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May 17, 2001

Michelle Lauterback  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region I  
Office of Environmental Stewardship  
1 Congress Street  
Suite 1100 (SES)  
Boston, MA 02114-2023

Re: USEPA Request for Information regarding Recycling Industries, Inc.  
Peterson/Puritan, Inc. Site, Operable Unit 2 (including the J.M. Mills Landfill)

Dear Michelle:

You have asked for clarification and additional information with respect to various items of information which we have previously provided in response to requests from the Agency relating to the J.M. Mills Site. Please find the results of our investigations below.

1. Rueping East, Inc. -

You have asked whether we have investigated the present status/viability of Rueping East, Inc. We have conducted an investigation regarding the whereabouts of this company, and it appears from our research that the Rueping East Tannery, listed in the Taunton City Directory as having a location of 491 West Water Street in 1977, may have been a subsidiary of Spencer Foods from Ohio. We understand that the Tannery was formerly known as Geilich Tannery (which was bought by Spencer Foods in 1966) and that it was eventually operated under the name Rueping East beginning in 1962. Our investigation in this regard continues.

2. Coast Guard -

You have asked whether we have identified the United States Coast Guard on Recycling Industries' Monthly Operating Reports. The United States Coast Guard is identified in Recycling Monthly Operating Reports (MORs) in June, 1978 and September, 1978. From such

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documents, it appears that in June, 1978 the Coast Guard arranged for 40 yards of batteries to be delivered to Recycling Industries. Although there was a delivery of 80 yards of battery waste to another site that month, the Recycling MORs do not show J.M. Mills as a destination for disposal until October, 1978. The MORs do show in September of 1978 that 55 gallons of lab chemicals were picked up from the U.S. Coast Guard in Scituate.

### 3. Dump Receipts v. Monthly Operating Reports –

You have asked whether we have compared the volume identified on the J.M. Mills dump receipts against the volume identified in the MORs. We have compared the J.M. Mills dump receipts against the MORs and find that generally the volumes identified in the dump receipts unexplainably exceed the MOR volume. Please see the following:

DATE	MOR	DUMP RECEIPT
10-78	70 yd. Battery Waste 160 yd. Solids/Sludge	0 yd. Battery Waste, 30 yd. Sludge + 3 slips w/no amount (20yd avg.) total 90 yd Sludge
11-78	500 yd Solids/Sludge	30 yd. Battery Waste, 30 yd. Empty drums, 20 yd. Filters & Trash, 440 yd sludge + 4 slips w/no amount (20 yd avg.) total 520 yd Sludge
12-78	1,190 yd Solids/Sludge 40 yd crushed drums 40 yd leather trim	1,020 yd Sludge + 1 slip totals 1,040 Sludge 80 yd crushed drums, 60 yd boxed sludge, 90 yd Fly Ash, 40 yd leather trim
1-79	40 yd Battery Waste 740 yd Solid/Sludge	Batteries (no amount) 540 yd sludge + 5 slips w/ no amount totals 640 yd sludge, Bulk leather trimming (no amount)
2-79	120 yd Battery Waste 600 yd Solid/Sludge	1 load batteries, 40 yd batteries, 2 tons batteries, 600 yd Sludge + 5 slips w/no amount total 700 yd Sludge, 30 yd trash, 40 yd boxed Sludge
3-79	80 yd Battery Waste 180 yd. Solid/Sludge	40 yd batteries, 460 Solid + 5 slips w/no amount total 540 Sludge, not including 1 slip w/sawdust, sludge (no amount) 1 slip sawdust (no amount)
4-79	40 yd Battery Waste	<i>Slip 5254-40 yd battery waste</i> Slip 4100-No amount battery Slip 4706-20 yd sludge-Boston Edison Slip 4738-20 yd bulk lime w/sludge Slip 4773-Wax Plant-Open Top Slip 4736-1 Load sludge
5-79	40 yd Battery Waste	Slip 5181-40 yd battery waste Slip 5251-Batteries (no amount) Slip 5300-(54) 55 gallon drums-Mix Sol. (34) 55 gallon drums-chlorinated Sol

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4. Battery Wastes -

You have asked several questions regarding the source of battery waste to Recycling Industries. From October 1978 until May 1979, Polaroid's Waltham, MA facility sent 2,670 yards of battery waste to Recycling Industries. Polaroid was, without exception, the only customer that sent battery waste to Recycling Industries that was quantified in yards on the MORs; volume for all other customers who generated battery was recorded in gallon quantities. (From interviews it has been determined that all battery waste attributed to Charles George on the MORs originated from Polaroid's Waltham, MA facility).

The MORs indicate that only battery waste that was quantified in yards was transported to landfills for disposal. The MORs do not indicate that any battery waste recorded in gallon quantities was sent to landfills. It is noted that three of the eight relevant MORs show that the quantity of incoming battery waste from Polaroid, which is quantified in yards, matches the yardage quantities that Recycling Industries sent to landfills for disposal. The remaining MORs show relatively small discrepancies between incoming and outbound battery waste that is quantified in yards. The MORs for the relevant period indicate an incoming total 2,670 yards of battery waste and a disposal of 2,330 yards which leaves approximately 340 yards that is not accounted for within the MORs. Although it is possible that battery waste received in gallon quantities may have been converted to yardage quantities, the amount of such waste received during the relevant period would seem to be insignificant compared to the volume of battery waste disposed. MORs for the relevant periods show that Recycling Industries received a total of 1,375 gallons of battery waste from Sylvania (825 gallons), Union Carbide (440 gallons), Hazeltine (55 gallons) and Polaroid-Cambridge (55 gallons).

During the relevant period, battery waste that was quantified in yards was disposed at two Rhode Island disposal facilities, Landfill & Resource Recovery ("L&RR") in Smithfield and J.M. Mills in Cumberland. MORs for the relevant period indicate that the J.M. Mills Site received 390 yards and that L&RR received approximately 1,940 yards of battery waste.

A review of the bills of lading and site dump tickets corroborate the fact that Polaroid battery waste (quantified in yards) was disposed of at the J.M. Mills Site. There are approximately sixteen bills of lading indicating such disposal, seven of which show 40-yard loads and one for a 30-yard load; the eight remaining BOLs do not indicate a quantity. Available bills of lading appear to show a link between Polaroid's compactor box and the disposal of its battery waste at the site. Bill of lading # 4735 (bates #CWM000315) (attached) indicates that 3Rs driver "Buzzy" delivered Polaroid's compactor box to Recycling Industries on or about 4/25/79 "per request of Peggy Marsh". BOL #4736 (bates #CWM000322)(attached), dated 4/27/79 indicates a J.M. Mills disposal of what appears to be sludge by "Buzzy," however, this same bill of lading has a typewritten notation that the driver should return the "battery compactor to the loading area on the afternoon of 4/25/79, per request of Peggy Marsh." Bill of lading #4478 (bates # CWM000384)(attached), dated 4/26/79 shows that "Buzzy" disposed of a

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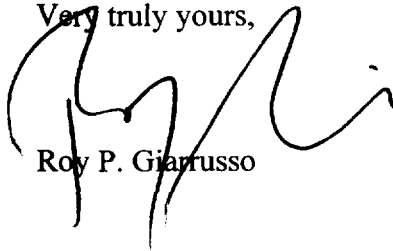
compactor load of batteries at L&RR in Smithfield, RI; however the bill of lading has a site dump ticket #50522 attached to it indicating that the compactor was re-routed to the J.M. Mills site. Both the bill of lading and the J.M. Mills site dump ticket appear to have been signed by "Buzzy." It should be noted that this bill of lading has the hand written 8-digit dump number commonly used at L&RR; however, further review show that this dump number (102 108 30, was also entered on another L&RR bill of lading #4712 (bates #CWM000385)(attached) dated 4/23/79.

As has been previously discussed, Waste Management agrees to supplement its previous responses to the Agency's request for information with respect to Recycling Industries' alleged "generator liability," namely requests for information nos. 6 and 7. Our investigations which are necessary in order to respond to such requests are ongoing, however, we expect to shortly be able to respond to these specific requests.

This is also to request that the Agency release any relevant "confidential" documents relating to Recycling Industries which the Agency has in its possession, custody and control and reiterates my request for a copy of all documents which have been produced to any party pursuant to a Freedom of Information Act request. I understand that the Agency may be prepared to provide at least some of these documents in response to FOIA requests in disk form.

Please contact me should you have any questions with regard to the above.

Very truly yours,

A handwritten signature in black ink, appearing to be "RPG", written over the typed name "Roy P. Giarrusso".

Roy P. Giarrusso

RPG/bg  
Enclosures

cc: Stephen T. Joyce

is an acknowledgment that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

RECEIVED, subject to the classifications and tariffs in effect on the date of receipt by the carrier of the property described in the Original Bill of Lading

The property described below, in apparent good order, except as noted [contents and condition of contents all packages removed, marked, consigned, and destined as indicated below - which said carrier has no obligation to inspect or to make any particular comparison in appearance of the property owned and consigned above with the bill of lading thereon] is being delivered by this bill of lading to the consignee named herein, or to such other person or persons as may be designated in writing by the shipper, and as to each party of said delivery of said destination in full or in part, otherwise to deliver to another carrier on the route to said destination, subject to the terms and conditions of the Uniform Domestic Freight Bill of Lading set forth (1) in Uniform Freight Classification in effect on the date hereof, if this is a rail or a well-watered shipment, or (2) in the applicable motor-carrier classification for motor-carrier shipments. Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions have been agreed to by the shipper and accepted for himself and his consignees.

To		POLAROID
From	X	R-5
		Waltham, Ma.

**PICK-UP AT:**

[illegible]

THIS IS TO CERTIFY THAT THE ABOVE NAMED ARTICLES ARE PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED, AND LABELED, AND ARE IN PROPER CONDITION FOR TRANSPORTATION, ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

PLACARDS PROVIDED OR AFFIXED	Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:  The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.	Received \$ _____ to apply in prepayment of the charges on the property described hereon.	IF CHARGES ARE TO BE PREPAID, WRITE OR STAMP HERE, "TO BE PREPAID"
		_____ Agent or Cashier.	
<input type="checkbox"/> PLACARDS REFUSED		Per _____ (The signatory here acknowledges only the amount prepaid.)	
SHIPPER'S SIGNATURE		RECEIVER'S SIGNATURE <i>J. L. Davis</i> 4-25-79	

PERMANENT POST OFFICE ADDRESS OF SHIPPER

**ORIGINAL**  
**CWM000315**

0144-0549





is an acknowledgment that a Bill of Lading was received and is a  
a copy or duplicate, covering the property named herein, and is intended solely for filing or record

RECEIVED, subject to the classifications and tariffs in effect on the date of receipt by the carrier of the property described in the Original Bill of Lading.

As positively declared below, a voluntary good-will transfer, assignment and constitution of contents of packages or of many multiple consigned and loaded on indicated liner, which said cargo has being unshipped throughout this can well be meaning that prior to its presentation of this policy under a contract agency to carry on its said cargo at delivery of said destination, or at its route otherwise to deliver to another location on the same or said destination. It is hereby agreed that the cargo of all or some of said consigned cargo or of any part of said cargo be destination, and at each party at any time appointed in all or any of said property that every vessel to be performed her cargo shall be subject to all the terms and conditions of the Uniform Domestic Bill of Lading with which it is Uniform Freight Classification in effect on the date hereof, that it is a bill of lading or a bill of lading shipment, or (2) in the applicable most recent edition of said edition or subject to this is a bill of lading shipment. It is hereby further certified that the transfer with all the terms and conditions of the said bill of lading, or bills in the classification or bill which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted by himself and his agent.

Smithfield, R.I.

CARRIER: Recycling

PICK-UP AT:

DATE 4/23/79

CUST. ORDER NO.

VEHICLE NO.

TIME IN

**TIME CUT**

DRIVER

CUSTOMER INITIAL, IF OK

✓	MAZARONI MATHEIA
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CONTAINER	SIZE/WT
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NAME OF MATERIAL AND COMPOSITION

HAZARD CLASS

PHYSICAL STATE  
(CHECK ONE)

DOT LABEL  
(IF REQUIRED)

## OTHER

DOT AUTHORIZED

DOT LABELS APPLIED  
AND SECURED

PROPER DOT NAMES  
ON ALL PACKAGES

1

1

1

10

1

의

1

1

40 Yd. ORM-Batteries for Disposal

$$102 \cdot 10^8 = 30$$

THIS IS TO CERTIFY THAT THE ABOVE NAMED ARTICLES ARE PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED, AND LABELED, AND ARE IN PROPER CONDITION FOR TRANSPORTATION, ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

PLACARDS PROVIDED OR AFFIXED

Subject to Section 2 of conditions of applicable bill of lading if this shipment is to be delivered to the consignee without recourse on the consignee, the consignee shall sign the following statement:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

to apply in prepayment of the charges on the property described herein.

Agent or Collector

Per \_\_\_\_\_  
(The signatories have acknowledged only the amount provided)

IF CHARGES ARE TO BE PREPAID,  
WRITE OR STAMP HERE,  
"TO BE PREPAID"

PLACARDS REFUSED

Per \_\_\_\_\_  
(Signature of Consumer)

**SUPPLIER'S SIGNATURE**

RECEIVED'S SIGNATURE

PERMANENT POST OFFICE ADDRESS OF SHIPPER

ORIGINAL

0144-0552

CWM000385