



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

**SPECIAL NOTICE LETTER
URGENT LEGAL MATTER/PROMPT REPLY NECESSARY
VIA EMAIL AND OVERNIGHT MAIL**

October 8, 2019

Daniel Sula, General Counsel
Amcor Flexibles North America
2150 E. Lake Cook Road, Suite 1200
Buffalo Grove, IL 60089

Re: Special Notice Letter for an RI/FS for Operable Unit 9 of the Raymark Industries Inc.
Superfund Site, in Stratford, Connecticut

Dear Mr. Sula:

This letter follows the General Notice Letter that the U.S. Environmental Protection Agency (EPA) sent to Ross & Roberts, Inc. on May 22, 2019 in connection with Operable Unit 9 of the Raymark Industries, Inc. Superfund Site (the “Site”), located in the Town of Stratford, Connecticut. In that letter, EPA notified Ross & Roberts of its potential responsibility under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or “Superfund”), 42 U.S.C. § 9607(a), for the cleanup of the Site, including all costs incurred by EPA in responding to releases at the Site. You have responded to the General Notice Letter as a successor-in-interest to Ross & Roberts. EPA is now contacting you in an attempt to resolve your responsibility at the Site.

Background

Based on an extensive review of records related to the release and/or disposal of hazardous substances at the Site, EPA identified Ross & Roberts as a potentially responsible party (PRP) that contributed hazardous substances to the Site. Under the federal Superfund law, you and the other PRPs at the Site are responsible for the costs of investigating and cleaning up the Site. For further information about the nature and volume of substances contributed by the other PRPs, see the evidence summary attached to the General Notice Letter for each PRP.

Special Notice and Negotiation Moratorium

EPA has determined that use of the special notice procedures set forth in Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), may facilitate a settlement between Amcor, the other PRPs, and EPA for performance of a Remedial Investigation and Feasibility Study (RI/FS) at the Site. A Remedial Investigation (RI) identifies site characteristics and defines the nature and extent of soil, air, surface water, and groundwater contamination at a site and the risks posed by the site. A Feasibility Study (FS) evaluates different cleanup options for the site. Note that EPA has already completed a portion of the RI work and has issued an RI Report.

Under Section 122(e), this letter triggers a 60-day moratorium on certain EPA response activities at the site. During this 60-day period, Amcor and the other PRPs are invited to participate in formal negotiations with EPA in an effort to reach a settlement to conduct or finance the RI/FS. The 60-day negotiation period ends on **December 9, 2019**. The 60-day negotiation moratorium will be extended for an additional 30 days if PRPs provide EPA with a “good faith offer” to conduct or finance the RI/FS. Under this 90-day negotiation moratorium, negotiations will conclude on **January 6, 2020**. If settlement is reached between EPA and the PRPs within the 90-day negotiation moratorium, the settlement will be embodied in an administrative settlement agreement and order on consent for RI/FS (AOC or “Administrative Order”).

Good Faith Offer

A proposed Administrative Settlement Agreement and Order on Consent and Statement of Work is enclosed electronically in a separate email to assist you in developing a “good faith offer.”¹ As indicated, the 60-day negotiation moratorium triggered by this letter will be extended for 30 days if the PRPs submit a “good faith offer” to EPA. A “good faith offer” to conduct or finance the RI/FS is a written proposal that demonstrates the qualifications and willingness of the PRPs to conduct or finance the RI/FS, and includes the following elements:

- A statement of willingness by the PRPs to conduct or finance an RI/FS that is consistent with EPA’s Statement of Work and draft Administrative Settlement Agreement and Order on Consent and provides a sufficient basis for further negotiations;
- A paragraph-by-paragraph response to EPA’s Statement of Work and draft Administrative Settlement Agreement and Order on Consent;
- A detailed description of the work plan identifying how the PRPs plan to proceed with the work;

¹ This draft administrative order on consent is not currently binding on EPA and is subject to revision and approval by EPA and DOJ.

- A demonstration of the PRPs' technical capability to carry out the RI/FS, including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select the firm(s);
- A demonstration of the PRPs' capability to finance the RI/FS;
- A statement of willingness by the PRPs to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RI/FS; and
- The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

Demand for Reimbursement of Costs

With this letter, EPA demands that you reimburse EPA for its costs incurred to-date at the Site and encourages you to voluntarily negotiate a consent order in which you and other PRPs agree to perform the RI/FS.

In accordance with Section 104 of CERCLA, 42 U.S.C. § 9604, the EPA has already taken certain response actions and incurred certain costs in response to conditions at the Site. These response actions include investigations, sampling, and the issuance of a Remedial Investigation Report. The EPA is seeking to recover from Amcor and other PRPs its response costs and all interest authorized to be recovered under Section 107(a) of CERCLA. The approximate total response costs identified through the date of this letter for the OU9 portion of the Site is \$2.2 million dollars. Under Section 107(a) of CERCLA, EPA hereby makes a demand for payment from Amcor and other PRPs for the above amount plus all interest authorized to be recovered under Section 107(a).

Some or all of the costs associated with this notice may be covered by current or past insurance policies issued to you. Most insurance policies will require that you timely notify your carrier(s) of a claim against you. To evaluate whether you should notify your insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of your first contact with the Raymark Site, up to the present. Coverage depends on many factors, such as the language of the particular policy and state law.

If you file for protection in a bankruptcy court, you must include EPA as creditor, because EPA has a potential claim against you. EPA reserves the right to file a proof of claim or application for reimbursement of administrative expenses.

PRP Steering Committee

To assist PRPs in negotiating with EPA concerning this matter, EPA is attaching to this letter a list of the names and addresses of other PRPs to whom it is sending this Notice.

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. EPA recognizes that the allocation of responsibility among PRPs may be difficult. If PRPs are unable to reach consensus, we encourage the use of a neutral third party to help allocate responsibility and facilitate negotiations. At the PRPs' request, EPA will provide a list of experienced third-party mediators or help arrange for a mediator.

PRP Response and EPA Contact Person

You are encouraged to contact EPA by **October 25, 2019** to indicate your willingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the Site, and that you have declined any involvement in performing the response activities.

Your response to this Special Notice Letter, including written proposals to perform the RI/FS for the Site, should be sent to:

Ron Jennings
U.S. Environmental Protection Agency, Region 1
Superfund and Emergency Management Division
5 Post Office Square, Suite 100 (Mail Code 07-1)
Boston, MA 02109-3012
(617) 918-1242
jennings.ron@epa.gov

Legal questions and all communications from counsel should be directed to:

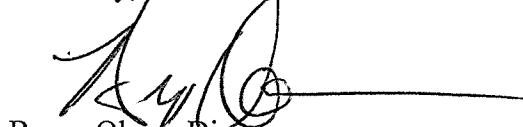
John Kilborn, Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Office of Regional Counsel
5 Post Office Square, Suite 100 (Mail Code 04-2)
Boston, MA 02109-3012
(617) 918-1893
kilborn.john@epa.gov

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that immediate attention and prompt response be given to this letter.

By copy of this letter, EPA is notifying the State of Connecticut and the Natural Resource Trustees of EPA's intent to perform, or to enter into negotiations for the performance or financing of, response actions at OU9 of the Site.

Thank you for your attention to this matter.

Sincerely,



Bryan Olson, Director
Superfund and Emergency Management Division
EPA, Region 1

Enclosures by separate email

cc: Tim Greene, GCR Advisors (for Amcor)
Joy Sun, EPA Senior Assistant Regional Counsel
John Kilborn, EPA Senior Assistant Regional Counsel
Ron Jennings, EPA Remedial Project Manager
Ron Curran, Connecticut Department of Energy and Environmental Protection
Ken Finkelstein, National Oceanic and Atmospheric Association
Andrew Raddant, U.S. Department of Interior
Molly Sperduto, U.S. Fish and Wildlife Service
Greg Wall, EPA HQ, Remedial Support Division
Brain Donahue, USDOJ, ENRD, Environmental Enforcement Section
EPA Region 1 Superfund Records and Information Center

(ccs by electronic mail only)

APPENDIX A
Raymark Industries, Inc. Superfund Site, Operable Unit 9
List of PRPs

Respondent	Point of Contact/Address
Amcor Flexibles North America (for Ross & Roberts, Inc.)	<p>Daniel Sula, General Counsel Amcor Flexibles North America 2150 E. Lake Cook Road, Suite 1200 Buffalo Grove, IL 60089 daniel.sula@amcor.com (847) 573-7509</p> <p>Tim Greene, Managing Director GCR Advisors, LLC POB 58445 Nashville, TN 37205 tgreen@geradvisors.com (615) 567-3938</p>
AVCO Corporation	<p>AVCO Corporation c/o Jamieson Schiff, Executive Counsel Textron Inc. 40 Westminster Street Providence, RI 02903 jschiff@textron.com (401) 457-2422</p>
United States Army Corps of Engineers	<p>Pat M. Falcigno, Assistant Counsel North Atlantic Division Regional Business Center 302 General Lee Avenue Ft. Hamilton Military Community Brooklyn, NY 11252 Patsy.M.Falcigno@usace.army.mil</p> <p>Benjamin J. Grillot, Trial Attorney U.S. Department of Justice Environment and Natural Resources Division Benjamin.grillot@usdoj.gov (202) 305-0303</p>