



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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BOSTON, MASSACHUSETTS 02114-2023

11.9

**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

July 30, 2003

Chrome Engineering, Incorporated  
c/o Joseph Rivnyak, Registered Agent  
67 Soundview Avenue  
Huntington, CT 06484

Re: **NOTICE OF POTENTIAL LIABILITY AND INVITATION TO PERFORM OR  
FINANCE PROPOSED CLEANUP ACTIVITIES:**  
Chrome Engineering Superfund Site

Dear Mr. Rivnyak:

This letter serves to notify Chrome Engineering, Inc., ("Chrome") of potential liability regarding the Chrome Engineering Superfund Site, Bridgeport, Connecticut ("Site"), as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a). This letter also notifies Chrome of forthcoming removal activities at the Site which Chrome is invited to perform or finance and which Chrome may be ordered to perform at a later date.

**NOTICE OF POTENTIAL LIABILITY**

The United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances or pollutants or contaminants at the Site, which is located at 405 Central Avenue, Bridgeport, Connecticut.

Hazardous substances involved in the release or threat of release at the Site include, but are not limited to, Friable asbestos, asbestos containing materials (ACMs), chromium, and lead. EPA has spent or is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site. Unless a potentially responsible party ("PRP") or parties commit to properly performing or financing such actions, EPA may perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973, and other laws, liable parties may be obligated to implement response actions deemed necessary by EPA to protect public health, welfare, or the

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environment and may be liable for all costs incurred by the Government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, oversight, and enforcement activities.

Responsible parties under CERCLA include current and former owners and operators of the Site, persons who arranged for disposal or treatment of hazardous substances found at the Site (often called "generators"), and persons who accepted hazardous substances for transport to the Site (often called "transporters").

EPA has evaluated evidence gathered during investigations of the Site. Based on this evidence, EPA has information indicating that you are a potentially responsible party under Section 107(a) of CERCLA with respect to the Site. Specifically, EPA has reason to believe that Chrome Engineering is the owner/operator of the Site. By this letter, EPA notifies Chrome of its potential liability and urges Chrome to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

#### OUTLINE OF SITE RESPONSE ACTIVITIES

In accordance with CERCLA and other authorities, EPA has undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions have included conducting site assessments as well as other investigations which have revealed the presence of hazardous substances at the Site.

Due to the presence of hazardous substances at the Site, and in light of other conditions, EPA has determined that there may be an imminent and substantial endangerment to public health, welfare, or the environment. In response, EPA is planning to conduct the following immediate removal activities at the Site:

- 1) provide for Site security using guard service during non-working hours;
- 2) sampling and analysis of the contents of deteriorating drums, vats and containers present at several locations within the Site boundaries;
- 3) sampling of surface soils and other areas of suspected contamination;
- 4) overpacking, staging, and disposal of those drums and containers at an EPA-approved disposal facility;
- 5) removing and disposing of limited friable asbestos and asbestos containing materials (ACMs) to an EPA-approved disposal facility;
- 6) pumping out of contaminated standing water in plating vats and disposal of vats as appropriate;
- 7) removal and disposal of contaminated wastewater sludge from the wastewater tanks;
- 8) excavation and disposal of contaminated surface soils;
- and 9) backfill and regrading of excavated areas on Site.

## INVITATION TO PERFORM SITE RESPONSE ACTIVITIES

Before EPA spends additional public funds to undertake a removal action at the Site, EPA urges Chrome to voluntarily perform or finance the removal activities outlined above. Any such work performed by Chrome in its capacity as a PRP must be conducted pursuant to an administrative order and an EPA-approved workplan as authorized by Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). Prior to final issuance of such an order, a draft order will be sent to Chrome or its representative for review and comment. Enclosed herewith is a copy of a summary of a generic Scope of Work. This document should provide Chrome with an understanding of the types of plans and activities typically required by such an order.

Be advised that even if Chrome does not indicate a willingness to perform or finance necessary response actions, EPA may order Chrome to undertake such actions under Section 106 of CERCLA, 42 U.S.C. § 9606. Failure to comply with a Section 106(a) administrative order may result in a fine of up to \$27,500 per day under Section 106(b) or imposition of treble damages under Section 107(c)(3) of CERCLA. Further, Chrome may be held liable under Section 107(a) for the cost of the response activities EPA performs at the Site and for any damages to natural resources. In addition, by virtue of Section 113 of CERCLA, 42 U.S.C. § 9613, other PRPs who agree to perform the necessary response action may seek contribution protection.

### PRP RESPONSE AND EPA CONTACT

You should contact EPA within **ten (10) business days** after receipt of this letter to indicate Chrome's willingness to perform or finance the response activities outlined above. If EPA does not receive a response within that time, EPA will assume that Chrome does not wish to negotiate a resolution of its liabilities in connection with the response and that Chrome has declined any involvement in performing response activities. Be advised, however, that liability under CERCLA is joint and several; therefore, each PRP is potentially liable for undertaking all response actions or reimbursing the Government for the entire amount of its response costs.

Please provide the name, address, and telephone number of a designated contact for future communications. Your written response, including any technical comments or questions concerning the proposed response activities, should be directed to the EPA On-Scene Coordinator (OSC) for the Site:

Wing Chau  
U.S. Environmental Protection Agency  
Site Evaluation and Response Section II  
1 Congress Street Suite 1100, Mail Code HBR  
(617) 918-1254

Boston, MA 02114-2023

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

Cynthia A. Lewis, Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Office of Environmental Stewardship  
1 Congress Street Suite 1100, Mail Code SES  
Boston, Massachusetts 02203  
(617) 918-1889

**DECISION NOT TO USE SPECIAL NOTICE**

Under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and PRPs to conduct or finance response activities. The use of special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRPs are conducted.

Due to the exigencies posed by conditions present at the Site, removal activities must be conducted as expeditiously as possible. EPA has therefore decided not to invoke the Section 122(e) special notice procedures with respect to CERCLA removal actions at this Site. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will initiate the response action as planned if such discussions do not lead to settlement expeditiously.

**ADMINISTRATIVE RECORD**

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA will establish an administrative record containing documents that form the basis of EPA's decision on the selection of response actions for the Site. The administrative record files may be inspected and comments may be submitted by contacting the OSC for the Site.

The Administrative Record Files with corresponding index should be available for inspection at a repository near the Site within sixty (60) days of initiation of on-site removal activities.

**SITE ACTIVITY OUTSIDE EPA ACTIONS**

If Chrome is already involved in discussions with state or other local authorities or involved in a lawsuit regarding this Site, Chrome should continue such activities as it sees fit. This letter is not intended to advise or direct you to restrict or discontinue any such activities. However, Chrome is advised to report the status of any such discussions or actions in its

response to this letter and to provide a copy of its response to any other parties involved in those discussions or actions.

CONSENT TO ACCESS

EPA requests access to your property, the Site, to perform or oversee the response actions discussed above. This request is enclosed.

PURPOSE AND USE OF THIS NOTICE LETTER

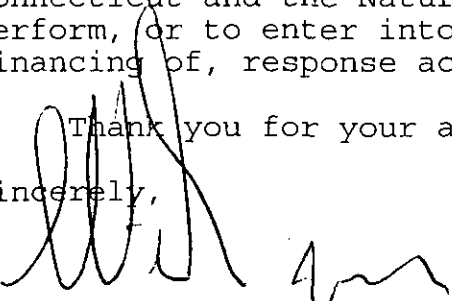
The factual and legal discussions contained in this letter are intended solely to provide notice and information. Such discussions are not intended to be, and cannot be, relied upon as EPA's final position on any matter set forth herein.

Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that Chrome give immediate attention and provide a prompt response to this letter.

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

Thank you for your attention to this matter.

Sincerely,



Arthur V. Johnson, III, Chief  
Emergency Planning and Response Branch

Enclosures

cc: Wing Chau, EPA On-Scene Coordinator - OSRR  
Sharon C. Fennelly, EPA Enforcement Coordinator - OSRR  
Holly Inglis, EPA Administrative Records Coordinator - OSRR  
Cynthia A. Lewis, EPA Enforcement Counsel - OES  
Cheryl O'Halloran, EPA CERCLIS Coordinator - OSRR  
William Hegener, Connecticut Department of Environmental Protection  
Andrew Raddant, Environmental Officer, U.S. Department of the Interior  
Ken Finkelstein, National Oceanic and Atmospheric Administration

## SUMMARY OF GENERIC SCOPE OF WORK

This summary of the Generic Scope of Work is provided for informational purposes only. More detailed provisions will be set forth in the site-specific Scope of Work. Provisions may vary from site to site.

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When EPA determines that a Potentially Responsible Party (PRP) has the ability to promptly and properly prevent, mitigate, or eliminate the threats posed by hazardous substances at the Site, EPA may issue an Administrative Order (Order) to such party (the Respondent) with an attached Scope of Work (SOW). The Order and SOW, among other things, compel the Respondent to develop a plan to clean the Site. The components of the plan (also called a "deliverable") must be submitted to EPA for approval before implementation. Detailed instructions for generating each component shall be provided in the SOW. The plan shall consist of the components listed below.

- 1) **Site Security** - The Respondent shall provide on-site security service. Site security shall be maintained until EPA determines the threats posed by conditions at the Site are eliminated or substantially mitigated.
- 2) **Notification of Contractor Selection** - The Respondent shall notify EPA of the proposed cleanup contractor selected to perform work required under the Order.
- 3) **Site-Specific Health and Safety Plan (HASP)** - The Respondent shall develop and implement a HASP for all activities to be conducted at the Site. The HASP shall be developed to protect all on-site personnel and must comply with all applicable health and safety regulations.
- 4) **Quality Assurance Plan (QAP)** - The Respondent shall develop a QAP to be utilized in conducting all field and laboratory analysis. The QAP shall ensure that analytical results generated are of known quality.
- 5) **Site Assessment Plan (SAP)** - The Respondent shall develop a SAP specifying the overall strategy of the field investigative work necessary to characterize site contamination.
- 6) **Site Assessment** - A Site Assessment shall be conducted following EPA approval of the SAP.
- 7) **Site Assessment Report and Cleanup Plan (SAR/CP)** - Following completion of the Site Assessment, the Respondent shall develop a SAR/CP that summarizes the Site Assessment and proposes cleanup methods necessary to substantially mitigate and/or eliminate the threats posed by hazardous substances present at the Site.
- 8) **Site Cleanup** - The Site Cleanup shall be conducted according to the EPA approved Cleanup Plan.
- 9) **Completion of Work Report (CWR)** - Upon completion of the Site Cleanup, the Respondent shall submit a CWR summarizing the work performed under the Order and SOW and outlining any remaining contamination.

At any time prior to or after the completion of the work specified in this SOW, EPA may determine that additional tasks are necessary in order to achieve the objectives of the Order, the SOW and CERCLA.

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**Sent To**  
 Chrome Engineering Inc. c/o Joseph Rivniak  
 Street, Apt. No. or PO Box No. *Rivniak Road 67 Soundview*  
 City, State, ZIP+4 *Huntington CT*

PS Form 3800, April 2002 See Reverse for Instructions

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Chrome Engineering Inc  
 c/o Joseph Rivniak  
 Registered Agent  
 67 Soundview Ave  
 Huntington CT 06484

2. Article Number  
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A. Signature  
*Joseph Rivniak*  Agent  Addressee

B. Received by (Printed Name) *JOSEPH D. RIVNIAK* C. Date of Delivery *08-02-03*

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*Sharon Kennedy*  
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*HBR*

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