

25
MAR 03 1989

EXPRESS MAIL--
RETURN RECEIPT REQUESTED

Mr. Jerold Nemetz
74 Broadway
Amityville, New York 11701

Dear Mr. Nemetz:

Pursuant to our telephone conversation of March 2, 1989, I am enclosing a copy of the Request for Information that EPA sent to your client, Mr. Arthur Nemetz, on January 27, 1989. Subsequent to our conversation, we checked our records and discovered a signed certified mail receipt indicating that Arthur Nemetz received our Request for Information on January 31, 1989. His response to our Request was thus due today. We look forward to receiving an immediate response to our Request for Information.

If you have any questions concerning this matter, feel free to call me at (212) 264-2523.

Sincerely,

Joan Miles
Assistant Regional Counsel
Office of Regional Counsel

Enclosure

bcc: Ms. Dorothy Allen, 2ERRD-NYCC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

JAN 27 1989

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Mr. Arthur Nemetz
144 South Ketchman Avenue
Amityville, New York 11701

Re: Action Anodizing, Plating and Polishing Corporation Site
Copiague, New York

Dear Mr. Nemetz:

The United States Environmental Protection Agency (EPA) is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §§9601-9675, as amended by Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613. EPA also regulates the handling of hazardous waste under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§6901-6991.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. In addition, pursuant to Section 3007(a) of RCRA, EPA may require parties who have handled hazardous wastes to provide information relating to such wastes.

Pursuant to the statutory provisions cited above, EPA hereby requires that you answer the questions in the attached "Request for Information." Your notarized signature must appear on the enclosed "Certification of Answers to Request for Information," which must be attached to the response to this information request.

ACT 001 1398

Your response to this Request for Information should be postmarked or received at EPA within 30 calendar days of your receipt of this letter, and should be mailed to Dorothy Allen, New York/Caribbean Compliance Branch, U.S. Environmental Protection Agency, Region II, Room 747, 26 Federal Plaza, New York, New York, 10278, with a copy to Paul Simon, Office of Regional Counsel, Room 437, at the same address.

The Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501-3520.

Your failure to respond to the Request for Information within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA and/or Section 3008 of RCRA. Such an enforcement action may include the assessment of penalties of up to \$25,000 per day for each day of continued non-compliance.

If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading, or misrepresents the truth, you must notify the EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary", or "company confidential". Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in 40 CFR Part 2, Subpart B, and Section 104(e)(7) of CERCLA. If you do not make such a claim when you submit your response to the attached Request for Information your response may be made available to the public without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions about this letter, you may call Dorothy Allen at (212) 264-6321 or Paul Simon at (212) 264-4710. Your cooperation is appreciated.

Sincerely yours,

Stephen D. Luftig, Director
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete and separate response should be given for each question.
2. Precede each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all your present and former employees and agents who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
6. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one of your present or former employees or agents may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. For each document produced in response to the Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.

10. If anything is omitted from a document produced in response to the Request for Information, state the reason for and the subject matter of the omission.
11. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
12. As used herein, the term "hazardous substance" shall have the meaning set forth in 42 U.S.C. §9601(14).
13. As used herein the terms "hazardous waste", "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of RCRA, 42 U.S.C. §§6903(5), (3) and (33), respectively.
14. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. §6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;

- i. it is an industrial byproduct having some market value;
- j. it is coolant water or blowdown waste from a coolant system;
- k. it is a spent product which could be reused after rehabilitation; or
- l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

REQUEST FOR INFORMATION

1. a. Please state the date when you acquired the property located at 33 Dixon Avenue in Copiague, New York, and from whom you acquired it. This property is currently occupied by Action Anodizing, Plating and Polishing Corporation. This property is hereinafter referred to as the "site".
b. Please state when you relinquished the title to the site and to whom you relinquished it.
c. If you owned the site jointly with another party or parties, please state the name and current or last known address of such party(ies).
2. a. Please identify all of the individuals (including yourself), companies and other entities that conducted operations at the site during the period when you owned the site. In addition, identify all individuals, companies and other entities that conducted operations at the site before you owned the site. State the current or last known address of each such individual, company or entity.
b. For each company identified in your response to Question 2.a. state the name(s) and address(es) of the President, the Chairman of the Board, and the Chief Executive Officer of the company. In addition, identify the state of incorporation of the company if incorporated, and the company's agents for service of process in the state of incorporation and in New York State, if any.
c. For each company identified in you response to Question 2.a. state if the company is a subsidiary or an affiliate of another corporation, or has subsidiaries, and identify these related companies. In addition, identify the state of incorporation and agents for service of process in the state of incorporation and New York State for each such related company.
3. For each of the individuals, companies and other entities identified in your response to Question 2.a., state when they conducted operations at the site and describe the nature of the operations that they conducted at the site.

4. Provide a plan(s) showing an outline of the site, the property boundaries, and the facility that was located at the site at the time that you owned the site. This plan is hereinafter referred to as the "site plan." Indicate the locations of any wastewater treatment and disposal systems, wastewater piping, drainage ditches and surface water impoundments. Show the locations of all supply and monitoring wells and any dry wells. If the wastewater installations differ from the original installations, show all changes that were made, note the year of the change and explain the reason the change was required. If ditches or surface water impoundments were filled in, indicate their previous location and note the year they were filled in.
5.
 - a. List all hazardous substances (as defined in the "Instructions" set forth above) which were used or stored at the site during the period that you owned the site or conducted operations there.
 - b. State when each substance identified in your response to Question 5.a. was used at the site and state the volume of each such substance used on an annual basis.
 - c. Describe the activity or activities in which each substance identified in your response to Question 5.a. was used. Specify those activities which were routine and those which occurred on an irregular basis. For routine activities, specify the time frames and frequencies, and for non-routine activities, specify the dates.
 - d. Where at the site was each of the hazardous substances identified in your response to Question 5.a. used? Indicate all such locations on the site plan.
6.
 - a. What industrial or hazardous wastes were generated at the site?

b. For each waste identified in your response to Question 6.a., state:

- (i) What activity resulted in the generation of the particular waste?
- (ii) When was the waste generated at the site?
- (iii) In what volume was the waste generated during each calendar year?
- (iv) Where at the site was the waste generated? Indicate the location(s) on the site plan.

7. a. Describe in detail how and where the hazardous substances, hazardous wastes and industrial wastes handled at the site were stored at the site prior to disposal. For what period of time and in what quantities were such materials stored at the site? Indicate on the site plan all location(s) at the site where such substances and wastes were stored.

b. If storage tanks were used at the site to store hazardous substances, hazardous wastes or industrial wastes, specify the size of the tanks and the date of their installation. In addition, for each tank, state whether it was above or below ground and provide a list of all substances stored and the time frames in which they were stored. Further, indicate on the site plan the location of each tank.

c. Did any of the storage tanks identified in your response to Question 7.b. leak? If so, specify:

- (i) which tank;
- (ii) the nature and volume of the material released from the tank;
- (iii) the date(s) when the release(s) occurred;

- (iv) when the leak was detected and repaired; and
 - (v) whether the material that leaked from the tank was cleaned up, and if so, how the cleanup was accomplished.
8. With respect to any storage tanks that were used at the site to store materials other than hazardous substances, hazardous wastes and industrial wastes, provide the information requested in Questions 7.b. and 7.c. above.
9. a. Describe in detail how and where the hazardous wastes, industrial wastes, and hazardous substances generated, handled, treated or stored at the site were disposed of. For each disposal method and location used, state the nature and quantity of the waste material disposed of on an annual basis. If any wastes were taken off-site for disposal or treatment, state the names and addresses of the transporters and disposal facilities used and the period during which each such transporter and disposal facility was used.
- b. Were any hazardous wastes, hazardous substances or industrial wastes generated, handled, treated or stored at the site ever disposed of through drain pipes and/or sewer lines? If so:
- (i) state when this occurred;
 - (ii) state the precise nature and quantity of the waste material so disposed of; and
 - (iii) describe the path that such waste material likely took and plot the path on the site plan.
- c. Were hazardous wastes, hazardous substances, industrial wastes or any other types of wastes ever disposed of at the site, either intentionally or unintentionally? If so:

- (i) identify the locations at the site where such disposal occurred and mark all such disposal locations on the site plan;
 - (ii) state the periods during which waste disposal occurred at each such area at the site;
 - (iii) state the precise nature of the waste materials disposed of at the site; and
 - (iv) state the quantity of each such waste material that was disposed of at the site.
10. a. State whether there has ever been a release (as defined at 42 U.S.C. §9601(22)*) of any hazardous substance at the site.
- b. If there has been any such release, describe each incident in detail, including, but not limited to, the date of the release; the exact nature and quantity of the released material; the location of the release (indicate on site plan); a description of the surface on or into which the release occurred; whether the release was fully contained and if not, where the uncontained portion went or is believed to have gone; and any other pertinent information.
11. State the names and present or last known addresses of all persons who may have knowledge regarding the handling and disposal of hazardous wastes, industrial wastes or hazardous substances by any of the entities that have conducted operations at the site, or any releases of such material that have occurred at the site.

*In pertinent part, that section defines "release" as "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant)..."

12. Provide copies of the following documents:
 - a. all records relating to any releases (as defined in Question 10.a. above) of hazardous substances, hazardous waste or industrial wastes at the site;
 - b. all analyses, characterizations or other descriptions of any of the hazardous substances, hazardous wastes or industrial wastes released at the site; and
 - c. all waste manifests, invoices or other documents relating to the disposal of the hazardous substances, hazardous wastes or industrial wastes generated or handled at the site.
13. Provide the results of any chemical analyses performed on groundwater, surface water, sediments or soil at the site and the surrounding grounds.
14. For each well identified in response to Question 4 above, list the depth, the screen length, and the date of installation. Supply any related information such as driller's name, driller's logs, and well yield data.
15. Provide any engineering studies of any wastewater systems at the site, including results of soil testing and engineering drawings. Also provide results of any chemical analyses performed on wastewater or sludges discharged at or from the site.
16. Were septic tank degreasers ever used at the site? Give the name brands, ingredients, the quantity used, when they were used, and the frequency of use.
17. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify you or any of the entities identified in your response to Question 2.a., or their officers, directors or shareholders, for any liability that may result under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601, et seq., for any release of a hazardous substance from the site. If so, please provide a copy of the agreement or contract. Identify and describe any agreement or contract that you are unable to locate or obtain.

18. State whether an insurance policy has ever been in effect which may possibly indemnify you or any of the entities identified in your response to Question 2.a., or their officers, directors or shareholders, for any liability that may result under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the site. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by indicating the name of the carrier, the policy number, years in effect, nature and extent of coverage, and any other pertinent information you have.
19. Please provide copies of all federal and state income tax returns filed by you during the last five years.
20. Was there any evidence of dumping or of conditions that indicate a likelihood of contamination at the site prior to the time that you acquired it or commenced operations there? If so describe that evidence and contamination. In addition, please indicate on the site plan requested in Question 4 which areas were filled prior to any construction at the site. For each area list the type of fill used. If any photographs of the site prior to or during construction are available to you, please provide them or inform EPA where they can be examined.
21. Please supply any additional information which may help EPA to explain or identify the source or sources of contamination in the area of the site.