



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

111819

URGENT LEGAL MATTER
GENERAL NOTICE LETTER/WAIVER OF SPECIAL NOTICE LETTER
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Robert J. McAuliffe, Inc.
R.D. 4 Box 302A
Walnutport, Pennsylvania 18088
ATTN: Robert J. McAuliffe, President

AUG 21 1992

Re: Heleva Landfill Superfund Site, Ormrod, Lehigh County, PA

Dear Mr. McAuliffe:

This letter notifies you that you may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Heleva Landfill Superfund Site ("Site"). This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if EPA performs them.

BACKGROUND

CERCLA, more commonly known as Superfund, was enacted in 1980, reauthorized and amended in 1986, and reauthorized again in 1990. CERCLA has several key objectives, including setting priorities for cleanup of the worst hazardous sites in the country, and determining the parties potentially responsible for investigating, cleaning up or paying the costs of cleaning up such hazardous sites. These parties are referred to as "potentially responsible parties" or "PRPs."

On June 10, 1986, the United States Environmental Protection Agency ("EPA") included the Site on the National Priorities List ("NPL"), a list of the most serious uncontrolled or abandoned sites at which releases of hazardous substances have occurred or may occur.

NOTICE OF YOUR POTENTIAL LIABILITY

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that you may be a PRP for this Site. PRPs under CERCLA include: 1) current owners and operators of the site; 2) owners

AR000098

and operators of the site at the time hazardous substances were disposed; 3) persons who arranged for disposal or treatment of hazardous substances sent to the site; and 4) persons who accepted hazardous substances for transport to the site, and who selected the site for disposal. These categories are set forth in Section 107 of CERCLA, 42 U.S.C. § 9607.

Based on State and Federal records and/or other information, EPA has information indicating that Robert J. McAuliffe, Inc. is a PRP for this Site. Specifically, EPA has reason to believe that Robert J. McAuliffe, Inc. arranged for disposal of hazardous substances at the Site.

The EPA has documented the release or threatened release of hazardous substances, pollutants or contaminants at or from the Site, as those terms are defined in Sections 101(14) and 101(33) of CERCLA, 42 U.S.C. §§ 9601(14) and (33). EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a PRP or PRPs will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, or require them to be performed by responsible parties under Section 106 of CERCLA, 42 U.S.C. § 9606.

EPA may order PRPs, or any one of them, to perform response actions deemed necessary by EPA to protect the public health, welfare or the environment. Additionally, PRPs may be liable for all costs incurred by the government in responding to any release or threatened release at the Site, under Sections 104 and 107(a) of CERCLA, 42 U.S.C. §§ 9604 and 9607(a), and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 et seq., and other laws. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), conducting a Remedial Design/Remedial Action ("RD/RA"), and other investigation, planning, response, oversight, and enforcement activities related to the Site. In addition, potentially responsible parties may be required to pay for damages for injury to, destruction of, or loss of natural resources, including the cost of assessing the amount or extent of such damages related to a site.

You should also be aware that once a site is placed on the NPL pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, it cannot be deleted until after an RI/FS has been completed and the necessary remedial action has been conducted in accordance with EPA guidance and the National Contingency Plan ("NCP"), published at 40 C.F.R. Part 300.

By this letter, EPA notifies Robert J. McAuliffe, Inc. of Robert J. McAuliffe, Inc.'s potential liability with regard to this matter and encourages you to perform or to finance voluntarily those response activities that EPA determines to be necessary at the Site.

AR000099

SITE RESPONSE ACTIVITIES

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. On September 22, 1985, EPA issued a Record of Decision ("ROD") for the Site which called for extension of a public water supply line to local residents with contaminated drinking water wells, capping the landfill, and pumping and treating the ground water near the landfill to remove the source of contamination. On September 30, 1991, EPA issued an amendment to the 1985 ROD, calling for containment of the contamination in the ground water near the landfill and cleanup of the ground water downgradient from the landfill.

Based on the 1985 ROD, EPA has extended the public water supply line to residents in the immediate area of the Site and has constructed a 25 acre cap over the landfill. EPA is presently planning to construct a ground water extraction and treatment system to control the spread of contaminated ground water on the portion of the Site near the landfill and to restore the remaining contaminated ground water to useability in accordance with the 1991 ROD amendment.

On June 15, 1992, EPA issued Special Notice Letters to certain PRPs, offering the opportunity to construct, or finance the construction of, the remedial action called for in the 1991 ROD amendment. On August 11, 1992, EPA issued General Notice/Waiver of Special Notice Letters to three additional PRPs. A list of these PRPs appears as an attachment to this letter.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

WAIVER OF SPECIAL NOTICE

Pursuant to Section 122(a) of CERCLA, EPA has decided that it is inappropriate in this instance to invoke the Section 122(e) special notice procedures. This decision not to use the special notice procedures does not preclude you from entering into discussions with EPA regarding your participation in response activities at the Site. Pursuant to Section 122(e)(2)(C), "If an additional potentially responsible party is identified during the negotiation period or after an agreement has been entered into under this subsection concerning a release or threatened release, the President may bring the additional party into the negotiation or enter into a separate agreement with such party."

EPA encourages good-faith negotiations between you and EPA and between you and other PRPs. To facilitate these negotiations, EPA has enclosed a list of other PRPs to whom this notification has been sent. Inclusion on, or exclusion from, this list does not constitute a final determination by EPA

AR000100

concerning the liability of any party with respect to the Site.

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is very important for successful negotiations with EPA.

If you should decide to participate in implementing the EPA-approved remedial alternative under EPA supervision, you should indicate your interest in a letter to EPA on or before September 8, 1992. Your letter should include a proposal and be addressed to:

Richard Watman (3HW24)
U.S. Environmental Protection Agency, Region III
841 Chestnut Building
Philadelphia, PA 19107

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site you should not interpret this letter to be advising or directing you to restrict or discontinue any such activities. You should, however, report the status of those discussions or that action in your letter to EPA. Please provide a copy of your letter to any other party involved in those discussions. You should be aware that the Site cannot be removed from the National Priorities List until the necessary remedial work has been concluded in accordance with the ROD and the NCP.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record file for the remedies selected by EPA in the 1985 ROD and the 1991 ROD amendment are available for review at the North Whitehall Township Building, 600 Levans Road, Coplay, PA, and at EPA Region 3, 841 Chestnut Building, Philadelphia PA, during normal business hours.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be relied upon, as a final EPA position on any matter set forth herein.

AR000101

If you have any questions regarding the foregoing, please contact Richard Watman at (215) 597-8996. Legal questions can be referred to Beverly Muldrow at (215) 597-1705.

Sincerely,

Abraham Ferdas
Abraham Ferdas, Associate Division
Director for Superfund Programs
Hazardous Waste Management Division

Enclosure

cc: Ron Shock, PADER

AR000102

PRPs who received this Notice letter

**Robert J. McAuliffe, Inc.
R.D. 4 Box 302A
Walnutport, Pennsylvania 18088**

**Robert J. McAuliffe
R.D. 4 Box 302A
Walnutport, Pennsylvania 18088**

**Louis C. Novak, Jr.
2697 Lapp Road
Allentown, Pennsylvania 18104**

**Automated Waste Removal Corporation
2105 Bethlehem Pike
Hatfield, Pennsylvania 19440**

PRPs who received the August 11, 1992 Notice Letter

**Stephen D. Heleva and Lois M. Heleva Trust
Arthur Heleva (co-trustee)
Mary Ann Klugh (co-trustee)
88 Hill Street
Coplay, Pennsylvania 18037**

**Arthur J. Heleva
88 Hill Street
Coplay, Pennsylvania 18037**

**American Nickeloid Company
George H. Maze, President & Treasurer
Cherry and Walnut Streets
Walnutport, Pennsylvania 18088**

AR000103

PRPs who received the June 15, 1992 Notice Letter

Mr. Dexter F. Baker, President
Air Products & Chemicals, Inc.
7201 Hamilton Blvd
Allentown, PA 18195

Robert E. Allen, Chairman
American Telephone and Telegraph Co., Inc.
550 Madison Ave.
New York, NY 10022

Mr. Joseph Mallardi, President
Howmet Corporation
475 Steamboat Road
Greenwich, CT 06830

Mr. John F. Welch Jr.
General Electric Co., Inc.
3135 Easton Turnpike
Fairfield, CT 06432

Heleva Landfill Corporation
Mr. Stephen D. Heleva
Chief Executive Officer
339 Main Street
Coplay, PA 18037

Mr. Stephen D. Heleva and
Mrs. Lois M. Heleva
339 Main Street
Coplay, PA 18037

Mr. John W. Johnstone Jr., President
Olin Corporation
120 Long Ridge Road
Stamford, CT 06902

John T. Kauffman, Chairman
Pennsylvania Power & Light Co.
Two North Ninth Street
Allentown, PA 18101-1179

AR000104