

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

841 Chestnut Building Philadelphia, Pennsylvania 19107

NOTICE OF POTENTIAL LIABILITY AND OFFER TO NEGOTIATE FOR REMOVAL ACTION
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

August 31, 1992

AVCO/LYCOMING Textron Inc 652 Oliver Street Williamsport, Pennsylvania 17701

Re: METCOA Radiation Site
Pulaski Township, Lawrence County, Pennsylvania (the "Site")

Dear Sir or Madam:

This letter confirms notification of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a), as amended (CERCLA), that your company, AVCO/LYCOMING, may incur or may have incurred with respect to the above-referenced Site. Prior notification of potential liability was given to your company on or about May 1990. This letter also notifies your company, AVCO/LYCOMING, of forthcoming removal activities at the Site which your company, AVCO/LYCOMING, may be asked to perform or pay for at a later date if EPA performs them.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced Site. EPA has spent public funds on certain actions taken to investigate and/or control such releases or threatened releases at the Site. EPA is considering spending additional public funds on further actions to investigate and/or control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a potentially responsible party or parties (PRP/s) will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA. Alternatively, EPA may issue an administrative order pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), to require PRPs to commence cleanup activities. Failure to comply with an administrative order issued under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a),



may result in a fine of up to \$25,000 per day, under Section 106(b) of CERCLA, and/or imposition of treble damages, under Section 107(c)(3), 42 U.S.C. § 9607(c)(3).

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, 42 U.S.C. \$ 6973 (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect public health or welfare or the 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. In addition, PRPs may be liable for damages to natural resources.

EPA has evaluated information in connection with hazardous substances sent to this Site. Based on this information, EPA believes that your company, AVCO/LYCOMING, may be a PRP with respect to this Site. PRPs under CERCLA include current owners and operators of a site, owners and operators at the time of disposal, as well as persons who arranged for disposal or treatment of hazardous substances sent to a site, or persons who accepted hazardous substances for transport to a site. By this letter, EPA notifies your company, AVCO/LYCOMING, of its potential liability with regard to this matter and encourages your company, AVCO/LYCOMING, to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

SITE RESPONSE ACTIVITIES

At present, EPA is planning to conduct certain response activities at the Site, including but not limited to:

- 1. Maintain Site security
- 2. Excavate the remaining contaminated soil at the Site;
- 3. Properly decontaminate and/or remove and dispose of radioactive areas identified in the METCOA building;
- 4. Sample and characterize all hazardous substances remaining at the Site for disposal purposes;
- 5. Overpack, transport and dispose of all hazardous substances remaining at the Site;
- 6. Conduct post-soil sampling to ensure effectiveness of removal activities;
- 7. Backfill areas excavated as described in #2, above, and revegetate such areas; and
- 8. Dispose of all contaminated water generated at the Site.

DECISION NOT TO USE SPECIAL NOTICE

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

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures because use of such procedures is not practicable or in the public interest, nor would use of such procedures facilitate an agreement or expedite remedial action. It is EPA's policy not to use the special notice procedures for removals unless there is a six-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than six months, special notice procedures will not be used. 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.

INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, and among the PRPs. To assist PRPs in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing a list of names and addresses of PRPs to whom this notification is being sent as an attachment to this letter. See Attachment A. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site.

PRP STEERING COMMITTEE

To the extent that a steering group does not already exist or does not include all parties listed in Attachment A, EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful, expeditious, and efficient negotiations with EPA.

DEMAND FOR PAYMENT

In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include investigations, enforcement activities and oversight. To the extent that EPA has not already sought to recover these costs, EPA may demand these costs from AVCO/LYCOMING at some time in the future. Your company, AVCO/LYCOMING, may be potentially liable for additional costs including any costs for enforcement or collection, plus interest if EPA conducts additional activities at the Site.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. § 9613(k), EPA will establish an administrative record that contains documents that form the basis of EPA's decision on the selection of any future response action for this Site. The administrative record files, which contain such documents related to the response action selected for this Site will be available to the public for inspection and comment. The primary location is generally the EPA Regional office located at 841 Chestnut Building, 9th floor, Philadelphia, PA.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA within ten (10) business days to indicate your willingness to participate in future negotiations at 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 have declined any involvement in performing the response activities described above. As stated above, you may be held liable under Section 107 of CERCLA for the cost of the response activities EPA performs at the Site and for any damages to natural resources.

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 final EPA positions on any matter set forth herein. Your response to this notice letter should be sent to:

Carol Manning, OSC (3HW33)
U.S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107
(215) 597-6684

If you or your attorney have any questions pertaining to this matter, please direct them to Carol Manning, of my staff, at (215) 597-6684, or Kathleen Root, Assistant Regional Counsel at (215) 597-8920.

Sincerely,

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

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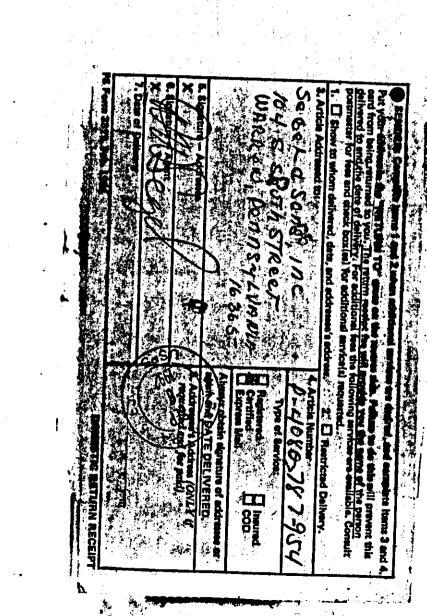
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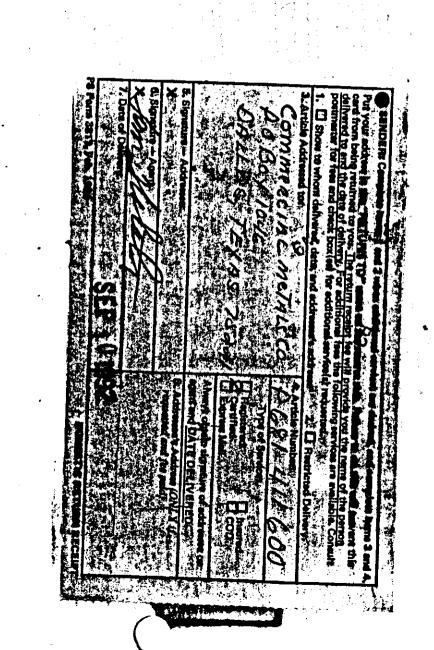
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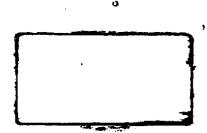
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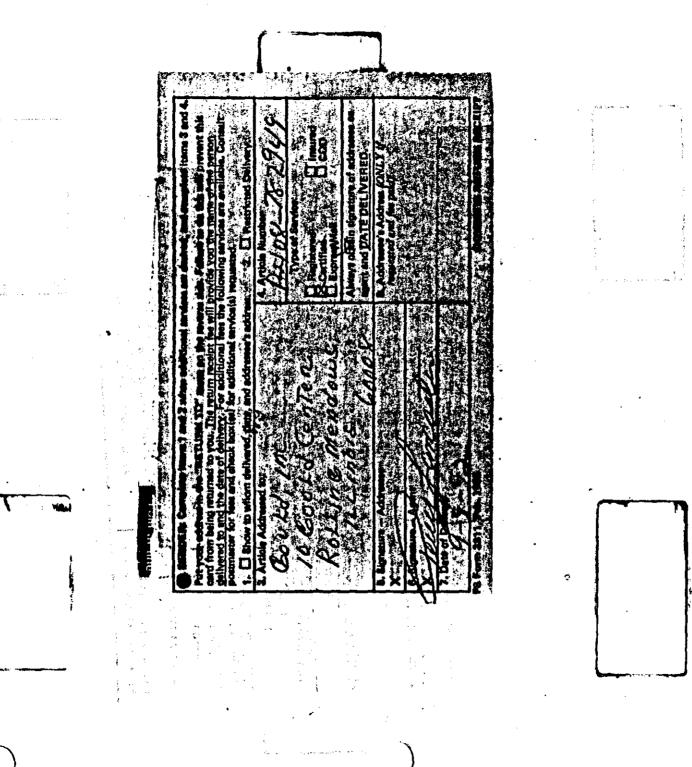
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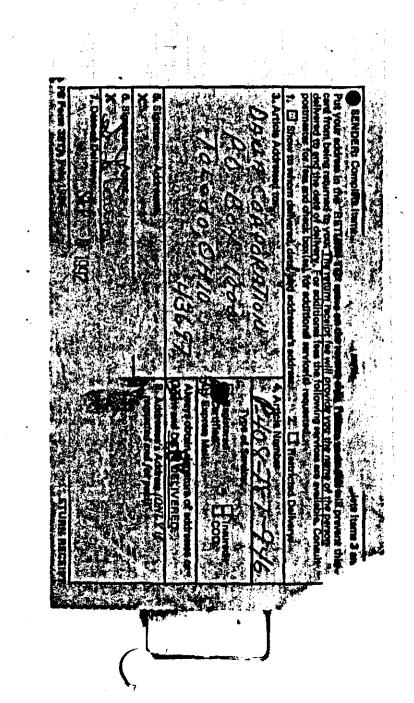
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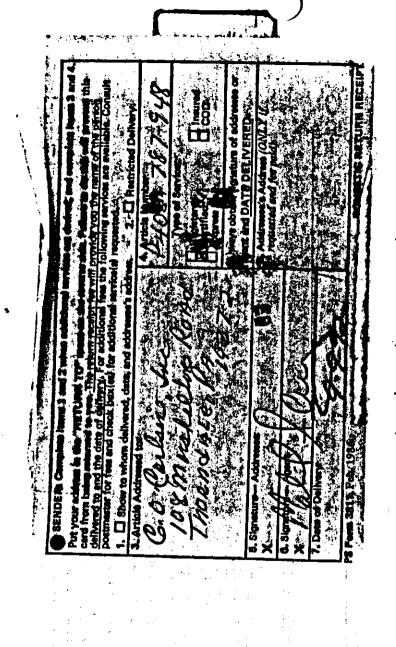


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Form 3811, Feb.	1986	2-18-64-E	TO SEE SING	RETURN RECEIP

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5550 Whit	R BROTHERS INC. AKER AVE ON, NEWYORK 19174	4b. Service Type Registered Insured Certified COD Express Mail Return Receipt for Merching Cod 7. Date of Delivery 4
Signature (Addresses	2	8. Addressee's decreas (Only if request and fee is paid)
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SENDER: - Complete Items 3, and/or 2 for additional services. - Complete Items 3, and 4s & b. - Print your name and address in the reverse of this form so the turn this eard to you. - Attach this form to the front of the mellplece, or on the back for service.		I also wish to receive the following services (for an extra fee): 1. Addressee's Address
 Write "Return Receipt Requested" on the maliplece below the are The Return Receipt Fee will provide you the algneture of the period and the date of delivery. 		
3. Article Addressed to: DO PONT CO LOGIAL DEPARTMENT 1007 MARKET ST WILMING TON, DE 19898	4b. Ser Regi	icle Number 753 243 703 vice Type stered Insured lifled COD ess Mail Return Receipt for Merchandise
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SENDER: • Camplete ligner V and/or 2 for additional services. • Complete ligner 3, and 4s & b. • Print your name and address on the figures of this form so that we can return this card to you.		I also wish to receive the following services (for an extra fee):	
Attach this form to the front of the melipiece, or on the back dose not permit. Write "Return Receipt Requested" on the melipiece below the are: The Return Receipt Fee will provide you the algneture of the perito and the dent of delivery.	ticle number.		
3. Article Addressed to: Dreyfuss Metals Co. 6600 S. Nashville Bedford Park, Il 60638	P 360 4b. Ser ☐ Regid Ø Certi	cle Number 0 003 999 vice Type stered Insured	
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