North Penn Area 1 - Potentially Responsible Party List

I. General Notice Letters were sent to the following:

Mr. Harry M. Mauer
Gentle Cleaners, Inc.
Souderton, PA

Mr. Lake S. Clemmer
Granite Knitting Mills, Inc.
Souderton, PA

Mr. Kerry E. Gingrich
Standard Terry Mills, Inc.
Souderton, PA

Mr. S. S. Johnson
Lexco Engineering & Manufacturing Co.
Souderton, PA

Mr. & Mrs. Roy A. Brown
Telford, PA

Mr. & Mrs. Paul Derstein
Souderton, PA

Mr. & Mrs. E. William Virtue
Kentnersville, PA

J. Merrill and Gertrude Souder
Souderton, PA

Ms. Helen D. Swartley
Lansdale, PA

Mr. Frank Kotulka
Data-Matic Systems Co.
Souderton, PA

II. Special Notice Letters

Special notice letters were sent to each of the parties noted above except for Mr. Frank Kotulka of Data-Matic Systems Co.

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1 - An example of each type of letter (General Notice and Special Notice) is attached.
Mr. Lake S. Clemmer, President  
Granite Knitting Mills, Inc.  
P.O. Box 285  
Souderton, PA 18964

Re: North Penn Area 1 Superfund Site  
Souderton, Pennsylvania

Dear Mr. Clemmer:

This letter notifies you of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9607(a), as amended (CERCLA), that you may incur or may have incurred with respect to the above-referenced site. This letter also notifies you of potential response activities at the site, which you may be asked to perform or finance 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, pollutants, or contaminants at the above-referenced site. 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 potentially liable party or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973, as amended (RCRA), and other laws, potentially liable parties may be ordered to perform response actions deemed necessary by EPA to protect the public health, 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 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. In addition, potentially liable parties may be required to pay for
damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

EPA has evaluated information in connection with the investigation of the site. Based on this information, EPA believes that you may be a potentially responsible party (PRP) with respect to this site. Potentially responsible parties under CERCLA include current and former owners and operators of the site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to the site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future. That notice would either inform you that EPA is using the CERCLA Section 122(e) special notice procedures to formally negotiate terms of a consent order or consent decree to conduct or finance site response activities, or it would inform you that EPA is not using such procedures pursuant to Section 122(a). If EPA does not use Section 122(e) special notice procedures, the notice would specify why the special notice procedures were not appropriate in this case.

Under Section 122(e), EPA has the discretionary authority to use the special notice procedures if EPA determines that such procedures would facilitate an agreement between EPA and the PRPs and would expedite remedial action at the site. Use of the special notice procedures triggers a moratorium on certain EPA activities at the site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for PRP conduct or financing of the response activities at the site.

The initial moratorium for the RI/FS lasts for 60 days after the notice. If EPA determines that an offer to perform or finance the activities is submitted by the PRPs within those 60 days, and that the offer is a good faith offer, a 30-day extension is provided for by statute for further negotiations. The initial moratorium for the RD/RA also lasts for 60 days after the notice. If EPA determines that an offer is submitted by the PRPs within those 60 days, and that the offer is a good faith offer, a 60 day extension is provided for by statute for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of the moratorium period, EPA may terminate the negotiation moratorium under Section 122(e)(4) of CERCLA. EPA then may commence such cleanup or enforcement
actions as it deems appropriate. In the absence of an agreement with the parties to perform or finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of site expenditures. Alternatively, EPA may issue an administrative order pursuant to Section 106(a) of CERCLA to require PRPs to commence response activities, or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with an administrative order issued under Section 106(a) of CERCLA may result in a fine of up to $25,000 per day, under Section 106(b) of CERCLA, or imposition of treble damages, under Section 107(c)(3).

SITE RESPONSE ACTIVITIES

At present, EPA is planning to conduct the following studies at the site:

1. Remedial Investigation (RI) to identify the site characteristics and to define the nature and extent of soil, air, surface water, and ground water contamination at the site and risks posed by the site.

2. Feasibility Study (FS) to evaluate alternative remedial actions to remove, treat, or contain hazardous substances, pollutants, and contaminants at the site.

INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA would like to encourage good faith negotiations between the PRPs and EPA, as well as 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. 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

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 negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company or organization who will represent its interests.
ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this site are available to the public for inspection and comment. The primary location is generally the EPA Regional office. A site repository has also been established at the Indian Valley Public Library, 100 E. Church Avenue, Telford, Pennsylvania 18967.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA within fourteen calendar days of your receipt of this letter 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 you have any questions pertaining to this letter, please contact or direct your attorney to contact either Sarah Peachey, Attorney at (215) 597-1833 or Patrick McManus, Remedial Project Manager at (215) 597-3923.

Sincerely,

Abraham Perdas, Chief
Superfund Remedial Branch

Attachments

cc: Dave Crownover, PADER/Central Office
    George Danyliw, PADER/Norristown Office
    Sarah Peachey, 3RC23
    Joseph Donovan, 3RC23
    William Walsh, 3HW11
Mr. Harry Mauer, President
Gentle Cleaners, Inc.
162 N. Main Street
Souderton, PA 18964

Re: SPECIAL NOTICE LETTER
North Penn Area 1 Superfund Site RI/FS
Souderton, Montgomery County, PA

Dear Mr. Mauer:

This letter follows a general notice letter that was issued on February 28, 1990, in connection with the above-referenced Site. As the listed contact person for the potentially responsible party (PRP) identified above, this letter has been sent to your attention.

By this letter, you are being offered an opportunity to participate in the Superfund process by performing the Remedial Investigation and Feasibility Study (RI/FS) at the North Penn Area 1 Superfund Site in Souderton, PA ("the Site"). An RI/FS is a study to assess site conditions and evaluate alternatives to select a remedy. Developing and conducting an RI/FS generally includes project scoping, data collection, risk assessment, treatability studies, and analysis of alternatives. You are hereby invited to perform the above activities with the exception of the risk assessment, which will be prepared by EPA.

NOTICE OF POTENTIAL LIABILITY

As set forth in the general notice letter previously sent to you regarding this Site on February 28, 1990, EPA has information that you may be a PRP as defined at Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), as amended (CERCLA), with respect to this Site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA has determined that use of the Section 122(e) special notice procedures specified in CERCLA will facilitate a settle-
ment between EPA and the PRPs to conduct an RI/FS for this Site. Therefore, in accordance with CERCLA Section 122, this letter triggers a 60-day moratorium on certain EPA response activities at the Site. During this 60-day period, the PRPs, including you or your company, are invited to participate in formal negotiations with EPA. You are encouraged to voluntarily negotiate a settlement providing for the PRPs, including you or your company, to conduct or finance the response activities required at the Site. The 60-day negotiation period ends sixty (60) calendar days after receipt of this letter. The 60-day negotiation moratorium will be extended for an additional thirty (30) calendar days if the PRPs provide EPA with an acceptable good-faith offer to conduct or finance the RI/FS before the end of the 60-day period. Should a 90-day negotiation moratorium take place, negotiations will conclude ninety (90) calendar days after receipt of this letter. The settlement must be embodied in an administrative consent order by the end of the 90-day negotiation moratorium.

FUTURE RESPONSE ACTIONS

Unless EPA determines that a responsible party will properly perform the RI/FS, EPA may do so pursuant to Section 104 of CERCLA, and the National Contingency Plan, 40 CFR Part 300, Subpart E.

WORK PLAN AND DRAFT CONSENT ORDER

A copy of EPA's RI/FS guidance, and a draft administrative order by consent tailored specifically to this Site are attached. A copy of an RI/FS work plan prepared by an EPA contractor has also been provided to you. These are provided to assist you and the other PRPs in developing a good-faith offer for conducting the RI/FS.

GOOD-FAITH OFFER

As stated above, the 60-day negotiation moratorium triggered by this letter is extended for thirty (30) days if the PRPs submit a good-faith offer to EPA within the 60-day period. A good-faith offer to conduct or finance the RI/FS is a written proposal that demonstrates the PRPs' qualifications and willingness to conduct or finance the RI/FS and includes the following elements:

1. A statement of willingness by the PRPs to conduct or finance the RI/FS which is consistent with EPA's work plan and draft administrative order, and which provides a sufficient basis for negotiations.

2. Comments, if any, on the language or terms of EPA's draft administrative order.
3. A detailed statement of work identifying how the PRPs plan to proceed with the work.

4. 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).

5. A demonstration of the PRPs' capability to finance the RI/FS.

6. A positive indication of the PRPs' intention to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RI/FS.

7. The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

**REIMBURSEMENT OF EPA'S COSTS**

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 site inspections (SIs), a preliminary assessment (PA), ground water sampling, preparation of the work plan, and hazardous ranking for the Site. EPA is not demanding payment of these costs at this time. However, it reserves the right to pursue recovery of these costs in accordance with Section 107 of CERCLA. As set forth above, EPA anticipates expending additional funds for the RI/FS. Whether EPA funds the entire RI/FS, or simply incurs costs by overseeing the parties conducting these response activities, you or your company are potentially liable for these expenditures plus interest.

**PRP STEERING COMMITTEE**

EPA would like to encourage good-faith negotiations between you or your company and the Agency, and between you or your company and the other PRPs. To facilitate these negotiations, EPA has enclosed a list of other PRPs to whom this notification is being sent. 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.

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 negotiations with EPA. Alternatively, EPA encourages each PRP to select one person who will represent its interests.
ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA has established an administrative record that contains documents that will form the basis of EPA's decision on the selection of a response action for a Site. The administrative record file, which contains the documents related to the response action selected for this Site, is available to the public, including you or your company, for inspection and comment. The administrative record will continue to be updated as the RI/FS progresses. The primary location for the record is the EPA Regional Office and a location has been established near the Site at the Indian Valley Public Library, 100 E. Church Avenue, Telford, PA 18967. In the event that you do not perform the RI/FS, you are not precluded from submitting written comments and information for inclusion in the record.

PRP RESPONSE AND EPA CONTACT PERSON

You are encouraged to contact EPA as soon as possible to state your willingness to participate in future negotiations at this Site. Otherwise, you have until sixty (60) calendar days after receipt of this letter to provide EPA in writing with a good-faith offer demonstrating your willingness to perform the RI/FS. 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 response, and that you have declined any involvement in performing the response activities. Under this circumstance, EPA may commence work without further notice. If a proposal is submitted which does not satisfy EPA, you will be notified in writing of EPA's decision to end the negotiation moratorium and the reasons therefor. You may be held liable by EPA under Section 107 of CERCLA for the cost of the response activities EPA performs at the Site and for any damages to natural resources.

Your response to this notice letter should be sent to:

Patrick McManus
Remedial Project Manager
Eastern PA Remedial Section (3HW22)
U.S. Environmental Protection Agency, Region III
841 Chestnut Building
Philadelphia, PA 19107
(215) 597-1265

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.
If you or your attorney have any questions pertaining to this matter, please direct them to Timothy Malloy of the Office of Regional Counsel at (215) 597-8462.

Sincerely,

Abraham Perdas, Director
Office of Superfund

Attachments

cc: James P. Snyder, DER
    Woody Cole, DER
    Maxine Booker, 3HW11
    Timothy Malloy, 3RC23
    William Walsh, 3HW11
    Mary C. Eberle