



TECHLAW INC.

12030 SUNRISE VALLEY DRIVE
SUITE 200
RESTON, VIRGINIA 22091
PHONE: (703) 476-1100

26
62051

August 16, 1988

FEDERAL EXPRESS

Ms. Donna McCartney
U.S. EPA Region III
841 Chestnut Street
Philadelphia, PA 19102

Re: EPA Contract No. 68-01-7331
EPA Work Assignment No. C03032
CDM FPC Work Assignment No. 952

Dear Donna:

As we discussed in our telephone conversation on August 15, 1988, I am sending to you the following items from the recent Tonolli site mailing:

1. A complete copy the Notice Letter;
2. An alphabetical listing of the PRPs who were sent the Notice Letter; and
3. A copy of the first page of each letter with the white receipt from the certified mailing stapled to it.

The address updates for the previously undeliverable letters are 50% complete. I will call you as soon as the address updates have been completed.

If you have any questions, please feel free to call me.

Sincerely,

Regina M. Chepalis

RMC/oa
Enclosures

cc: Mark deFeliciano, CDM FPC
Bowen Hosford, TechLaw

AR200180



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 12 1988

In Reply Refer to: 3HW12

S.H. Lanman & Son
P.O. Box 1801
Baltimore, MD 21203

Re: Tonolli Corporation Site, Carbon County, PA

Dear Sir or Madam:

The U.S. Environmental Protection Agency ("EPA"), by this letter, notifies you that S.H. Lanman & Son is a Potentially Responsible Party (PRP) under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9607(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 100 Stat. 1613 (October 17, 1986) (hereinafter referred to as "CERCLA"), for contamination at the Tonolli Corporation Site ("Site") which is located on PA State Route 54 in Nesquehoning Borough, Carbon County, Pennsylvania. EPA's records show that inorganic contamination originating at the Tonolli Site has impacted the ground water and surface water around the Site, and may potentially impact the drinking water supplies of nearby residences.

EPA has determined that response action (see Section 101(25) of CERCLA, 42 U.S.C. § 9601(25)) at the Site is necessary and encourages your participation in the response actions described below. As further described below, EPA hereby requests that you notify EPA, within fourteen (14) calendar days of receipt of this letter, whether you are interested in participating in these actions. If we do not hear from your company by that time, EPA will assume that you have declined to participate in these actions.

Prior to this correspondence EPA sent you a similar letter under Region III's Superfund Removal Program. You are required to respond to that letter in addition to the request set forth herein.

AR200181

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), responsible parties may be obligated to implement any needed response actions as determined by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release of hazardous substances at a site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of a site, and enforcement.

Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), responsible parties include: 1) present owners or operators of a site; 2) owners or operators at the time of disposal; 3) any person who arranged for disposal or treatment of hazardous substances at a site, and 4) transporters of hazardous substances to a site. EPA's records indicate that your company transported scrap batteries for treatment at the Tonolli Site. You should also be aware that EPA has previously identified other PRP's at this Site.

EPA has already expended public funds to investigate releases of hazardous substances at the Tonolli Site. EPA may spend additional public funds on action to further investigate and control these releases. Unless EPA determines that a PRP will properly perform such actions, and agree to do so in the context of a Consent Order pursuant to CERCLA, EPA intends to do so pursuant to Section 104 of CERCLA 42 U.S.C. § 9604, and the National Contingency Plan (NCP), 40 C.F.R. Section 300.68. These actions will include:

1. Remedial Investigation (RI) - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the site, identification of the local hydrogeological characteristics and an assessment of the impact on biotic receptors at the site; and

2. Feasibility Study (FS) - A study to evaluate potential remedial alternatives with emphasis on risk reduction through actions that utilize treatment to permanently and significantly reduce the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants.

In addition to the above actions, your company may be asked at a later date to undertake, or may be liable for, any additional corrective measures necessary to protect public health, welfare, or the environment. Such measures may include, but are not limited to:

1. Designing and implementing the EPA-approved remedial alternative;

2. Providing any monitoring and maintenance necessary after remedial measures are completed.

AR200182

EPA will consider an immediate offer from your company to conduct (under EPA supervision) the RI/FS described above in accordance with a work plan consistent with the enclosed RI/FS guidance. Under Section 104(a) of CERCLA, 42 U.S.C. § 9604(a), a determination must be made that the responsible parties are qualified to conduct the RI/FS, and that they will promptly and properly complete the same and agree to reimburse the government for any costs incurred by or in connection with the RI/FS in order to allow the PRP to undertake such action. Alternatively, you may fund an EPA-directed RI/FS. Any agreement to perform or fund all or part of the RI/FS will be embodied in a Consent Order under Section 106 of CERCLA, 42 U.S.C. § 9606. A model consent order is enclosed for your information and review.

If you decide to participate in the RI/FS process, please indicate that interest in a letter to the EPA official identified below within fourteen (14) calendar days of receipt of this letter. Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If we do not hear from your company by that time, EPA will assume that your company declines any involvement in the RI/FS and will proceed with the appropriate studies and any response actions needed to secure the site. EPA may later invite you to undertake the design and implementation of the selected remedy upon the Agency's completion of the RI/FS. If your company is already engaged in voluntary action, or involved in a lawsuit regarding this site, you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. On the other hand, this letter should not be interpreted as endorsing any such efforts. You should report, however, the status of those discussions or that action in your letter to us. You should also be aware that this Site is currently proposed for inclusion on EPA's National Priorities List (NPL). Once the Site is placed on the NPL, it cannot be delisted until after an RI/FS has been completed and the necessary remedial work concluded in accordance with the enclosed RI/FS guidance and EPA's National Contingency Plan.

Your response should be addressed to:

Donna McCartney, Compliance Officer
U.S. Environmental Protection Agency Region III
PA CERCLA Remedial Enforcement Section (3HW12)
841 Chestnut Building, 6th Floor
Philadelphia, PA 19107

Should your company provide the expression of willingness to conduct or participate in the RI/FS as described above, EPA will refrain from expending funds for the site for a period of time so that meaningful discussions concerning a Consent Order can take place.

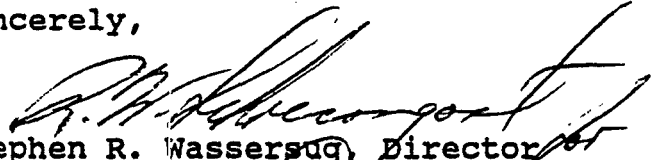
AR200183

In addition, under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e) responsible parties may be extended the opportunity to present a good faith proposal to conduct the RI/FS to the Agency within sixty (60) days of receipt of a "special notice" letter. A special notice letter may be forwarded to you at such time that your company has expressed some interest in participating in the RI/FS and the Agency determines that such notice would facilitate an agreement and expedite remedial action.

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 Agency position on any matter set forth herein.

If you have any questions regarding the foregoing, please do not hesitate to contact Donna McCartney at (215) 597-1101.

Sincerely,



Stephen R. Wassersug, Director
Hazardous Waste Management Division

Enclosures: RI/FS Guidance
Model Consent Order
PRP List

AR200184

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

A & A Scrap Metal Co. (4)
A & M Battery (26)
A. Edelstein & Son Inc. (119)
A.S.K Metals Company Inc. (38)
Abbey Metal Corporation (8)
Abe N. Solomon, Inc. (9)
Abrams Metal Co. (10)
Ace Iron & Metal (11)
Acme Metals (12)
Action Metal Company (13)
Adelstein Metal (14)
Alcan Aluminum Ltd. (355)
Alderman Dow Iron & Metal Co. (16)
Alexandria Scrap (17)
All Scrap Salvage, Inc. (6)
All-Jan Corporation (18)
Allen Industries (19)
Altoona Iron & Metal (24)
Amalgamet (25)
American Crane & Equip Corp (27)
American Paper & Metal (29)

AR200185

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

American Scrap Company, Inc. (30)
Andy Zlomsovitch (32)
Annaco (33)
Ansam Metal Corp (34)
Ansonia International (35)
Armstrong Container (36)
Ashland Metals (5)
Associated Lead Inc. (39)
Atlantic Battery Corp (40)
Auburn Golf Cart (41)
Azcon Scrap Corp. (42)
Babco Metals Corporation (44)
Baltrusaitus, Ben (53)
Bantivoglio's & Sons Inc. (45)
Batteries Inc. (49)
Battery Builders (47)
Battery Exchange (48)
Battery Systems Inc. (51)
Belmont Metal Inc. (54)
Best Battery Co. Inc. (55)
Bethlehem Steel Corp. (57)

AR200186

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Blackstone Industrial Products (58)

Bladensburg River Road Metal Co. (309)

Blinderman and Son (60)

Boro Iron & Metal (62)

Brandywine Recyclers Inc. (64)

Bridon American Corp. (66)

Buckeye Metal (68)

Bundy Tubing (69)

Buyers Group (71)

C & D Battery (72)

Cambridge Iron & Metal (76)

Capital Iron & Steel Co. Inc. (78)

Carl Martin (226)

Carl Snyder (338)

Celtic Trading (83)

Charles Bluestone Co (61)

Chauncey Metal Processors (84)

Checker Battery Inc. (85)

Chemetco (86)

Chessie System (73)

Ciba-Geigy Corporation (88)

AR200187

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

City Metal Co. Inc. (90)
City Scrap & Salvage (89)
Cliff Howard Scrap Iron (91)
Coateville Scrap Iron & Metal (92)
Cominco Ltd. (94)
Consolidated Smelting (96)
Consolidated Smelting & Refining (95)
Continental Can Co. (82)
Continental Metals (97)
Cousins Metal Industries, Inc. (98)
Cropsey Scrap Iron & Metal (101)
Crown Battery Manufacturing Co. (99)
Cycle Systems (102)
Damato Paper Stock (103)
Dan Caracciolo (79)
Davis Brothers Scrap Co. (104)
Delaware Metals Corp. (106)
Delaware Valley Scrap Co. (108)
Delco/Remy (107)
Deleo Recycling (105)
Deutch & Son Inc. (109)

AR200188

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Diamond State Salvage Company (110)
Diehl Service Center (111)
Double Eagle Equipment (113)
Douglass Battery (114)
Dubin Metals (115)
Dupont Company (116)
E. Schneider & Sons, Inc. (325)
East Penn Mfg. Co. (118)
Easton Iron & Metal Company (117)
Edward Arnold (37)
Edward Rhodes (307)
Eisner Brothers (120)
Ellenville Scrap (122)
Elman Recycling Co T/A Square Deal Waste (123)
Empire Scrap Metals (124)
Essex Metal Alloy Co. Inc. (125)
Exide Corporation (126)
Fitzsimmons Metal Co. (127)
Frank Callandra (75)
Frank M. Nott Inc. (271)
Fry's Metals (129)

AR200189

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

G&G Salvage Corp. (131)
GM Assembly Division (145)
Gary's U-Pullit (133)
General Metals & Smelting (135)
General Scrap Inc. (136)
Gilbert & Bennett (139)
Giordano Waste Materials (140)
Gloucester Iron & Metal (144)
Goldfarb Co. Inc. (148)
Golf Car Systems (150)
Gordon Waste Company (152)
Gould Inc. (146)
Grant Mfg. & Alloy (154)
H.D. Metal Co. Inc. (167)
Halko Manufacturing (159)
Halpern & Stein (160)
Hammond Lead Products Inc. (161)
Harcon Corp. (162)
Harrison Radiator (164)
Harry E. Orkin Inc. (274)
Harry Goldberg & Sons (147)

AR200190

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Hart Battery Co. (165)
Heidick Recycling (168)
Hornell Waste Material Co. (172)
Howard Cartiff (74)
Hudson Scrap Metal, Inc. (173)
I. J. Soble (339)
I. Kramer & Son Inc. (175)
IFIM International B.V. (3)
International Alloys (179)
Interstate Battery (181)
Interstate Burlap & Bag Inc. (182)
Irving Rubber & Metal (184)
J&J Metals (185)
J. Sepenuk Metals (330)
J. Solotken & Son (340)
J.E. Kodish & Sons (199)
J.W. Zaprazny, Inc. (389)
JFR Salvage (188)
Jacob Max, Inc. (186)
Jacobson Metal Co. (187)
Joe Krentzman & Son, Inc. (204)

AR200191

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Joe's Auto Wreckers (189)
John Blewett, Inc. (59)
John Metellica (235)
Johnson Controls (143)
K.C.B.S. Inc. (193)
Kasmar Metals (191)
Keystone Resources (195)
Kovatch Truck Center (202)
Kress Auto Wreckers (205)
L. Lavetan & Sons (208)
Lake Erie Smelting (206)
Leonard Sanderow (321)
Levene's Sons Inc. (211)
Lewis Mack Company Inc. (222)
Lexa Metals Corp. (212)
Louis Cohen & Son, Inc. (93)
Louis F. Mascaro & Sons (228)
Louis Padnos Iron & Metal Co. (278)
Luria Brothers and Co. (216)
M. H. Brenners Inc. (65)
M. Hartman, Inc. (166)

AR200192

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

M. Kimerling & Sons Inc. (196)
M. Ruben Metal Co. (318)
M. Schiavone & Sons Inc. (323)
MP Batteries Inc. (254)
Mack Trucks, Inc. (219)
Markowitz, David Metal Co. (224)
Maryland Metals (225)
Maxnor Metals (230)
Mcnichols Steel Co. (231)
Mediray Inc. (232)
Met Scrap Inc. (237)
Metal Bank of America (233)
Metal Recycling (234)
Metal Shippers (238)
Meyer & Saba Metal (240)
Mid Atlantic Distribution (244)
Mid City Scrap Iron & Salvage (243)
Mid Island Salvage Corp. (245)
Mid-Penn Metals (247)
Midlane Salvage (241)
Midwest Corp. (248)

AR200193

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Miller's Salvage (221)
Minkin Industries/Anjel Associates (250)
Moskowitz Brothers (253)
Multiple Processors (255)
Muncie Scrap Baling Corp (256)
Murmur Corporation (257)
New Castle Battery (261)
New Castle Junk Co. (263)
New Jersey Zinc Co. Inc. (262)
Non Ferrous Processors (265)
Noranda Sales Corp (266)
North American Phillips (258)
North Shore Salvage Corp (270)
Northeast Golf Cars, Inc. (267)
Northeast Harley-Davidson Inc. (268)
Northeast Industrial Batteries (269)
Novey Iron & Steel (272)
Oliphant Metals (273)
Park Stein Inc. (281)
Parker Biery (279)
Pascap Co. (282)

AR200194

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Pasco, Inc. (283)
Pat Chronister (100)
Peanut City Iron & Metal (284)
Peck Iron & Metal (275)
Pelham Metal Alloys (285)
Penn Iron & Metal (287)
Penn Jersey Rubber & Metal (288)
Penn-Del Salvage Inc. (286)
Pfizer, Inc. (289)
Phillip Brothers (290)
Pilot Battery (292)
Pollock-Reading (293)
Quick Cable Corp. (296)
R&R Salvage Inc. (315)
RSR Corporation (316)
Raleigh Junk Co. (298)
Rausch Auto (299)
Recycle Iron Inc. (300)
Recycle Metals Corp. (301)
Redi-Battery Inc. (302)
Reliable Junk (304)

AR200195

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Resource Alloys and Metals (306)
Richman & Sons Inc. (308)
Riverside Auto & Scrap (310)
Roman & Sons Inc. (312)
Rosen & Sons Inc. (313)
Roth Bros Smelting Corp. (314)
Rubino Brothers (317)
S. Kasowitz & Sons Inc. (192)
S. Klein Metals (198)
S.H. Lanman & Son (207)
Sam Allen & Sons (22)
Samuel Gordon & Sons (151)
Samuel Z. Kravitz & Sons (203)
Schiavone - Bonomo Corp. (322)
Scrap, Inc. (326)
Sealand Salvage & Wrecking (327)
Senser Metal Co., Inc (329)
Simon Eastern Corp. (335)
Simon Resources Inc. (336)
St. Joe Resources Co. (346)
Staiman Industries, Inc. (343)

AR200196

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

Standard Lead Company Inc. (342)
Stanley Sack Co. Inc. (344)
Steffa Metals (345)
Stump Scrap (349)
Suisman & Blumenthal (350)
Superior Companies (351)
Tara Corp Industries (353)
Timpson Trading Corp. (354)
Tonolli Canada LTD (2)
Tonolli Corporation (1)
Toronto Refiners (359)
Torrington Scrap (360)
Towamencin Metal Traders (361)
Towanda Iron & Metal, Inc. (362)
Trenco, Inc t/a Trenton Iron & Metal (363)
Trevin, Inc., t/a Par-4 Sales & Ser (352)
U.S.S. Achey Inc. (369)
UGI Corp. (364)
US Auto Radiator Mfg Corp. (368)
United Alloys & Steel (365)
United Iron & Metal (366)

AR200197

TONOLLI PRP TRACKING SYSTEM
PRPs Who Were Sent A Notice Letter On August 12, 1988
=====

V&V Recycling (370)
Vincent A. Pace Inc. (276)
Vincent Golf Cart Sales (373)
Walter Putkowsky (295)
Walter's Mobil (376)
Weiner Iron & Metal Corp (377)
Weinstein Co. (378)
Weiss Scrap & Metal Co. (379)
Western Electric Company (380)
Westinghouse Electric Corp (374)
William Koplik (201)
William Port's Sons Inc. (382)
Wimco Metals, Inc. (383)
Winston Brothers Division (384)
York Iron & Metal Co. (387)
Young Recycling (388)
Zelmore Bros. (390)
Zuckerman Metals Inc. (391)

AR200198