



HAUTO VALLEY ESTATES INC.

423 WEST CATAWISSA STREET, NESQUEHONING, PENNSYLVANIA 18240

Tel. (717) 669-9461

April 26, 1990

Environmental Protection Agency
Region 3
ATTN: Donna McCartney 3HW21
Regional Project Manager
841 Chestnut Building
Philadelphia, PA 19107

RE: Tonolli Corporation Site
Nesquehoning, Pennsylvania

Dear Ms. McCartney:

Pursuant to our recent telephone conversation, I am writing to provide information concerning a parcel of land of which Tonolli Corporation is the record owner, but which in fact may not be part of the Superfund Site.

The parcel in question consists of a lot with a garage type structure situated thereon, lying to the south of the main Tonolli tract and separated therefrom by Nesquehoning Creek and the Carbon County Railroad line.

The property in question was conveyed to Tonolli Corporation in 1979 by Daniel and Martha Zeigler. I have enclosed a copy of the recorded deed, and a sketch indicating the location of this lot in relation to the main Tonolli tract. The Zeigler property was used by Tonolli for maintenance and storage, and was not used directly in connection with Tonolli's battery reclamation operations or any processes related thereto.

Due to the nature of the separation between the Tonolli site and the subject premises, in particular the Nesquehoning Creek, which provides a natural barrier between the two parcels, it is highly unlikely that any contamination that may have originated on the main Tonolli Site migrated to the Zeigler property. Accordingly, we request that the EPA verify whether the former Zeigler property is in fact contaminated in any way, or in the alternative, authorize inspection and verification by a qualified party. If the Zeigler site is determined to be

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uncontaminated, Kovatch requests that the EPA confirm that it is not part of the Superfund Site and indicate to the Trustee in Bankruptcy for Tonolli Corporation, that the EPA would have no objection to the liquidation of the parcel by same.

I have enclosed for your reference previous correspondence to Diane Aji, Esquire, Assistant Regional Counsel, EPA Region 3, and John J. Thomas, Esquire, Trustee in Bankruptcy for Tonolli Corporation concerning this property. Also enclosed are letters from David Kattner and Frank J. Winkler, former Tonolli Corporation employees who were familiar with the former Zeigler property and its use during the time that Tonolli was operating. These letters indicate that the Zeigler premises were used for maintenance and storage and that no hazardous or toxic materials were present on the property.

After you have had an opportunity to review the enclosed information, I would appreciate your contacting me to discuss this matter further.

Very truly yours,



Steven M. Cormier
Attorney

SMC:lf

AR300084

This Indenture,

MADE the _____ 29th _____ day of March, _____
in the year nineteen hundred and Seventy-Nine (1979).

BETWEEN DANIEL ZEIGLER and MARTHA A. ZEIGLER, husband and wife, of
R. D. 1, Nesquehoning, Pennsylvania, parties of the first part, _____

AND

TONOLLI CORPORATION, a Pennsylvania business corporation having a
registered office and principal place of business at R. D. 1, Nesque-
honing, Carbon County, Pennsylvania _____

a corporation or body politic, created by and existing under the laws of the Commonwealth of Pennsylvania,
having its domicile in the _____

County of Carbon, _____ party of the second part:
WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
TWENTY THOUSAND (\$20,000.00) Dollars,
lawful money of the United States of America, unto them _____ well and truly paid by the
said party of the second part, at and before the sealing and delivery of these presents, the receipt whereof
is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant,
bargain, sell and convey unto the said party of the second part, its successors and assigns forever:

ALL THAT CERTAIN lot or piece of land situate in the Borough of
Nesquehoning, County of Carbon and State of Pennsylvania, bounded
and described as follows:

BEGINNING at an iron pin, said pin being located at the intersection
of the east line of the Access Road to Tonolli Corp., and the south
line of the Central Railroad of New Jersey; thence along the south
line of the Central Railroad of New Jersey north seventy-five degrees
five minutes ten seconds east (N 75° 05' 10" E) one hundred twenty-
five feet (125.00') to an iron pin; thence by land of Haute Valley
Estates, Inc., south twenty-two degrees forty-six minutes fifty seconds
east (S 22° 46' 50" E) one hundred feet (100.00') to an iron pin;
thence by same south seventy-five degrees fifteen minutes ten seconds
west (S 75° 05' 10" W) one hundred twenty-five feet (125.00') to an
iron pin; thence along the east line of the Access Road to Tonolli
Corp., north twenty-two degrees forty-six minutes fifty seconds west
(N 22° 46' 50" W) one hundred feet (100.00') to the place of beginning.

CONTAINING two hundred eighty-four thousandths acres (0.284 Acs.) as
shown on Drawing No. P0301 dated May 27, 1974 of Ronald M. Tirpat,
P.E., attached hereto and made a part hereof.

IT BEING THE SAME PREMISES which Haute Valley Estates, Inc., by its
Deed dated August 21, 1974, and recorded in the Recorder of Deeds
Office of Carbon County on December 20, 1974, in Deed Book No. 355,
at Page 123, granted and conveyed unto Daniel Zeigler and Martha A.
Zeigler, husband and wife, Grantors hereof.

THIS CONVEYANCE is subject to all exceptions, easements, reservations
and conditions as contained in prior deeds.

This document may not sell, convey, transfer, include or insure the
title to the coal and right of support underneath the surface land
described or referred to herein, and the owner or owners of such
coal have the complete legal right to remove all of such coal and,
in that connection, damage may result to the surface of land and any
house, building or other structure on or in such land.

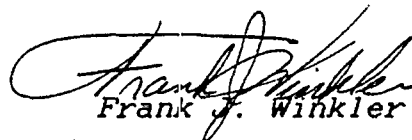
FRANK J. WINKLER
206 E. GRANT ST.
McADOO, PA. 18237

APRIL 26 1990

TO WHOM IT MAY CONCERN,

The undersigned was employed by Tonolli Corp.,
Nesquehoning, Pa. from Oct, 1977 until closing. My position
was Transportation Manager.

I hereby give statement, regarding the garage building
fronting the facility, to have been only used as a garage
repair shop for drivers and over the road equipment that
was utilized by Ryder Truck Rental, from 1977 to 1984.
After that time the building was used to house a weather
station along with a garage and clean storage area for
new equipment. At no time had there been contaminated
material within this separate piece of property. I
was involved with the rental and purchase of subject
parcel from Mr. Zieqler, the previous owner and for
several years I occupied an office within the garage.


Frank J. Winkler

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DAVID KATTNER
RD#1 BOX 101-A
NESQUEHONING, PA 18240

(717) 669-9673

April 25, 1990

Environmental Protection Agency
Region 3
ATTN: Donna McCartney 3HW21
Regional Project Manager
841 Chestnut Building
Philadelphia, PA 19107

Dear Ms. McCartney:

This letter is written pursuant to the Tonolli Corporation site and Kovatch Corporation's inquiry about the former Zeigler property. I was the General Foreman at Tonolli from 1979 until the closing of the plant.

The garage on the lot in question was used for refueling and general maintenance of tractors and trailers. The garage was never used for storage or handling of any toxic materials.

If you should have any questions, please feel free to contact the undersigned.

Very truly yours,



David Kattner

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KOVATCH CORPORATION

ONE INDUSTRIAL COMPLEX
NESQUEHONING, PA 18240
717-669-9461
FAX 717-669-9831



1 May 1989

Diane Ajl, Esquire
Assistant Regional Counsel
United States Environmental
Protection Agency
Region III
841 Chestnut Building
Philadelphia, PA 19107

Re: Tonolli Corporation Site
Nesquehoning, PA
File No. 3HW14

Dear Ms. Ajl:

As you know, Kovatch Corporation has expressed an interest in certain parcels of property of which Tonolli Corporation is the record owner in the Borough of Nesquehoning, Carbon County, Pennsylvania.

This Company continues to have an interest in the smaller parcel of land located on the south side of the Nesquehoning Creek which separates it from the main Tonolli tract and which had been conveyed to Tcnolli Corporation in 1979.

Before Kovatch abandons its interest in this property, I would like to request verification from you or someone else at your agency as to whether the parcel in question is in fact included in the property comprising the Tonolli Corporation Superfund Site. In view of the fact that there is a natural boundary between the above-referenced parcel and the main Tonolli tract and that this parcel was conveyed to Tonolli Corporation by separate deed some seven years after Tonolli acquired the main tract, it is my hope that, assuming that the smaller property is not contaminated, it is not included in the Superfund Site.

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Diane Ajl, Esquire - 2 - 1 May 1989

I would appreciate whatever information you may be able to provide me in the next day or two if at all possible, as the Trustee in Bankruptcy of Tonolli Corporation intends to abandon the property if no objections are filed by May 5, 1989.

Thank you for your assistance in this matter. I look forward to hearing from you.

Very truly yours,



Steven M. Cormier

SMC/vhb

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