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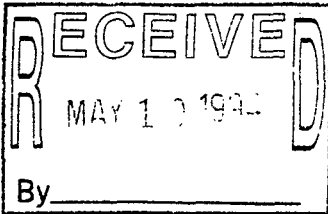
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May 9, 1994

VIA FACSIMILE AND FEDERAL EXPRESS

(202) 639-6310

Ms. Debra Rossi
Remedial Project Manager (3HW42)
U. S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, Pennsylvania 19107

Woodlawn Landfill Superfund Site, Cecil County, Maryland

Dear Ms. Rossi:

This is submitted on behalf of General Tire, Inc. ("General Tire") in response to the "Special Notice" letter dated March 4, 1994, which EPA Region III forwarded to Mr. A. William Reynolds of GenCorp, Inc. in connection with the Woodlawn Landfill Superfund Site ("Woodlawn site"), located in Cecil County, Maryland. We understand that GenCorp received EPA's Special Notice letter, which was issued pursuant to § 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), on March 10. General Tire received a copy of EPA's letter and its attachments on or about March 11, 1994.

As explained in previous correspondence with EPA Region III, General Tire has agreed to represent and protect the interests of GenCorp, Inc. in matters involving the Woodlawn site. Accordingly, General Tire is the appropriate corporate entity to contact concerning either its Elkton, Maryland tire retread facility or the Woodlawn site.

For the reasons set forth below, General Tire is unwilling at this time to submit a "good faith" offer to conduct or finance the remedial action EPA has proposed for the Woodlawn site. General Tire's position is based upon the lack of any credible evidence supporting the conclusion that any wastes allegedly generated at its Elkton retread facility were sent to the Woodlawn site during the period of time it was operated as a municipal landfill. Accordingly, the company does not believe that it has been properly identified as a "potentially responsible party" in the first instance and thus, should not bear any liability under CERCLA with respect to the Woodlawn site.

We understand that the Woodlawn site was operated, albeit in an unrestricted manner, from the early 1960s through June, 1978, at which time it was converted into a waste transfer station. General Tire acquired the Elkton retread facility in late November of 1972. The

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plant was closed in March of 1983. Consequently, the pertinent time period within which General Tire's plant could arguably have sent wastes to Woodlawn (or perhaps one of the other "Cecil County" landfills concurrently in operation) was from late 1972 through June, 1978. Our investigation of the Woodlawn site, including but not limited to General Tire's ongoing participation in a non-binding mediation process being conducted under EPA's auspices, has failed to uncover any credible evidence that wastes containing CERCLA "hazardous substances" (as broadly defined by 42 U.S.C. § 9601(14)) were transported from the retread facility to the Woodlawn site. To the contrary, the evidence we have obtained since January of this year demonstrates that General Tire never sent any wastes to this particular landfill.¹

First, our investigation has revealed that the retread facility did not haul wastes via company trucks to *any* landfill sites during its 10-year existence. The plant instead used the services of two independent waste haulers: "Trinco, Inc". (which, apparently, is defunct), and Harford Sanitation Services, Inc. Most of Harford's company records were destroyed by a fire that occurred in the mid-1980s, but company employees who serviced the Elkton area, and specifically the General Tire and nearby Air Products & Chemicals plants, have testified by sworn affidavit that they did not take any wastes to the Woodlawn site. Rather, these independent (and we believe highly credible) witnesses have said that Air Products' and General Tire's respective wastes were taken to another "County landfill" that was located much closer to Elkton. Thus, there is no evidence that either hauler ever took General Tire waste materials to the Woodlawn site.²

¹ In responding the various requests for information by EPA and the Maryland Department of Environment, General Tire has been forthright in admitting that it operated the Elkton tire retread facility for approximately 10 of the 18 years the Woodlawn site allegedly accepted for disposal household and industrial wastes. *See, e.g.*, Letter to George Harold of the Maryland Department of Environment dated January 11, 1991 (a copy of which is in EPA's administrative file). General Tire's previous submissions also described the types and quantities of wastes the retread facility may have generated during the 1972--1983 period. Unfortunately, General Tire's letter to EPA Region III investigator John Rajkowski mistakenly suggested that the Elkton facility "may" have "disposed of [waste] at the Woodlawn Landfill during the period from 1960 to 1978." That information was based on a preliminary review of plant records, many of which were illegible. General Tire has since confirmed that it did not begin operating the Elkton retread facility until after November 30, 1972, the date it acquired the plant, and that, to the extent it may have sent wastes to a "Cecil County" landfill, it was a site other than Woodlawn. If necessary, General Tire's January 17, 1994 submission to EPA Region III can be amended (*e.g.*, the company's responses to Questions 3, 4 and 5) to correct any misimpressions about the period it owned and operated the Elkton retread facility and/or the "Cecil County" landfills to which its wastes may have been transported by an independent hauler.

² The only thing that General Tire -- or anyone else -- knows for sure is that solid wastes were removed from the Elkton facility by Trinco and Harford Sanitation. As reported in a February 1, 1979 submission to the State, "[b]oth haulers use[d] the Central or Cecil County Landfills located off Maryland Route 7." The Woodlawn site, which was sometimes referred to as the "County Landfill," was but one of three county landfills in operation between the late 1960s and mid- to late 1970s, and but one of at least two such landfills "located off Maryland Route 7." Another landfill, and one that was probably used by Harford Sanitation in connection with General Tire's retread plant, was known as both the "Buck Johnston" and "Old Elk Neck Landfill." It, too, was sometimes referred to as the "County Landfill." Although the Woodlawn site was known by alternative names, including the

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Second, the testimony of Harford's former truck drivers is consistent with the statements we have obtained from the retread facility's former Plant Manager (Ralph Myers) and Assistant Plant Manager (John Kroll). Between them, these two gentleman worked at the retread facility during its 10-year period of operation, and both were responsible for and familiar with the plant's waste handling practices. Among other things, they have independently confirmed that any waste materials that were generated at plant were placed in a dumpster that was picked up by Harford Sanitation and reportedly taken to the "Buck Johnston" landfill.³ Copies of the sworn statements of these two gentleman are enclosed for your review.

Third, the testimony of Messrs. Myers and Kroll (as well as the Harford drivers) is consistent with the manner in which the retread facility did business from late 1972 through early 1983. That is, the retread facility would receive used or scrap tires from various General Tire retail outlets and authorized distributors located in the area. The tires would be refurbished at the plant and then returned to the original source to be sold to the public as a retreaded tire. Only those tires that were capable of refurbishment were to be sent to the Elkton facility; any tires that could not be refurbished were returned, along with those tires that were refurbished, to the original source. Thus, it would have been against the company's practice for any General Tire trucks to have hauled used or scrap tires to any of the three "County landfills" that were then in operation. But, even assuming, *arguendo*, that such tires were taken inadvertently to a landfill, the evidence indicates that it is likely that they would have been transported to the Buck Johnston landfill, which was much closer to Elkton, and not the Woodlawn site.⁴

Suffice it to say that the information we have on hand, including the irrefutable statements of Messrs. Myers and Kroll and the corroborating testimony we could obtain from Harford Sanitation's former employees, leads us to conclude that General Tire did not send any waste materials to the Woodlawn site. We thus believe that the United States (or any of the other

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"Fire Tower Road" landfill and "Port Deposit," it was not, to our knowledge, ever known as the "Buck Johnston" landfill.

³ General Tire has not completed its investigation of the Buck Johnston landfill, which we believe could have been the location to which the retread facility's general plant refuse was hauled. General Tire does not concede that it sent waste containing CERCLA hazardous substances to the Buck Johnston landfill (a/k/a Old Elk Neck Road Landfill), or that it is otherwise liable under CERCLA or any other law for activities relating to that site. We simply believe that, to the extent the company sent wastes to a municipal landfill located in Cecil County, it is much more likely that the site employed was Buck Johnston, not Woodlawn.

⁴ We understand that a former Cecil County employee indicated, during the course of an interview with an EPA or state official, that General Tire trucks disposed of some scrap tires at the Woodlawn site on at least one occasion. Apparently, this "testimony" was not obtained under oath and has not been corroborated by anyone else. Moreover, we suspect that this purported testimony could be explained -- and undermined -- by one of two things: either the employee was confused about the tire company that allegedly sent waste materials to the Woodlawn site or, alternatively, he mistakenly assumed that a General Tire retread facility *customer*, as opposed to the plant itself, was the source of the scrap tire shipment. In any event, General Tire believes that this alleged testimony was obtained under circumstances that render it of dubious validity, and we are therefore inclined to give it no weight.

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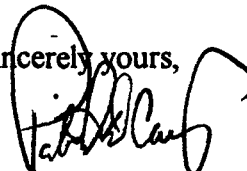
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parties identified as PRPs in your March 4 notice letter) would be hard pressed to initiate a cost recovery action against General Tire consistent with Federal Rule of Civil Procedure 11, and we further believe that the initiation of an administrative action would likewise be ill-advised.

Having said that, the company remains amenable to discussing with EPA Region III and/or the other identified PRPs as a means to achieve a settlement of each party's potential liability under CERCLA, provided that: (1) some credible evidence connecting wastes from General Tire's retread facility to the Woodlawn site is presented, and, given (1), that (2) an allocation scheme can be devised that ensures that those entities that owned and operated the site, or sent significant amounts of materials containing contaminants that are truly "driving" EPA's selected remedy, bear their proportionate share of the site cleanup costs. Even assuming that there may be found some evidence that General Tire wastes were disposed of at the Woodlawn site, there simply is no evidence to suggest that anything that even theoretically could have been sent to Woodlawn would place General Tire in anything other than a *de minimis* (or *de micromis*) PRP category. Nonetheless, General Tire stresses that there is no available, credible evidence to substantiate EPA's claim that General Tire is a PRP. Accordingly, General Tire respectfully urges EPA to delete the company from the list of PRPs at the Woodlawn site.

Should you have any questions concerning General Tire's position on this matter, please contact the undersigned.

Sincerely yours,



Patrick O. Cavanaugh

Enclosures

cc: Susan S. Gelfand, Esquire
Mr. Abraham Ferdas, Associate Division Director
for Superfund Programs
Patricia Hilsinger, Esquire, Senior Assistant Regional Counsel

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SWORN STATEMENT OF JOHN KROLL

(1) My name is John Kroll and my home address is 4 Travertine Way, Newark, Delaware 19713. I am currently employed as the Branch Manager of the New Holland Tire Company's facility in Vineland, New Jersey.

(2) I have been asked to provide this statement in connection with the Alternative Dispute Resolution ("ADR") proceeding that I understand is being conducted under the auspices of the U.S. Environmental Protection Agency. I understand that this proceeding concerns the Woodlawn Landfill located in Cecil County, Maryland, and that my former employer, General Tire, Inc. is a participant. I am no longer affiliated with General Tire, Inc., and I offer the following information voluntarily.

(3) I was employed by General Tire, Inc. as the Assistant Plant Manager of the company's Elkton, Maryland tire retread facility from January of 1977 through February of 1983, about which time the property was sold and the facility was closed. The retread facility was located in the Trinco Industrial Park (which was also referred to as the "Triumph" Industrial Park). The plant employed between [10] to [12] individuals during the time I worked there.

(4) The general purpose of the Elkton facility was to collect from General Tire retail stores and independent dealers worn out tires and refurbish them for resale. Specifically, it was our task to "retread" these tires in a manner that would render them marketable. We accomplished this task by collecting the tire, buffing the worn tire casings on an electrical buffer, and "truing" them up (i.e., the old tire surface would be buffed to prepare it for the application of a pre-manufactured tire tread).

(5) The only "waste" materials that I can recall the retread facility generated during the time I worked there were the following: (a) scrap cardboard and various paper product wastes from the office, (b) trash collected from the employee lunch room, (c) empty five-gallon cans that contained rubber residue or solvents (which would evaporate), and (d) some used air compressor


oil. We did not generate any scrap tire wastes during the time I worked at the Elkton facility. Instead, every tire that was brought to our shop for retreading was either returned to the customer (i.e., the company and independent stores from which we collected the worn tires) in refurbished condition, or sent to a company (Norman Emmanuel Tire Co.) located in Ellicott City for handling after 1981.

(6) During the time I worked at the retread facility, we used an independent waste hauler, Harford Sanitation Co., to dispose of any wastes we generated. I do not recall using any other hauler during this time. I am, however, certain that General Tire did not use any of its own trucks to haul wastes off-site.

(7) It was my understanding -- based upon several discussions with Harford Sanitation truck drivers -- that any wastes General Tire generated between 1977 and the date the plant closed were taken to the "Cecil County landfill" located off Old Elk Neck Road and Route 7. I have a clear recollection that the specific county landfill to which all of General Tire's waste was taken was Old Elk Neck, which we sometimes referred to as the "Buck Johnston" landfill.

(8) Prior to being contacted by General Tire's lawyer about this proceeding, I had never heard of the Woodlawn Landfill. Upon learning that this matter concerns the Woodlawn site, I reviewed a map of Cecil County. That review confirmed my recollection that, to my knowledge, General Tire never sent any waste materials to the Woodlawn site, which was located on the other side of the County and was much further away from the Elkton retread plant than the Old Elk Neck Road landfill.

Pursuant to § 1746 of the United States Code, I confirm that the above information is true and correct to the best of my knowledge.



John Kroll

Dated: April 14, 1994.

SWORN STATEMENT OF RALPH W. MYERS

(1) My name is Ralph W. Myers and my current address is P. O. Box 548, 118 Oaktree Court, Frederick, Pennsylvania 19435. I have been retired from full-time employment since 1981.

(2) I have been asked to provide this statement in connection with the Alternative Dispute Resolution ("ADR") proceeding that I understand is being conducted under the auspices of the U.S. Environmental Protection Agency. I understand that this proceeding concerns the Woodlawn Landfill located in Cecil County, Maryland, and that my former employer, General Tire, Inc. is a participant. I offer the following statement voluntarily.

(3) I worked for General Tire for over 26 years prior to my retirement from the company in 1981. I first began working for General Tire in Philadelphia and ended my career as the Manager of the company's Elkton, Maryland retread facility, which was located in Triumph Industrial Park (which was also known as the Trinco Industrial Park). I was assigned to the Elkton facility in the fall of 1972, while the facility was still under construction. It opened in November of 1972, and I remained the Plant Manager until the end of 1981, when I retired. I understand that the facility closed in March of 1983.

(4) As the Plant Manager of the retread facility, I was in charge of all day-to-day operations, including those matters that pertained to all production activities, as well as budgetary and personnel matters. My assistant plant manager, John Kroll, shared most of these responsibilities with me, and we had approximately 10 to 12 additional employees on site during the period of time we ran the plant.

(5) The general purpose of the Elkton facility was to collect from General Tire retail stores and independent dealers worn out tires and refurbish them for resale. It was our job to "retread" these tires in a manner that would render them marketable. We accomplished this job by buffing (or grinding) the worn tire casings we collected on an electrical buffer, and then applying a pre-manufactured tire tread. Among other things, we used rubber cement and various

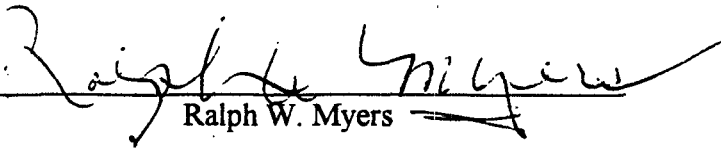
solvents in connection with this process, most of which arrived at the plant in 5-gallon cans. When emptied these cans would be placed, along with all other plant wastes, in a trash dumpster located outside of our facility that was provided by our trash hauler, Harford Sanitation.

(6) During the time I was the Plant Manager, we did not dispose of any wastes on site. It is my belief that all wastes generated at the plant were placed in Harford's dumpster and hauled by that company to a nearby county landfill. The only landfill that I can recall (and to which I presume all of our wastes were hauled) was the "county landfill" referred to as "Elk Neck," which was located off Route 7. Prior to being contacted about this proceeding, I had never heard of the "Woodlawn" landfill, and I have no reason to believe that any of General Tire's plant wastes were hauled to that site.

(7) As noted above, the only "waste" materials that I can recall the retread facility generated during the time I worked there were the following: (a) scrap cardboard and various paper product wastes from the office, (b) trash collected from the employee lunch room, (c) empty five-gallon cans that contained rubber residue or solvents (which would evaporate), and (d) some used air compressor oil. We did not generate any tire scrap wastes during the time I worked at the Elkton facility. To the contrary, every tire that was brought to our shop for retreading was returned to the customer (i.e., the company and independent stores from which we collected the worn tires) in refurbished condition. To my knowledge, at no time did any of General Tire's trucks haul used or worn tires to a county landfill. As far as I was concerned, any tires that were sent to our facility were returned to the customer, in one form or another, and it was the customer's responsibility to dispose of them.

(8) I never directed an employee to take any tires to a county landfill, and I have no recollection that any of General Tire's trucks ever did dispose of tires at such sites. I am confident I would have heard about such activities because landfills would typically charge a company to dispose of tires during this time period. Moreover, during the time that I worked at the retread facility, the only hauling company I recall using was Harford Sanitation Co. I do not recall using any other hauler during this time.

Pursuant to § 1746 of the United States Code, I confirm that the above information is true and correct to the best of my knowledge.



Ralph W. Myers

Dated: April , 1994.