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Edmund R. Papazian  
Senior Attorney  
Environmental  
Witco Corporation  
520 Madison Avenue  
New York, NY 10022-4236

Re: ARMY CREEK LANDFILL AND DELAWARE SAND AND GRAVEL  
FOIA REQUEST - 3RIN - 1012 - 89

Dear Mr. Papazian:

This is in response to your letter requesting information on which EPA has based its position that Witco Corporation is a potentially responsible party at the Delaware Sand & Gravel Landfill Site. I have also included the evidence linking Witco to the Army Creek Landfill Site in anticipation of a subsequent request. I will also supply you with background information about the Army Creek Site in response to your April 27 letter which I just recieved.

In general, the information we have gathered pertaining to Witco's involvement with Army Creek (aka Llangollen) and/or Delaware Sand and Gravel is extrapolated from Tybouts Corner litigation and through interviews conducted by the Agency or its contractors. We have learned, for example, that Witco operated facilities located on Terminal Avenue and New Castle Avenue. There also is evidence that Witco acquired Halby Chemical in March 1972. Witco also acquired through a stock purchase the IPD - Isocyanate Products Division Plant. If Witco could furnish information regarding the last two items, specifically dates of operation and acquisitions, perhaps this would help to clarify the situation.

IPD primarily manufactured two components to be mixed by the customer to produce urethane polymer (Bikofski Deposition at 85-86). Specific chemicals used by Witco in the manufacturing of its products and generated as industrial wastes are contained on pages 21-24, 52-55, 63 of the Livingston Deposition and in the Interrogatories of ICI pages 8-11 (Halby Chemical list on pages 11-12). Of those listed, the following appear on the hazardous substances table in 40 C.F.R. sec. 302.4: toluene diisocyanate (Livingston at 22); trichloromonofluoromethane (Livingston at 24); triethylenediamine (Id.); phosphorus (Id. at 28); methylene chloride (Id. at 50, 52); toluene and methanol (Id. at 53); and methanol (Id. at 63). Toluene and

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methanol were solvents used for analytical testing and methylene chloride was used as a cleaning agent. Once those chemicals were used they would be included in the drums, although the amount of methylene chloride in the drums would have been minimal (Id. at 50-53, 63; also see Neary deposition, 12/17/86, at 63-64).

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Livingston estimated the volume of chemical waste products at two to three drums a month during the Tybouts time period (1969- 71) (Livingston at 52). At 500 pounds a drum and an average of two and a half drums a month, 1250 pounds a month of chemical wastes would have been produced (Id. at 60).

Mr. and Mrs. Stanley Twardus have stated in their deposition dated 12/20/84 that Twardus hauled a shellac like liquid waste which was brown in color. This was usually not drummed, although there may have been drums in the roll-offs and front-end loaders. The roll-off was emptied 1 or 2 times per week and the front box was emptied everyday (at 66). Twardus' contact at Witco had a Polish name. His first name may have been Henry or Stan (at 65-66).

Jack Twardus in his deposition dated 3/20/86 stated that he hauled the following wastes for Witco: a powder waste in 30 yard roll-offs; a sludge that built up and had to be chiseled off; and pallets and gaylords full of granular plastic on stake body trucks (at 57-93). Wastes in roll-offs contained drums and some powder (at 151- 155). Jack also testified that Twardus primarily used County landfills (Deposition 7/22/81 (at 8-11). In Jack Twardus' 8/15/84 deposition he stated that Twardus took Witco's contract from Trash Removers, Inc. (at 77).

Milt Slovin of Trash Removers testified in his deposition dated 4/3/86 that he vaguely remembered servicing Halby Chemical, which changed to Witco. He also remembers that it was one of his accounts at the time of the sale to Waste Management. He personally visited the Witco site (at 109- 110). He had a roll-off box at Witco (at 110). He saw empty fiber boxes similar to the ones at DuPont and also cardboard drums. He does not remember seeing any residue in these drums (at 110- 112). Slovin's general practice was to dump his loads at the "County" landfill unless it had closed for the day, in which case he would take it to Delaware Sand & Gravel Landfill.

Vincent Dell'Aversano, the owner/operator of DS&G, remembered Trash Removers bringing dumpsters from Witco or Isocyanates on New Castle Avenue, although he did not remember it including any drummed waste (Dell'Aversano 10/22/86 at 115). He also recalled that Roger "Cochise" Spears drove these trucks for Trash Removers (Id. at 117). During an interview conducted in 8/16/88 by an EPA investigator, Dell'Aversano stated that he thought that Rose Hill Drum Co probably brought drums of waste from Isocyanate. Dell'Aversano

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stated that Rose Hill drum was the largest hauler of drummed waste to DS&G.

Jack Ryan, owner of Rose Hill Drum Co. remembered Isocyanate and Halby Chemical as two of his industrial customers. He stated that Isocyanate's drums contained "stuff that the foam for car seats was made from". He hauled this once a month for a couple of years to DS&G and Army Creek. Each load contained 18 drums. Ryan stated that he brought only empty drums from Halby Chemical (EPA interview dated 6/8/88).

The information that we have available to us from Tybouts litigation and our current investigation establishes that Twardus and Sons, Trash Removers and probably Rose Hill Drum Co. hauled Witco's waste, which included hazardous substances, and that it was deposited at Army Creek and Delaware Sand and Gravel sites. The depositions referred to can be obtained from the court or are available for inspection at EPA, Region III offices. Some additional information and documents reviewed are privileged.

Army Creek Background Information

The Agency has instigated a Superfund financed Remedial Investigation/Feasibility Study ("RI/FS") for the second operable unit. This focused RI/FS will address the sediments in Army Pond and a treatment alternative for the ground water recovery well discharges. As you may know, the neighboring Delaware Sand and Gravel Site ("DSG") has contributed to the ground water contamination. For that reason, the Agency will attempt to consolidate the ground water remedy for the Army Creek and DSG sites. Once EPA completes the second operable unit RI/FS, it will open joint negotiations with the PRPs from both sites

The Agency has hired Gannet Fleming to design the landfill cap as part of the first operable unit Remedial Action ("RA"). As noted in our March 27 letter, EPA has agreed to negotiate with the PRPs to take over the RA. Several PRPs have submitted a good faith proposal to extend the negotiation moratorium for an additional 60 day period. We invite your company to join these negotiations for the first operable unit RA. A meeting has been scheduled for 10 a.m. on Friday, May 5, 1989 at EPA, Region III offices.

If you have any questions concerning any information provided to you, please call me at 215/597-5499.

Sincerely,

KAREN S. KELLEN  
Assistant Regional Counsel

cc: Eric Newman  
Carey Widman

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