

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

US EPA RECORDS CENTER REGION 5  
[REDACTED]  
466043  
929226

DECLARATION OF FOREST J. HAMPTON, JR.

Forest J. Hampton, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

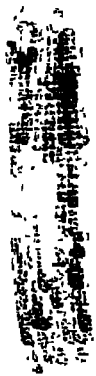
1. [REDACTED]

[REDACTED]. I have been working as a truck driver since about 1983:

2. I was employed by the Obitts Chemical Company (Obitts) and Chemical Recovery Systems, Inc. (CRS) in Elyria, Ohio from about 1968 to 1980. I applied for a job there after seeing an ad in the newspaper. I started as a laborer loading and unloading tanker trailers and drums. Subsequently, I became a still operator after about five or six months on the job. Jim Jackson was the foreman and my direct supervisor. I was never a foreman myself. There were three shifts a day. Typically, two men usually ran the yard during each shift. I usually worked days.

3. Chemicals handled/recycled at the Obitts/CRS facility included acetone, ethylene chloride and alcohol. The company had about four tanker trailers and several trucks for hauling drums. Customers did not typically haul their own chemicals. Drums of chemicals were stacked up to three high on pallets on the bare ground outside at the Obitts/CRS facility. I cannot estimate how many drums were stored at any particular time. I believe there was not any long term storage of chemicals and that all incoming materials were processed relatively soon. There were some occasions when chemicals may have spilled or leaked at the Obitts/CRS facility. The spills usually occurred when workers were not watching what they were doing and a tank or drum would overflow. When this happened, the chemicals soaked into the ground or flowed down the hill and into the Black River. I cannot say how often these spills occurred or what quantities were involved.

JR SJL




4. Generally, the other Obitts/CRS employees and I knew who the customers were at the time each load of chemicals was processed. Obitts/CRS customers I can recall are: Alsidis Paint, Akron; Glidden Paint, Cleveland; and B.F. Goodrich. After other company names were mentioned to me, I recall that additional customers were Sherwin-Williams, Plasticoat and Du Pont. I cannot estimate the amount of chemicals processed for any particular customer.

5. Don Matthews of North Ridgeville, Frank Hart of Michigan, and a Mr. Edwards were Obitts/CRS truck drivers while I was with the company. I was working at the Obitts/CRS facility when another employee, Timothy Ward, went to clean a tank and was overcome by fumes and died. Anyone cleaning a tank was supposed to be accompanied by another worker for safety purposes. However, for some reason, Mr. Ward went to clean the tank by himself while everyone was eating lunch.

6. I made good money while working for Obitts/CRS. There was company profitsharing also. I was offered the opportunity to transfer to the facility in Romulus, Michigan when the Elyria plant closed down, however, my family did not want to move from the area.

7. Further declarant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
Forest J. Hampton, Jr.

STATE OF Ohio )  
COUNTY OF Lorain )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared Forest J. Hampton, who having read and reviewed the foregoing Declaration, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand this 15th day of April, 2000.

  
Civil Investigator

Reginald Arkell  
Printed Name

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

DECLARATION OF FRANKLIN E. HART

Franklin E Hart, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says

1

[REDACTED]  
[REDACTED] I am currently employed as a truck driver for Phillips Services in Detroit, Michigan where I have worked for the past eight years

2

I was employed at the Obitts Chemical Company (Obitts) and Chemical Recovery Systems, Inc (CRS) from about 1974 until the facility closed in the early 1980s I was working as an electrician at a trailer park when I put in for several jobs including a position at Obitts after a buddy of mine told me about the job I was hired at Obitts when Russ Obitts owned the facility Obitts was bought out by CRS Jim Freeman was the President of CRS After the CRS facility closed, myself, Don Matthews, who was a truck driver, and Bob Spears, truck driver and foreman, received transfers to the parent or partner company of CRS, which was CRS of Michigan (CRS-MI) in Romulus. I worked for CRS and CRS-MI for a total of eighteen years. I was aware that Nolwood was a parent or partner of CRS-MI CRS-MI sold the business to Michigan Recovery which is a subsidiary of Michigan Disposal. I left this company about ten years ago after I got tired of being laid off several times.

3.

I started out at Obitts/CRS as a yard man. I worked in this position for about two years This consisted of moving tanker trailers around, loading and unloading drums from trucks, and loading and unloading tanker trailers I was never a still operator.

FEH - 8-19-00

4. The Obitts/CRS facility had an office inside of an old house up near the road. Some people lived on the upper floor there at one time. There was an old garage next to the house where the trucks were parked. There was a still located near the road inside a building which I believe was used to recycle chlorides such as trichlor and methyl ethyl chloride. The main still operations, where most chemicals were recovered, was located at the back of the property near the Black River. The still itself was inside of a tin building with a concrete floor. There was a sump pump(s) located within the floor. The tank farm was also located near the river next to the tin building. The tank farm consisted of about five or six above ground storage tanks which accepted clean chemicals after they were run through the still. These storage tanks each had capacities of 6,000 to 8,000 gallons. They were surrounded by a diked concrete wall about four feet in height.

5. Drums and tanker trailers were brought near the tin still building and placed on undiked concrete pads. Pumps were used to transfer dirty chemicals from these drums and tanker trailers, via a hose about three feet long, into above ground storage tanks located inside the tin building. To my knowledge, there were not spills or leaks at these concrete platform areas. Although, I was never involved in operating the still which was an old time steam operated type. The still cooked the dirty chemicals until they vaporized and then turned to liquid again. The clean liquid was then pumped into tanks at the tank farm. Residues or sludges were pumped out of the still into old tanker trailers that Ross Incineration had parked on the bare ground next to the tin building. Ross Incineration would remove the tanker trailers when they were full and park a new empty one by the still. I am not aware of any spills or overflows involving the residues or sludges. Ross Incineration probably hauled out about 5,000 gallons of sludges every two days. I am not familiar with a sewer line under the Obitts/CRS facility and was not aware of any sewer connection.

6. There were drums of chemicals stored both by the house and down by the river on the bare ground at the Obitts/CRS facility. There were rows and rows of them, some of which were stacked up to three drums high. There were always about 2,000 to 3,000 drums stored there from the day I started. The stored drums contained dirty chemicals such as paint thinners which were used to wash out paint lines.

Other chemicals stored in drums at the facility included acetone, methyl ethyl chloride, MEK, toluene, and xylene. The drums usually had flammable stickers. It was common practice at Obitts/CRS for the drums to be marked with the type of material and generator identification. There were drums which sat there for a long time and probably rusted and leaked material onto/into the ground. I believe this was probably the main cause of contamination. A lot of the drummed material was hauled to the CRS-MI plant for processing when the CRS facility was being cleaned up before it closed down. There was not a constant turnover of drums, i.e., new dirty chemicals were processed and shipped out while the old materials remained at Obitts/CRS. I am not aware of any inventory taken at Obitts/CRS.

7. When I started at Obitts/CRS, manifests were not utilized to ship chemicals. They were shipped under/utilizing bills of lading or invoices. Manifests are detailed documentation which keeps track of hazardous materials from the cradle to the grave, and included data such as whether it was reusable or if it was sludge/waste, how it was disposed of, etc. The bill of lading just simply identified the material, the quantity, who shipped the material, and who received it. I am not sure how pricing was determined other than I believe customers were charged so much per gallon for pickups and so much per gallon for deliveries. I never had to accept payment as many of the transactions were prepaid. In fact, pricing was not typically included on the invoices I carried. I do not know if customers were charged differently, if the rate was based upon the cost of virgin material, or if rates were figured through some other method.

8. Typically, most of the customers who generated materials for recycling at Obitts/CRS received the same materials back after they were cleaned. Although, there may have been cases when some companies did not receive the same materials (cleaned) or any clean material. In addition, there may have been smaller customers who never generated dirty material yet received clean material from Obitts/CRS.

9 There were not really regular or routine routes that I drove at Obitts/CRS. Customers would just call requesting service. Myself and the other drivers would be told by the foreman, Jim Jackson, where we were to pickup from or deliver to for the next day. I was given a copy of a bill of lading or invoice. I maintained trucker's logs documenting mileage and destinations. These logs were turned into the office. I do not think they would still be around because the time required to maintain them is not long. There were about six tanker trailers, three for clean materials and three for dirty materials. There were three or trucks or box vans to haul drums.

10 The entities below were major customers of Obitts/CRS. Other Obitts/CRS truck drivers may have hauled to and from them in addition to me. Details I can recall about these customers are as follows:

- ▶ **Mobil Chemical, Kankakee, Illinois** right off Route 57. Other Obitts/CRS drivers serviced this company. I never picked up or delivered here myself.
- ▶ **Ashland Chemical, Dayton, Cleveland, and Cincinnati**. Between all plants, I picked up about a total of one 6,000 gallon load of dirty chemicals via tanker trailer per week and returned about 80% after recycling. The material was usually acetone which was easily recoverable.
- ▶ **Clyde Paint, Clyde, Ohio**. I hauled an unknown number of drums of chemicals from or to here on one or two occasions. Clyde Paint dropped off an unknown number of drums of dirty chemicals, from their company and Ford together, at Obitts/CRS approximately once a week. Clyde Paint also picked up an unknown number of drums containing clean chemicals, for their company and Ford, from Obitts/CRS about once a week.
- ▶ **Jamestown Paint, Jamestown, New York**. Drums were pumped out here into a tanker trailer. I picked up a total of about one 6,000 gallon load every two weeks or so and returned about 50%-60% after recycling.
- ▶ **Ford Motors, Avon, Lorain**. I picked up at least one tanker trailer load, total, of dirty chemicals from each of these plants.
- ▶ **Fisher-Price Toy, Tonawanda, New York**. I picked up about one load of 80 drums of dirty chemicals per week from here.
- ▶ **Uniroyal, Port Clinton**. I picked up about one 6,000 gallon tanker trailer of dirty chemicals every day from here and returned about 30% after recycling.
- ▶ **Spray-On, Cleveland**. I pumped out an unknown number of drums of dirty chemicals from here into a tanker trailer about once per week. In later years, I picked up about 80 drums of dirty chemicals about once a week.
- ▶ **B.F. Goodrich, Akron**. I picked up about one tanker trailer load of dirty chemicals from here every week or two.



- ▶ **Glidden, Cleveland** I picked up about one tanker trailer load of dirty chemicals from here per week;
- ▶ **General Motors, Lordstown and Elyria** I picked up dirty paint thinner a few times from Lordstown, possibly a tanker trailer load per week. The Elyria GM plant is now closed but I made at least one tanker trailer pickup from there every two weeks for a time,
- ▶ **PPG, possibly Pittsburgh and/or Cleveland** I am not certain if the company was PPG. I made a limited number of dirty chemical pickups from each facility in unknown quantities,
- ▶ **Alsides Aluminum Siding, Akron.** I picked up 6,000 gallons of dirty chemicals from here at least once, sometimes twice per week, with a tanker trailer and returned about 40% after recycling,
- ▶ **Goodyear, Akron or Ashland** I picked up one or two loads of dirty chemicals per week from here with a tanker trailer,
- ▶ **Majestic Paint, Columbus, Ohio.** I picked up and returned about 6,000 gallons of xylene from here in a tanker trailer about once per week,
- ▶ **American Adhesive, New Philadelphia or Dover, Ohio.** I picked up about one tanker trailer load of dirty acetone from here every two weeks or every month;
- ▶ **Firestone** I picked up an unknown amount of dirty chemicals from here a few times.

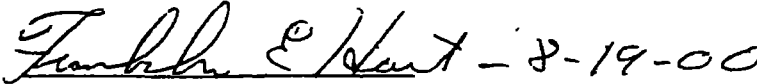
11 Other Obitts/CRS truck drivers included Harry Jackson, Jim Jackson's son, Don Matthews, Russ Cramer, Don Matthews brother-in-law, and, someone from Tennessee. A lot of the Obitts/CRS employees were from the same family. Bob Spears, who had been a foreman and a truck driver at Obitts/CRS, later went to Weavertown Transport in Pennsylvania. Carol worked in the office at Obitts/CRS. Bill Crosby was a salesman. Russ Obitts stayed with CRS for a while but then got involved with Ross Incineration.

12. I do not know of the burial of any materials or discharges to the Black River at Obitts/CRS. Jones Trucking and Harshaw Chemical were firms in close proximity. I believe CRS may have bought the Jones Trucking property after that facility closed. I do not know of Harshaw, Jones Trucking or other companies that may have discharged hazardous wastes at the Obitts/CRS facility. There was a firm out of Cleveland that took empty drums and supplied new or recycled clean drums for Obitts/CRS. I recall inspectors coming to Obitts/CRS. I cannot provide details regarding any potential violations.

13 There was a profit sharing plan at CRS and CRS-MI in which I received about 5% of my gross pay from the company plus interest After CRS-MI was bought out, I received about \$30,000 for ten years with the companies There were never layoffs or slowdowns at CRS and CRS-MI while I was there

14 Further declarant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief

 - 8-19-00  
Franklin E. Hart

STATE OF Virginia )  
 )  
COUNTY OF Wayne )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared Franklin E Hart, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof

WITNESS my hand this 19th day of August 2000

[Signature]  
Civil Investigator

REGINALD ARNELL  
Printed Name

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

DECLARATION OF BARBARA J. KING

Barbara J. King, having been first duly sworn upon her oath and of her own personal knowledge, alleges and says:

1. [REDACTED]

2. I was employed at the Obitts Chemical Company (Obitts) in Elyria, Ohio periodically as a secretary and bookkeeper from about 1959 to 1969. I worked periodically because I took time off when my children were born in 1963 and 1965. In addition, I was ill for a time in the late 1960s. Obitts was located at 125 S. Abbe Street in Elyria when I started but moved to the Locust Street location (the facility) soon after because of the construction of bypass Route 57 which went through the old location of the company.

3. Russell Obitts had owned and operated Obitts possibly as long as 20 years and way before I started. I believe he was the sole owner of the company. Obitts was a chemical reclamation business. The company had about eight to ten employees. Jim Jackson was a foreman and Marion Libengood was a truck driver and/or laborer. Dorothy Obitts, the second wife of Russell Obitts, did not work at Obitts until later in the 1960s. Dorothy Obitts took over directing office activities during this time. The office at the facility was located on the first floor of a house on the street side. A laboratory was located in the back of the house where Russell Obitts tested samples of chemicals. There was a warehouse located next to the house, however, I do not know what it was used for other than for vehicle storage or maintenance. I believe the facility property was owned by Russell Obitts and his first wife, Marion, whom he later divorced.

*h.c. 8/15/00*

It was then owned by Mr. Obitts and his second wife, Dorothy Obitts. I was not aware of any of them owning other property or making any mortgage payments.

4. I was only aware of one still which was located in a building at the facility near the Black River. Dirty chemicals were processed in the still. The clean material rose to the top and the sludge or waste stayed in the bottom. Robert Ross & Sons hauled the sludge away in quantities of at least 80 barrels at a time. I cannot give further details about operations regarding processing as I was rarely back in that area. I cannot estimate the quantities of chemicals processed at any given time but it was typical to have orders from customers to transport a tanker trailer load or about 5,300 gallons at a time for processing. Sometimes the customers wanted the cleaned chemicals returned and other times they did not want them back. Obitts had a major or routine route to the west side of Cleveland. Obitts customers I can recall were: Fisher-Price Toys, New York; E.F. Houseman; Sherwin-Williams Paint; Spray-on; Glidden Paint; and an unknown company in Clyde, Ohio. After company names were mentioned to me, I recognized the following as Obitts customers also:

- ▶ Jamestown Paint;
- ▶ Tropical Paint;
- ▶ Plasticoat;
- ▶ Alsides;
- ▶ Miller Studio;
- ▶ Spray-On;
- ▶ Eagle Rubber;
- ▶ Akron Rubber;
- ▶ Buffalo Molding;
- ▶ Kens Woodcraft (small customer).

I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off. Acetone, mineral spirits, and chlorinated solvents were some of the main chemicals recycled by Obitts at the facility. I cannot identify other customers or hazardous materials processed.

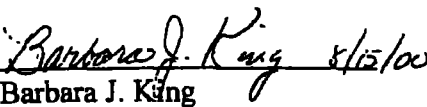
5. My bookkeeping duties at Obitts consisted of maintaining ledgers or records for accounts payable, accounts receivable, and monthly financial statements. For the most part, I taught myself how to do them. I only maintained one set of records. I would balance the figures out at the end of the month and give them to Harry Woltz, Accountant. I assumed that Harry Woltz checked them but I do not really know what he did with them. I wrote company checks to pay bills. Russell Obitts would usually sign the checks but I did sometimes also. Dorothy Obitts took over running the office later and signed the checks herself.

6. I believe that either I or Russell Obitts would receive orders over the telephone and I would create a bill of lading. This document would be brought to the customer by the Obitts truck driver when a pickup was made. The truck driver would obtain a customer signature and return the bill of lading to me. Russell Obitts would tell me what rates to charge customers and I would prepare invoices and mail bills. Customers paid by check. Either Russell Obitts or I made bank deposits at an Elyria bank. I did not have to make cash withdrawals. I also maintained payroll. The company did not provide any benefits to employees. Obitts employees were paid by company checks.

7. I did not have to do any personal bookkeeping for Russell Obitts and Dorothy Obitts. I did not know of any commingling of personal and company finances. I was not aware of loans between the company and Russell Obitts or Dorothy Obitts or distributions made to them. The company had several tanker trailers and box trucks which were always purchased on credit. Obitts frequently operated on the edge but always seemed to get by and stay in business. I have no idea what the net worth of Obitts was at any given time.

8. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
Barbara J. King

STATE OF Ohio )  
 )  
COUNTY OF Lorain )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared Barbara J. King, who having read and reviewed the foregoing Declaration, attested to its truth and veracity to the best of her recollection and belief and acknowledged her execution thereof.

WITNESS my hand this 15th day of August 2000.

  
Civil Investigator

Reginald Arkell  
Printed Name

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF MARION L. LIBENGOOD

Marion L. Libengood, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

2. I came to know Russell Obitts by renting one-half of a house from him in the 1950s. The house was located on 15<sup>th</sup> Street in Elyria. Russell Obitts told me that he needed another truck driver and asked me to work at a company he operated called the Obitts Chemical Company (Obitts) in Elyria. I took the job and worked for Obitts from about 1955 to 1965 both as a truck driver and laborer. I later worked as a welder for a fabricating company in Lorain, Ohio. Obitts was forced to move their business from a previous location to an area on Locust Street (the facility) in about 1960 because of the planned construction of a new bypass highway. I oversaw the transfer of equipment from the old location to the facility. Although, I do not know who built and installed the still and above ground storage tanks. I believe Russell Obitts and a cousin with a different last name were the owners of Obitts. I cannot recall the cousins name and do not believe this person was as active in the company as Russell Obitts. Obitts or Russell Obitts, himself, owned the facility property. Dorothy Obitts worked in the office at the facility towards the end of my employment there. Employees did not receive any benefits or bonuses from Obitts and were paid by company checks. There were only about five to six employees at Obitts with about one or two on any given shift. The facility had three shifts and operated 24 hours a day.

2/7 L.L.

5-11-90



3. The business of Obitts was to reclaim paint thinner and other similar chemicals such as mineral spirits, acetone, and alcohol. I believe the business was fairly profitable as I always received a valid paycheck and Obitts was always able to make payroll. I could not necessarily say that Obitts had regular or routine customers, rather, they were serviced as needed. My first route as a truck driver with Obitts was to an unknown company in Akron, Ohio. Sherwin Williams and Glidden Paint were Obitts' customers where I made frequent pickups and deliveries. There were various small shops in Cleveland that were customers, however, I cannot remember the name of any of them. Other possible companies that may have been customers were: Fisher-Price; Jamestown Paint, New York; Plasticoat; E.F. Houserman and; Worthington Ball. An unknown company in Erie, Pennsylvania and another in Columbus, Ohio were also customers.

4. The Obitts facility had two stills located inside a metal shack building on the far side of the property near the Black River. There were above ground holding tanks and storage tanks located in and/or around this shack. The stills and tanks were located on a harness or concrete platform with a dike around them. Obitts tanker trailers and box trucks were used to transport dirty chemicals from customers. The materials were either pumped into the tanker trailers or stored inside of steel drums. Customers did not do their own hauling to the facility. The tanker trailers and drums were brought close to the metal shack but remained on the bare ground outside. The dirty chemicals were pumped to holding tanks through a rubber hose which spanned about 50 feet. There were a total of six holding tanks, three for each still, located on the concrete platform outside and next to the metal shack.

5. At times, spills occurred at the facility both on the bare ground and onto the diked concrete platforms while chemicals were processed or pumped. Spills onto the concrete platform would overflow the dikes in small amounts occasionally. I cannot provide details concerning the frequency or amounts of any of these spills or if any of them flowed on top of the ground into the Black River. There may have been a small drain which led to a sewer line from the diked areas. The sewer line may have led to and discharged into the Black River, however, I do not know this for sure.

MLF 8-14-2000

Yet, I seem to recall that a portion of the spills on the concrete platforms would drain to the sewer system before the rest could be pumped back into a holding tank by the laborers. I cannot say how much would typically drain off before the remainder was pumped. I believe the Black River was contaminated but I cannot describe how it occurred or appeared.

6. The dirty chemicals were steam heated in the stills. The material would vaporize, separate into holding tanks, and condense back into liquid. The clean chemicals were pumped back into tanker trailers or drums for delivery to customers or for storage. A sludge, which would remain in the bottom of the still, was then pumped into a tank or drums which would be hauled from the facility by Ross Incineration to a location in Eaton Township. The distillation process was slow. It would typically take about eight hours to process the material from a tanker trailer.

7. Walt Coates was a working foreman who directed reclamation, trucking, and maintenance activities at Obitts with oversight by Russell Obitts. Obitts employees performed maintenance on the equipment. Russell Obitts was mainly involved in sales and routed work orders through Walt Coates. There was a secretary, whose name I cannot recall, who handled all of the paperwork. The Obitts office was in an old house. There was a warehouse next to the house where the Obitts vehicles were kept. I was not aware of Russell Obitts running a second business or another still in or near this warehouse.

8. Approximately 150 to 200 drums of dirty chemicals were stored outside on the bare ground in various locations at the facility. These drums filled a large portion of the Obitts property and leaked onto/into the ground at times. I cannot estimate the frequency or extent of how often this occurred.

9. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
Marion L. Libengood

STATE OF Ohio )  
COUNTY OF Lorain )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Marion L. Libengood, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this 14 day of August 2000.

April N Clark  
Notary Public

April N Clark  
Printed Name

APRIL N. CLARK  
My Commission expires ~~Notary Public~~, State of Ohio  
My Commission Expires 1-26-2002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF DONALD K. MATTHEWS

Donald K. Matthews, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED] I am employed as a truck driver for J. Paul Construction.

2. I was employed at the Obitts Chemical Company (Obitts) and/or Chemical Recovery Systems, Inc. (CRS) in Elyria, Ohio on two separate occasions for a total of about 15 years. I took permanent layoff from CRS in 1981 and moved south to Tennessee. I had a break of about one year or one and a half years when I worked for Ross Incineration. I always drove a semi truck tractor with Obitts/CRS, although, I helped load and unload trucks also. One of the tractors had a sleeper. I drove/pulled box trailers, tanker trailers and vans containing chemicals. One tanker trailer held about 5,200 gallons and another held about 7,000 gallons. Both were used to transport clean chemicals. Another tanker trailer held about 6,000 gallons and was used to transport dirty chemicals. There was also a slop tanker trailer which Ross Incineration would pull from the facility. Obitts/CRS had a 40 foot van, a smaller van, and a straight truck all of which were used to transport drums. My supervisor was Jim Jackson who was also the number one driver and foreman over the plant. He is now deceased. I was the number two driver and acted as plant foreman when Mr. Jackson was on the road. Russ Obitts was the owner of the company before it was sold to CRS, although, Mr. Jackson actually hired me. Other drivers included Jim Jackson's son, Harry Jackson, Jim Johnson, Clarence Gaston, and Frank Hart. Still operators included: my father-in-law, Louis Russell Cramer; my brother-in-law, Russell Cramer; my stepson, Ron Anderson; my two other sons, Russell Matthews in Portland, Tennessee, and Dwayne Matthews, Gainesville, Georgia.

Initials/Date D.K.M. 9-28-00

3. The Obitts/CRS facility consisted of a garage, a house where the office and laboratory were, and another building where the lunch room was. There was an adjacent concrete block warehouse at the front of the facility where trichloroethylene was reclaimed in a still. A "middle building" down the hill at the back of the property by the Black River was where four other stills were located. Obitts/CRS reclaimed chemicals such as acetone, MEK, toluene and others that are not made any more.

4. The stills in the building by the river sat on concrete which was about one foot lower than the outside ground. Spills inside the building were contained and, possibly, pumped with a sump pump back to dirty tanks or the Ross Incineration tanker trailer. The stills were fed by hoses from dirty tanks located inside of the building. Clean chemicals moved via pipes from the stills to either of two clean tanks located close to the building on the outside. These tanks sat on the bare ground and were surrounded by a concrete wall or dike to contain any spills or leaks. There was a boiler which ran the stills. The sludge residue was pumped straight to the Ross Incineration tanker trailer which sat right on concrete outside of the building.

5. There were numerous drums, possibly three or four hundred, stored around the property at Obitts/CRS on the bare ground and stacked four on a skid and three skids high. These drums only contained dirty chemicals. The stock rotated as dirty chemicals that were stored there were cleaned and new drums of dirty chemicals were brought in. However, Obitts/CRS was trying to change so that they were only taking chemicals into and out of the facility in tanker trailers and not in drums. The materials in the tanker trailers were usually processed through the stills soon after they were brought to the facility. This could be done because the facility ran 24 hours a day and six or seven days a week operation. A stockpile of drums containing dirty chemicals slowly built up at the facility. Obitts/CRS started shipping dirty chemicals, that could not be recycled or used, from the stockpile to Ross Incineration for disposal. Ross Incineration had a big burner with scrubbers. At times, there were leaks at the Obitts/CRS facility such as when a drum rusted out.

Initials/Date D. K. M. 9-28-00<sub>2</sub>

Spills or occasions of tanker trailers and drums overflowing were rare because there were strict orders to attend to all operations. The Ross Incineration tanker trailer overflowed at times. To the best of my knowledge, these spills were contained and cleaned up.

6. Operations at the facility did not change much under CRS when the company was sold by Russ Obitts other than there were more customers and the drivers made pickups and deliveries at places farther away. The drivers went as far away as Georgia and Kankakee, Illinois as well as locally in the Cleveland and Elyria areas. Customers of Obitts/CRS which I can recall were:

- ▶ Mobil Chemical, Kankakee, Illinois;
- ▶ Ashland Chemical, on the river in southern Ohio on the Kentucky line;
- ▶ Jamestown Paint, Jamestown, New York;
- ▶ South Wire, on the Ohio River west of Port Mouth off Highway 71 in Kentucky;
- ▶ Sherwin-Williams, Cleveland;
- ▶ Ford Motors, Lorain;
- ▶ Chevrolet plants in Detroit (After Obitts sold out to CRS. Also frequently serviced by CRS in Michigan);
- ▶ Fisher-Price Toy, Buffalo, New York (all drum work MEK);
- ▶ Uniroyal, Sandusky/Toledo;
- ▶ B.F. Goodrich, Akron;
- ▶ Glidden, Cleveland;
- ▶ Plasticoat, Cleveland;
- ▶ General Motors, Lordstown;
- ▶ E.F. Houserman, Cleveland;
- ▶ Pittsburgh Plate Glass (PPG), Pittsburgh;
- ▶ Alsides Aluminum Siding, Akron;
- ▶ Unknown company in Cleveland where torpedoes were tested;
- ▶ Unknown company in Cincinnati;
- ▶ Unknown tire company in Akron.

I would consider all of these companies to be frequent customers, i.e., any or all of them could have had two pickups of dirty chemicals per month and two deliveries of clean materials per month. The amounts varied from full to partial tanker trailers. I cannot be more specific about quantities and frequencies. Clean chemicals were sold to many smaller companies such as unknown tanning firms.

Initials/Date D.K.M. 9-28-00 3

Acetone was taken to unknown companies for gas wells in West Virginia and oil fields in Texas to clean out wax. I never hauled to Texas myself. My work was pretty much split between picking up dirty chemicals and delivering clean chemicals. There were companies who provided dirty chemicals and never wanted clean chemicals in return, however, I cannot name any of them. Typically, these companies did not want the cleaned materials back because they could not be reclaimed to meet their standards.

7. I always carried a shipping order from Obitts/CRS when delivering clean material. I received a shipping order from companies when picking up their dirty chemicals. I was required to run a log book to document mileage and cities traveled to. I never had to accept payments as billing was done through the mail.

8. I am not aware of an inventory ever being taken at the Obitts/CRS facility. Drums were marked with paint such as TOL for toluene or MEK for that chemical. Drums were not marked with the company they came from because they were 99.9% pure after they were run through the stills. Drums of chemicals stored tended to be segregated by type.

9. Benefits at Obitts/CRS consisted of regular vacation pay and retirement, but no profit sharing. There were two or three men who owned Nolwood and CRS of Michigan and purchased the plant from Russ Obitts. Pete Shagena was the President of CRS of Michigan. The manager at CRS was Jim Freeman.

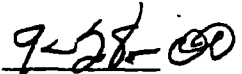
10. I understood through hearsay that Harshaw was disposing of contaminants in a sewer that ran under the Obitts/CRS property and discharged into the Black River. Apparently, a fellow had taken pictures from across the river documenting these discharges of black stuff. I heard the pictures made it appear that the pollutants were coming from Obitts/CRS. I do not believe that Obitts/CRS discharged to this sewer line. I recall the U.S. EPA investigating and understood they were able to show that Obitts/CRS was not responsible. I do not know why CRS closed. Frank Hart and Bob Spears, Foreman, were the only persons given transfers to CRS in Michigan.

Initials/Date D.K.M. 9-28-00<sub>4</sub>

11. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
Donald K. Matthews

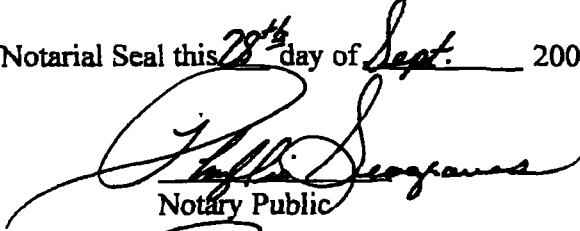
  
Date



STATE OF Tennessee )  
COUNTY OF Cumberland )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Donald K. Matthews, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this 28<sup>th</sup> day of Sept. 2000.

  
Notary Public

Phyllis Seagraves  
Printed Name

My Commission expires 7/24/02.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF CLARA M. MONTAGNESE

Clara M. Montagnese, having been first duly sworn upon her oath and of her own personal knowledge, alleges and says:

1. 

2. I was employed at the Obitts Chemical Company (Obitts) in Elyria, Ohio from about 1966 to March 1971 as a bookkeeper and secretary before leaving and getting married soon after. I obtained the Obitts position through my acquaintance with Russell Obitts who was the owner. It was a one-girl office although Mr. Obitts' wife, Dorothy Obitts, had a desk next to mine. Dorothy Obitts was a bookkeeper for another company operated by Russell Obitts at the same location which may have been called Obitts Recovery Company (ORC). I reported directly to Russell Obitts. The office building was in a house on the first floor. Russell Obitts would rent out the second floor on occasion or use it to let relatives stay when they were in town. There was a brick building next to the house which Russell Obitts used to clean toluene at ORC. I was never in the vicinity of a building at the back of the property which I understand contained a still to recycle most of the chemicals at the Obitts facility.

3. The business of Obitts was to recover or clean dirty chemicals. Activities consisted of Obitts trucks picking up 55 gallon drums of used chemicals, processing them, and then returning drums of clean chemicals to the customers. I believe Obitts had a couple of tanker trailers which were also used to transport the chemicals.

Clara M. Montagnese

All of the processing at Obitts took place behind the office building and I cannot provide further details of how this was accomplished, including testing, storage, quantities or types of chemicals handled. I was not aware of customers or contractors hauling chemicals to or from the facility. However, the recovered sludge was hauled away about two or three times a week by Ross Incineration of Grafton in Eaton Township.

4. Obitt's biggest customer was Sherwin-Williams in Cleveland but they also had customers in New York, Michigan, Pennsylvania, and several other places in Ohio. From looking at several copies of old Obitts ledgers with the heading "Accounts Receivable" and "Cash Receivable", I believe they are one in the same as the only cash I dealt with was about \$25.00 per month in petty cash. The column for "Drum Charge" was an indication that the customer was charged for a new drum if it was needed to ship and hold the clean chemicals. The column labeled "Sludge Disposal" was for recycling residues which were sent to Bob Ross for incineration. After viewing the aforementioned ledgers, I recognized the companies below as customers. I cannot provide details as to whether these companies were suppliers of dirty chemicals and/or purchasers of clean chemicals. I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off.

- ▶ Alsidis, Inc., Cleveland
- ▶ General Motors, Lordstown and another location
- ▶ Ashland Chemical Co.
- ▶ Miller Studio, Inc., Millersburg
- ▶ Allied Delivery
- ▶ E.F. Hauserman, Cleveland (big customer)
- ▶ Airborne Manufacturing, Elyria
- ▶ Fisher Chemical Co.
- ▶ Jamestown Paint
- ▶ Kens Woodcraft, Elyria
- ▶ Elyria Foundry
- ▶ Ohio Formulators, Inc.
- ▶ PPG Industries
- ▶ Allis Chalmers
- ▶ Basic Packaging Systems
- ▶ Studebaker Chemical

5. After recently reviewing some of the Obitts trucking ledgers containing destination cities and mileage amounts, I recall the following cities where customers were located:

- ▶ Port Clinton
- ▶ Romulus
- ▶ Mansfield
- ▶ Cleveland
- ▶ Akron
- ▶ Wapakoneta
- ▶ Ashland
- ▶ Erie
- ▶ Wooster
- ▶ Chappaqua, NY

6. My recollection of Obitts pricing was that all customers were charged the same rate for processing of the same chemicals. Each chemical had it's own price rate. Jim Jackson would have been very knowledgeable about rates.

7. Obitts had about 12-14 employees while I was there. James Jackson was a truck driver for Obitts for years who then became foreman of the yard and of the truck drivers. James Jackson reported directly to Russell Obitts. James Jackson is deceased now but I am good friends with his widow who is 84 years old and still lives in Elyria. I have asked Ms. Jackson if she could remember the places her husband would drive a truck to and she could not. Another truck driver was James Johnson who may also be deceased. Art Bush, who was a part-time preacher living on the west side of Elyria, had been employed at Obitts. There was a big turnover of staff at some point. Some of the truck drivers were part-timers and would only work when a "run" was available. The truck drivers did not have established or routine routes or schedules. The places they would travel to would be different every week. Customers would call when service was needed and Obitts trucks would drive out to make pickups and deliveries.

8. Russell Obitts and his wife, Dorothy Obitts, were the only owners of Obitts. I was not aware of there being any articles of incorporation, bylaws, amendments, annual reports, shareholders, stock holders, board of directors, or general guidelines for company operations at Obitts. I did not know of any corporate meetings or minutes being taken of such. The Obitts attorney was Joe Cirigliano. Russell Obitts probably interfaced with Mr. Cirigliano concerning corporate formalities and legalities. Business operated on a pretty even keel, i.e. there was not any ups and downs in relation to sales. Although, there were some lean times but this was usually because customers were not paying their bills. There may have been Christmas bonuses to the yard workers and laborers but I cannot recall for sure. I was not aware of distributions made to Russell Obitts or Dorothy Obitts in any form other than their salary. I do not have any knowledge of Russell Obitts mixing personal and business finances. I was not aware of any loans or mortgages Obitts may have taken out. Russell Obitts and Dorothy Obitts had told me that they owned the property and I believe it had been clear of any encumbrances.

9. My duties as a bookkeeper consisted of billing, posting, bringing the books up to a monthly or closing them out at the end of a month. I maintained Obitts accounting records on paper by hand. I handled accounts payable and accounts receivable, each of which had a journal. I cannot recall if a general ledger was maintained. I had a total of three or four journals that were turned over to an accountant at the end of the month. The accountant audited the books. Although, I do not know if it was actually an audit, compilation, or a review that was done. The auditor or accountant who did this was Harry Woltz whom is now deceased because he was pretty old back then. Harry Woltz also compiled the monthly statements at the end of the year for income tax purposes. I was not involved in personal bookkeeping for Russell Obitts as his wife did that.

10. I left Obitts before the company was sold and cannot provide any reason for the sale. Russell Obitts never gave any indication that he was interested in selling the company. I cannot provide any information concerning company profitability, net worth, or annual sales.

11. Obitts did their banking at Elyria Savings and Trust (EST) which is now First Merit. The main bank office is at the corner of Broad and Court Streets in Elyria. I occasionally did the banking and usually used the Second Street drive-thru which is no longer there. I made deposits although Russell Obitts did at times. I was only aware of the company having a checking account. I wrote out the checks to be paid and Russell Obitts signed them. I never had to obtain cash after making deposits. Obitts had petty cash that was maintained in a locked drawer. I am not aware of any foreign bank accounts, transferring of funds by wire, or loans between the company, Russell Obitts, or any employees.

12. Russell Obitts was a chemist and a consultant. He had been in the chemical recovery business for years and years. He spent a significant amount of his time at the facility testing chemicals. He also spent a lot of time on the telephone with customers. Customers were obtained through word of mouth. Advertising was not required. Typically, customers would call Obitts and indicate to me that services were needed. I cannot remember how work orders were generated or relayed to the yard staff or truck drivers that a pickup at a company was necessary. Although, I probably handled customer calls at least a couple of times a day and the process was probably very routine. It was not necessary to notify Russell Obitts about sales or orders unless it was a new customer. When Obitts would deliver chemicals to a company, I would bill them and they would eventually send a check for payment which would be deposited into the Obitts account. I do not know where company accounting records would be now. The only benefits provided by Obitts for employees that I was aware of was hospitalization.

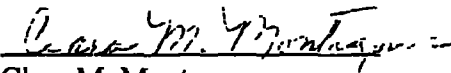
13. Ross Incineration picked up sludge from the sludge tanks which were maintained in the back of the facility. I had never been back in this area and therefore could not provide any information as to the amount of sludge generated, or it's processing into and out of the sludge tanks. I do not know if or how the property may have become contaminated with hazardous materials. I did not know of any street, sanitary sewer, or other drains which may have led from the Obitts facility to the Black River. There were city sewers leading to the property and there was plumbing in the buildings. I cannot provide information about sumps located under the stills.

14. I was involved in filling out paperwork in relation to certificates, licensing, and/or taxes for different states in which Obitts serviced customers from. I also filed the truck drivers logs which were required to be kept as Obitts was hauling hazardous materials. No one ever asked to see these logs. I do not know if any inspections were done by federal, state or local agencies. I do not know of any possible spills or violations.

15. Harshaw Chemical Company, now known as Engelhard Chemical Company, was located across the street from where Obitts operated. Harshaw Chemical Company dumped contaminants into the Black River frequently which caused it to turn green. I know this because a friend of mine, who lived across the river and is now deceased, could see the contaminants flowing directly into the water from an out-pipe at the back of the Harshaw Chemical Company property. I never saw the contamination myself.

16. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
Clara M. Montagnese

STATE OF Illinois )  
 )  
COUNTY OF Tazewell )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Clara M. Montagnese, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of her recollection and belief and acknowledged her execution thereof.

WITNESS my hand and Notarial Seal this 13<sup>th</sup> day of August 2000.

Barbara A. Bayer  
Notary Public

BARBARA A. BAYER  
Printed Name

My Commission expires 2003.

**BARBARA A. BAYER**  
Notary Public - State of Ohio  
My Commission Expires May 21, 2003





Jim Freeman and Bill Crosby were both salesmen and tested chemicals for CRS. Truck drivers included: Frank Hart; Don Matthews; Ted Poole and; the son of Jim Jackson, Harry Jackson. Bob Spears was Assistant Foreman for CRS under Jim Jackson. I believe Bob Spears went to work for CRS in Romulus, Michigan (CRS-MI) when the Elyria facility closed down. CRS was affiliated with CRS-MI. The parent company was Nol/Wood. Jim Freeman reported to Peter Shagena at CRS-MI. Mr. Shagena would visit the CRS facility periodically. There was a high turnover of employees who worked in the yard and as still operators at Obitts/CRS.. The Obitts/CRS facility ran three shifts: 7:00 a.m. to 3:00 p.m.; 3:00 p.m. to 11:00 p.m.; and 11:00 p.m. to 7:00 a.m. There were not foremen for the latter two shifts. The laborers ran the stills for 24 hours. Tex White was a laborer.

4. Although I did all of the aforementioned bookkeeping functions for CRS, I cannot provide specific information concerning sales or net worth of Obitts or CRS at any given time. Dorothy Obitts was pretty tight fisted with money and kept track of money right to the penny. I did not have to do any personal bookkeeping for Russell Obitts, Dorothy Obitts or Jim Freeman. I do not feel that business was very good for Obitts. This was because Russell Obitts background was in chemistry and he did not really have the personality for sales. I remember him always picking up the mail and then pacing around the laboratory in the mornings. I did not see him too much in the afternoons and my interaction with him was limited. I did not know of him operating any other companies. At some point, Russell Obitts told me that he had an offer to sell the company. He was pretty excited about it and pondered the idea that it might be time for him to retire. I was not privy to any details of the sale other than I was asked to stay and work for CRS when they took over.

5. CRS raised prices, generated more customers, and made better profits than Obitts. Jim Freeman was a salesman by trade and did a much better job in generating customers. While the facility was owned by Obitts, Dorothy Obitts usually directed me to type invoices and to bill customers at a certain rate per gallon. Generally, prices charged to customers by Obitts/CRS would vary based upon the quantities sold because there were large volume discounts.

I routinely gave the CRS bookkeeping records to the accounting firm of Jenkins, Eschman and Magnus of Bloomfield Hills, Michigan. Harry Woltz was the accountant for Obitts. I believe the accountants would have done some kind of audit but I do not know if it was an actual audit, compilation, or review. The accountants were <sup>very</sup> <sup>helpful</sup> <sup>in</sup> <sup>training</sup> <sup>me</sup>. I remember thinking how I was really happy about being able to perform all of the financial functions. My communications with CRS-MI consisted only of determining which facility was more appropriate to use for each customer. Accounting records for CRS were separate from CRS-MI.

6. I believe Russell Obitts and Dorothy Obitts were the owners of Obitts and of the facility property before the business was sold to CRS. I do not know if there were any encumbrances on the property. I believe that CRS-MI or Nol/Wood, was the subsequent owner. However, these were only beliefs as I never had to deal with anything regarding property records or mortgages. I do not recall any mortgage payments appearing in the accounting records.

7. Obitts and CRS processed and reclaimed dirty industrial solvents and other chemicals. These included methyl ethyl ketone (MEK), toluene, xylene, acetone, methylene chloride, trichloroethylene and other flammables. A chemical used in the dry cleaning business may have also been processed. Used or dirty chemicals were steam heated in a still. Clean solvents and chemicals would separate into above ground tanks or drums, although, I cannot specifically say how this was done as I was not involved in the process. Ross Incineration came to the Obitts/CRS facility routinely to pick up the sludge which would remain at the bottom of the still after processing. This was always done while I was employed there. Russell Obitts was friends with the owner of Ross Incineration, Bob Ross. Ross Incineration was located on Giles Road in Grafton or North Eaton.

8. The office where I worked was located on the first floor of a decrepit, dilapidated, old house on the south side of the Obitts/CRS facility. The upstairs portion was rented out as an apartment on occasion. A laboratory was located in the back of the house where Russell Obitts tested samples of chemicals after loads were brought in.

CRS  
E-110-11

There was a "boys room" next to the office on the <sup>with CRS</sup> ~~west~~ side where the time clock and lunchroom were located. There was a warehouse located on the other side of the boys room. I do not know what the warehouse was used for specifically. The still was located in a building down a hill near the Black River on the northwest side of the facility. I was not aware of another still in a separate building. Generally, employees of Obitts and CRS were of very poor caliber. It was not uncommon for people who could not read or write to come into the office for an application and have someone fill it out for them in the car. Employees frequently smoked at the facility despite "no smoking" signs and the presence of flammable chemicals. The tow motor operators drove erratically. The smell from the chemicals was foul. <sup>AT THE TIME, CR</sup> Overall, I did not feel safe at the facility. I heard of an Obitts employee dying after he was overcome by fumes while cleaning a tank. This occurred before I started work there.

9. I cannot provide information about articles of incorporation, bylaws, amendments or annual reports made to the Secretary of State for either Obitts or CRS. I believe Russell Obitts or Dorothy Obitts probably handled any corporate paperwork for Obitts. Anything related to corporate formalities for CRS was handled out of CRS-ML. I never participated in and cannot provide information about regular corporate meetings in which minutes were taken. I am not aware of any distributions or loans between Obitts and its owners or between CRS and their management. I am not aware of foreign bank accounts or wire transfers. I believe there was some type of profit sharing plan through CRS from the parent corporation of Nol/Wood. I recall receiving this on a check, possibly, only near the end of my employment when the facility shut down. Obitts and/or CRS used Elyria Savings and Trust, which is now First Merit, for their banking needs. Russell Obitts handled any banking functions for Obitts. I made bank deposits for CRS during lunch, although, Jim Freeman may have done the banking initially. I never had to make cash or other types of withdrawals other than for a petty cash fund of about \$100.00. Petty cash was used for truck driver expenses or other incidentals. Dorothy Obitts probably wrote and signed all checks to pay for Obitts bills. Obitts had their own checking account. I wrote the checks for CRS to pay bills. Jim Freeman signed the checks.

10. I recall that the following companies were customers of Obitts and/or CRS:

- ▶ Uniroyal, Port Clinton, Ohio;
- ▶ Fisher-Price Toys, Inc., East Aurora, New York;
- ▶ Wooster Brush Company, Wooster, Ohio;
- ▶ Ashland Chemical Company;
- ▶ Alsides;
- ▶ General Motors, Lordstown (during limited span);
- ▶ Dexter (small customer);
- ▶ an unknown small company in Avon, Ohio;
- ▶ unknown firm in Kankakee, Illinois, possibly PPG;
- ▶ unknown company in Danville, Ohio.

11. After looking at copies of old Obitts/CRS accounting records I remember that the following companies were also customers:

- ▶ Plasticoat;
- ▶ E. F. Houserman;
- ▶ Sherwin-Williams;
- ▶ Glidden Paint, Inc., Cleveland, Ohio;
- ▶ Worthington Ball (not a major customer).

Obitts/CRS also went into the states of Kentucky and West Virginia but I cannot remember names of the firms. I am not aware of customers themselves hauling used or clean chemicals to and from the facility. Many of the customers may have been considered regular or large, but Obitts and CRS did not have regular or routine chemical pickups or drop-offs with them. The customers were serviced when a call was placed to the office. I answered the telephone when customers called with orders. I would write down the order in a notebook and type up the paperwork reflecting the customer, chemical, etc. Some type of work order was probably created but I cannot be more specific. I would tell the foreman, Jim Jackson, of the pickups and deliveries and he would make arrangements with the laborers and truck drivers. Jim Jackson would walk around with a clipboard but I could not remember what was on it. I would type up an invoice or bill of lading with letterhead and leave the space empty under the "quantity" column on the invoices. The truck drivers would fill in the quantities and have the customers sign. The paperwork was returned to me at the office by the truck drivers.

<sup>or</sup>  
Dorothy Obitts and Jim Freeman would inform me of the rate or amount to charge each customer, which I would fill in, and then send them a bill. A copy of the bills would be maintained in separate customer files. I would make the appropriate entries in the accounting ledgers.

12. Due to the amount of sludge or contaminants taken out of the chemicals, it was fairly common for Obitts/CRS to take a smaller amount of materials back to the customer than what had been taken out. However, in other cases in which the customer did not need clean material, it was stored in above ground tanks and used for other customers when needed. There were hundreds <sup>of</sup> ~~of~~ <sup>(thousands)</sup> of steel drums located in various places outdoors throughout the facility. At least some of these drums contained chemicals that had been cleaned but were not requested back by the customers. The other drums mostly contained unrecycled chemicals.

13. My belief is that any contamination at the Obitts/CRS facility could be attributed to steel drums which rusted through and leaked hazardous materials into the ground. I may have only seen this myself on a rare occasion as I did not go outside of the office all that much. The drums were stacked in various areas of the facility on pallets or directly on the ground. There were hundreds <sup>(thousands)</sup> of drums. They may have been segregated by chemical type. I was not aware of any drums or hazardous waste buried at the facility. There were several above ground storage tanks near the still. Maintenance was probably done by the company laborers. Obitts had a couple of Mack trucks, an International, a couple of tanker trailers, and a couple of 40 foot box vans. More vehicles were added under CRS. There was a local company that would steam clean the tanker trailers, however, I cannot remember their name. Dunlap Garage, now located at Route 10 or 480 and Route 301, performed maintenance on the trucks.

14. OSHA and EPA came to inspect the Obitts/CRS facility at times but I cannot provide details. I do not remember making any type of reports to governmental agencies. I recall the Elyria Fire Department coming in and then leaving with serious looks on their faces. They may have inspected on a yearly basis. They spoke about problems associated with hazardous materials pooling under the drums. There may have been a rupture of a dike at the facility but I cannot provide details.

I did not know of a discharge pipe from the facility into the Black River. I recall seeing a buildup of contaminants in the Black River next to the facility and wondering if it could have been caused by operations related to the still. I may have seen this from the library and YWCA parking area on the other side of the river on a few occasions. The contamination gave the water a dirty color over a wide area near the shore and extending over a narrowed portion towards the middle of the river. I recall there being some concern regarding Harshaw Chemical Company employees possibly dumping hazardous wastes into an Obitts/CRS drain, however, I cannot provide details.

15. I recall Jim Freeman and others at the Obitts/CRS facility expressing the need to take an inventory of chemicals during some point. I believe an effort had been made to dispose of the drums of chemicals over time. CRS definitely inherited a significant number of drummed chemicals from Obitts. There may have been fewer drums at the facility during about the time I left than there were previously. I believe that the previous action by U.S. EPA resulted in cleanup costs so phenomenal that CRS could not afford to keep the plant running.

16. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

Carol R. Oliver 8-16-00  
Carol R. Oliver

STATE OF Ohio )  
 )  
COUNTY OF Lorain )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Carol R. Oliver, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of her recollection and belief and acknowledged her execution thereof.

WITNESS my hand and Notarial Seal this 16th day of August 2000.

Betty J. Krause  
Notary Public

Betty J. Krause  
Printed Name

My Commission expires \_\_\_\_\_.

BETTY J. KRAUSE  
Notary Public State of Ohio  
My Commission Expires 5/30/~~2005~~  
6/13/05



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

DECLARATION OF WILLIAM J. OLIVER

William J. Oliver, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED] I own a photography business.

2. I was employed at the Obitts Chemical Company (Obitts) and Chemical Recovery Systems (CRS) in Elyria, Ohio as a general laborer for probably less than one year during about 1974 and/or 1975. The facility reclaimed chemicals. It was a foolish job for me to take because of the hazardous chemicals and the fact that many employees smoked. I worked third shift at least part of the time. I mainly worked in the still house pumping chemicals into or out of holding tanks, drums, and the still. The still was located at the back of the facility property. I primarily handled clean chemicals. I recall cleaning a storage tank and being overcome by fumes. I had to be pulled out by other workers. It was not long after that I decided to leave the job. I had heard of a job related death at the facility but cannot provide details.

3. The other yard workers usually handled the intake of incoming tanker trailers or box trucks filled with drums of dirty chemicals. The level of sediment was measured by putting a stick into the bung hole of each drum. If a large amount of sediment was in the drum, it was not uncommon to just send the whole drum to Ross Incineration. Dirty chemicals were heated in the still. Sludge separated from the chemicals was put into open ended drums, loaded onto trucks, and hauled to Ross Incineration. I do not know if Ross Incineration or Obitts/CRS hauled away the sediments or sludges.

WJO 08-17-22

4. The still was located near the Black River on a concrete floor inside a tin shack covered with corrugated steel. Each type of chemical was heated to a different temperature. Someone would usually mark the still with chalk to indicate the type of chemical being run through. There were about seven to ten above ground storage tanks located inside or in close proximity to the tin shack. These storage tanks were mounted on concrete pads. There was a concrete dike located around the tanks which extended around the outside of the shack. I do not believe there was a sewer system connected in any way to the still and storage tanks. There were times when chemical runoff from the still and/or storage tanks got into the Black River. This usually occurred when laborers would overfill a drum, a tanker trailer or, possibly, a stationary tank. The person who would be filling them sometimes would not pay close attention and the chemicals would flow over onto the ground and into the Black River. Although I am sure this occurred, I am not sure if I ever actually saw these spills. It was my job to make sure areas around the tanks and still were clean. Chemicals spilled inside the still building went to a sump pump and then to a tank. Some of the spilled chemicals would puddle on the concrete floor and I would have to mop up.

5. There was a buildup of contamination in the Black River alongside the Obitts/CRS property which was creamy brown in color and looked like congealed paint inside an old paint can. It extended about one-third of the way out into the river. It did not appear to mix with the water and seemed to have built up over time. This buildup, at least in part, could possibly be attributed to storage tanks overflowing at Obitts or CRS. However, again, I do not recall seeing this actually occur. Through hearsay from the other Obitts/CRS employees I understood that the river contamination may have been some type of powder discharged by Harshaw Chemical which was located nearby. I was not aware of a pipe at the Obitts/CRS facility property which discharged into the Black River. The river was frequently shallow and rocky and cannot support much, if any, large vessel traffic. A rock thrown into the river would just stick in the muck when the water was low.

6. There were "mountains" of drums stored outside on pallets on the bare ground at the Obitts/CRS facility. Four drums could be placed on a pallet and they would be stacked at least three and sometimes five high at various locations there.

I estimate that there were always hundreds of drums stored there and, possibly, thousands at times. The drums were not always covered. Occasionally, drum contents would spill out if the containers tipped over or a tow motor operator poked a hole in them. I recall hearing rumors that some hazardous waste from the facility may have been transported to a landfill at an unknown location. I recall a lot of talk about OSHA and Elyria Fire Department inspections, however, I was never there during them and cannot provide any information about violations.

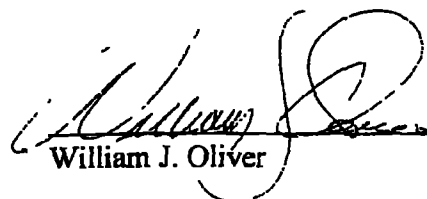
7. The Obitts/CRS foreman was Jim Jackson who reported to Russell Obitts and/or Jim Freeman. Jim Jackson is now deceased. Other employees included: a truck driver by the name of Don Matthews; his son, Ron Matthews; and Bob Spears.

8. Chemicals processed at Obitts/CRS included: methyl ethyl ketone (MEK); toluene; benzene; acetone; tri-chlor; and mineral spirits. Customers I can recall were Goodyear, Uniroyal, and Goodrich of Avon, Ohio. I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off. I believe that Obitts/CRS mainly transported chemicals to and from the facility for the customers. However, I may have seen trucks from other unknown companies at Obitts/CRS.

9. While I was working at Obitts/CRS, I decided to take pictures of facility. I was learning photography at the time and was just documenting part of my life. I have been unable to locate these pictures.

10. Further declarant sayeth naught.

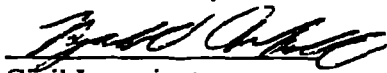
I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
William J. Oliver 08/17/2K

STATE OF Ohio )  
 )  
COUNTY OF Lorain )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared William J. Oliver, who having read and reviewed the foregoing Declaration, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand this 17th day of August 2000.

  
Civil Investigator

Reginald Arkell  
Printed Name



4. I recall that Alsides out of the Akron or Canton, Ohio area was a company I hauled chemicals both to and from for Obitts/CRS. It was typical for Alsides to have about 50-60 55 gallon drums of dirty chemicals at a time which would be pumped into an Obitts/CRS tanker truck I drove. I also recall hauling MEK for Obitts/CRS to and from a rubber and tire company located between Lorain and Sandusky, Ohio off of Route 2. I am not sure of the company name but said it may have been Uniroyal. Another customer was an unknown small plastics company not too far from the Obitts/CRS facility. I hauled to and from many small companies in the state of Ohio but I cannot remember any of their names. I remember making runs to and from an unknown paint company in Jamestown, New York. I cannot provide further information about the frequency of pickups and deliveries at any of the companies. I was not aware of regular or routine routes.

5. It was common to haul dirty chemicals from customers in certain tankers and to haul clean chemicals to them in other particular tankers. Acetone was a common chemical handled. I cleaned out the tanker trailers and stationary tanks at times. One could not stay in them for more than five to ten minutes at a time because of the fumes. There were rare occasions when customers would come to Obitts/CRS on their own and pickup several drums of clean chemicals.

6. There were many covered and uncovered 55 gallon drums stored in stacks on the ground or on pallets outside throughout the Obitts/CRS facility. The drums contained various levels of both clean and dirty chemicals. Spills, leaks, and pipe breaks at the facility were common and would account for soil contamination there. If a pallet was needed, it was common for a fork lift operator to knock the barrels off it causing chemicals to spill onto the ground. It is highly probable that various spills made their way to the river over the ground or through seepage. I am quite sure the river was polluted due to its murky appearance. I am not aware of any chemicals or containers of hazardous waste buried at the Site other than from the aforementioned spills and leaks.

7. Typically, I parked the tanker trailers and loads of drums near the Obitts/CRS still building close to the Black River. The tanker trailers and drums were pumped out into big vats there. The high steam pressure in the still caused the chemicals to come out clean in one above

ground storage tank and separate from sludge material which would flow into another tank. I am not sure if storage tanks and full tanker trailers were located on diked containment areas. Sludge was put into drums and may have been sent to Ross Incineration for disposal.

8. My stepfather, (Louis) Russell Cramer, brother-in-law, Donald Matthews, and stepson, Ronald Anderson, all worked for Obitts/CRS. Mr. Matthews and James Jackson were foremen I reported to and received orders from to make deliveries and pickups. I usually obtained and dropped off paperwork for the deliveries/pickups at the Obitts/CRS office which was an old house converted to an office. Russ Obitts wife, Dorothy, and another unknown girl worked there. I never received payments from customers as this was handled through the mail. Obitts/CRS charged rates which were dependent upon the types of chemicals and the customers. Outside of these variables, I believe that certain company financial records would be proportional to the amounts of chemicals processed and recovered. I also maintained Department of Transportation logs documenting destinations and miles traveled while with Obitts/CRS.

9. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

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Orville Ted Poole





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF DAVID D. RUSSELL

David D. Russell, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED] I am very hard of hearing and have had several strokes recently. [REDACTED].

2. I was a truck driver and mechanic for the Obitts Chemical Company (Obitts) for about two years from 1963 to 1965. Obitts had been located on Abbe Road previously. The Abbe Road location had been very small and eventually had too many people residing in close proximity. The business of Obitts was to pickup old paint and chemicals from customers, recycle them, and return them to the same entities. I drove semi trucks hauling tanker trailers for Obitts exclusively from and to Sherwin Williams, Inc. on Flats Road, and from Glidden, Inc. on 51<sup>st</sup> Street, both of which were located in Cleveland, Ohio. It was common for me to transport one tanker trailer and one truck load of drums containing dirty chemicals from these companies, together, on a daily basis. I may also have returned the separated sludge to Sherwin Williams for use as barn paint. Sludge was also taken by Ross Incineration for some type of disposal at a farm.

3. While I was employed at Obitts, I do not recall the storage of clean or dirty chemicals at the Site other than for the time it took to process them. The chemicals cleaned and returned to each customer were from the same batches obtained from them. Russ Obitts was very careful about how chemicals were handled at the facility and, to my knowledge, there were not any spills or leaks that were not contained. I have no knowledge about the burial of hazardous materials there. I recall one occasion when it appeared a spill or leak of some type of chemical appeared on the Black River.

Representatives of an adjacent firm, Harshaw Chemical Company (Harshaw), came to the Obitts facility to investigate and found that it originated with Harshaw.

4. I recall transporting acetone from Obitts to somewhere in southern Ohio for use in cleaning rugs which had gotten wet on a ship.

5. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

---

David D. Russell

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared David D. Russell, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this \_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF WALTER A. YOUNG

Walter A. Young, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1.   
  


2. I was employed by the Obitts Chemical Company (Obitts) in Elyria, Ohio as a truck driver for about two months sometime in the mid 1970s. I was hired by Russ Obitts. I left Obitts because it was a nasty job working around the chemicals and they were affecting my breathing. I then went to work for Ford. Operations at the Obitts facility were extremely dangerous due to the loose controls in the handling of flammable and hazardous materials there. I remember Russ Obitts complaining about the condition of the lunch room when more important problems should have been addressed. Jim Jackson was my supervisor and a truck driver. There were one or two other drivers. It is possible that I was at the company when it was sold to Chemical Recovery Systems (CRS). I remember talk of new owners and increased pay but I have no recollection of these things occurring.

3. Obitts had about four separate tanker trailers. The ones I hauled were unsafe because they did not have baffles to prevent the chemicals from moving around significantly. In fact, there were a few occasions when I nudged cars on the road with the truck because I was unable to stop well. I also drove enclosed box trucks to transport drums of chemicals. I unloaded the drums at the Obitts facility dock. I strictly made pickups of dirty chemicals from customers and never made deliveries of recycled materials.

WY 8-14-00

I always picked up and dropped off tanker trailers at the same approximate area near the front of the Obitts facility. It was my understanding that they were moved later to a location near the stills to be pumped out.

4. I cannot name any of the chemicals I transported for Obitts. A customer I can recall hauling chemicals from was Alsides in Akron, Ohio. I made pickups from this company about every week or ten days. It was common for me to pump as many as 80 drums of dirty chemicals into a tanker trailer for each pickup. I would usually put in ten hours on those occasions as it usually took all day just to pump out the drums at Alsides into the tanker trailer. I also made an unknown number of dirty chemical pickups from several big paint companies in the Cleveland or Akron areas. After company names were mentioned to me I recognized Ashland Chemical, Du Pont, and Glidden Paint as firms I picked up from. The quantities I picked up could have ranged anywhere from five to twenty drums worth on each occasion. I made pickups of dirty chemicals on a couple of occasions from an unknown company in Bradford, Pennsylvania where "Zippo" lighters may have been made. I recall picking up a tanker trailer of dirty chemicals from an unknown location in Livonia, Michigan on one or two occasions. I was aware that another driver made pickups and/or deliveries from an unknown company in Kankakee, Illinois. I believe Jim Jackson may have serviced a customer out of Jamestown, New York.

5. I cannot provide other information about operations at the Obitts facility including the distillation process, pumping out of tanker trailers and drums, drum storage, and removal of sludges via Ross Incineration as I was never directly involved in these things. I do recall seeing a couple of drums "get away" from yard workers at times and spill their contents on the bare ground at the facility. At times, I would eat my lunch near the Black River and would see what appeared to be chemicals flowing from an underground discharge pipe(s) at the Obitts property into the water. I do not know where these contaminants originated.

6. Further affiant sayeth naught.

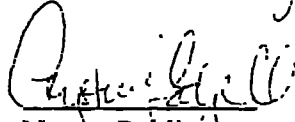
I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

Walter A. Young 8-14-02  
Walter A. Young

STATE OF Ohio )  
COUNTY OF Lima )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Walter A. Young, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this 14<sup>th</sup> day of August 2000.

  
Notary Public

Crystal L. Eitzell  
Printed Name

My Commission expires June 1, 2004

CRYSTAL EITZELL  
Residence: 1000  
P.O. Box  
1000

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF JAMES C. FREEMAN

James C Freeman, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says.

1

[REDACTED] I have been the owner of Freeman Environmental Corporation (FEC), 13920 W Lake Road, Vermilion, Ohio 44089, telephone no (440) 967-0373, for about 13 years. FEC is in the business of cleaning up environmental contamination. Immediately prior to this, I worked for various companies including Michigan Recovery, a subsidiary of Michigan Disposal, as a traveling salesman or manufacturers representative. I worked as a salesman of chemical solvents for Ashland Chemical in Michigan, Kentucky and Ohio for fifteen years from about 1959 to 1973. I attended college in West Virginia for about one year and took various engineering related courses over a period of eight years, however, I do not have a college degree.

2. In about 1973, I was approached by either Pete Shagena, President, or Dick Johnson, Sales Manager, of Chemical Recovery Systems, Inc. of Michigan (CRS-MI) in Romulus, Michigan, to run a chemical recycling facility in Elyria, Ohio. CRS-MI was a subsidiary of Nolwood Chemical Company, Inc (Nolwood). The corporate officers or "principles" of Nolwood were Chuck Nolton, whom I believe was President, Art McWood and Pete Shagena. I do not know about the profitability or net worth of CRS-MI and Nolwood. I was not aware of them having any financial problems. I believe CRS-MI was sold to Michigan Disposal in about 1982 or 1983. When I was initially approached by Mr. Shagena or Mr Johnson, I was told that they needed an Ohio resident to be President of Chemical Recovery Systems of Ohio (CRS).

with 8-15-2000



CRS-MI was the 100% stockholder/shareholder of CRS. During late 1973 and/or early 1974, CRS-MI was in negotiations with Russell Obitts to purchase the Obitts Chemical Company (Obitts) facility. I was hired by CRS in March 1974. I was not privy to any of the terms of the facility purchase from Obitts. I believe it was Dick Johnson's idea to purchase the facility. It was common knowledge amongst those in the chemical reclamation business that Russell Obitts was looking to sell Obitts. Although I did not see the facility first, I accepted the position with CRS as President and put in my resignation at Ashland Chemical.

3. CRS-MI was a much larger operation and had about 25 to 30 employees as opposed to CRS which only had about 10 to 12 employees. The caliber of employees working at CRS was not good as the working conditions were not that pleasant. However, I only knew of one accident while I was President of CRS and this occurred in traffic outside of the facility when a CRS truck driver by the name of Don Matthews went through the windshield. I had heard that an unknown Obitts employee had died after fumes overcame him while cleaning a tank. CRS employees had confined space training. I hired many people from a Mansfield, Ohio halfway house. Jim Jackson was the foreman who worked under me. Robert Spears, who was from West Virginia, was an assistant to Jim Jackson. Junior Hampton was a laborer. Bill Crosby had worked part-time at CRS doing sales and lab work. Carol Oliver was my secretary. Ms. Oliver and I were salaried and paid by CRS. Laborers and truck drivers were also paid by CRS by the hour and, generally, given raises after six months if their work was acceptable. Dependant upon profitability at CRS during any given year, all employees were given small bonuses by check in the range of a couple hundred dollars during the holiday season. I was not aware of any other monetary distributions.

4. I directed all operations at the CRS facility and reported to Pete Shagena, President, CRS-/MI. Pete Shagena was a chemical engineer who visited the CRS facility periodically and also installed a cooling tower there. Joseph Heimbuch was a Sales Manager for CRS-MI and would visit the CRS facility about one or two times a month to check on operations. Rick Percival was an Operations Manager at CRS-MI.

5. I generated work orders at CRS after arranging to provide services for customers. I also tested samples of chemicals in the laboratory at the facility. Typically, CRS had to recover about 65% to 70% of the chemicals to make a profit. I would not categorize any of the customers as routine yet most of them were repeat clients. The work orders were given to Jim Jackson, Foreman, who would arrange with the truck drivers to pickup the dirty chemicals from customers and deliver clean chemicals to them. Jim Jackson and Robert Spears would direct the laborers in the processing activities and in maintenance and repair of equipment. Such maintenance included cleaning and repacking pumps. Jim Jackson and Robert Spears also did this work themselves.

6. Carol Oliver was the bookkeeper for CRS. This included maintaining ledgers for accounts payable and accounts receivable. I would check the ledgers. Ms. Oliver would send these records to CRS-MI at the end of each month. CRS-MI had an unknown accounting firm which was used to generate financial statements for both CRS-MI and CRS. Sales were typically in the range of \$15,000 to \$20,000 a month at CRS. The CRS operation was a "break-even" type of business. CRS lost money some years and made money other years. I cannot estimate what the net worth of CRS was at any given time. CRS tended to do better financially as progress was made cleaning up drums of chemicals left over by Obitts. The chemical recycling business was not as profitable when Russell Obitts ran Obitts because the cost of new chemicals was relatively low then. It was not until well into the 1970s that there was a shortage of chemicals and an increase in their cost.

7. CRS had one checking account at Elyria Savings and Trust. I had signature authority. CRS did not accept cash payments from customers. CRS employees and bills were paid by CRS company checks which I signed. Cash withdrawals were not made from the bank. There were not any loans made from CRS to employees or vice versa. However, CRS-MI loaned money to CRS on occasion. This would have appeared in accounting records. At least some, or possibly all, of these loans were paid off. I attended corporate meetings at CRS-MI in Romulus approximately two times per month. CRS had a corporate book which was given to either CRS-MI or U.S. EPA when operations at the facility closed down.

*Jim Jackson 15-2000*

8 The CRS facility had been used by a Sohio distributor and a coal fired company prior to ownership by Russell Obitts and Dorothy Obitts CRS actually continued to use the Obitts name for about the first six weeks of operation I know that the Obitts' had owned the facility property because I saw the paperwork indicating the land was leased to CRS by the Obitts' with an option to buy CRS later purchased a small 50 foot x 150 foot section of land adjacent to the facility I was not aware of any second business operated by Russell Obitts at the facility Russell Obitts received a salary from CRS for consulting pursuant to an agreement regarding the Obitts sale, however, he did not actually do any work for CRS. The CRS office was in a house at the front of the facility The house was falling apart so I made the decision to raze it and use an office trailer. Obitts had a hexane or fractionating tower type of still which contained 24 to 30 plates and was located in a concrete block warehouse next to the office. This still was not operable when CRS began business and was not used However, CRS did construct a thin film evaporator in this warehouse which operated for about one year. This was not used much because of concerns expressed by authorities The still which operated near the Black River at the facility was a pot still that boiled solvents over into separate holding tanks It was a slow process It was poor planning that this still was located close to the Black River because of the strong potential that chemicals could get into the water if there were problems

9 CRS was in the business of recycling paint solvents Chemicals handled at the facility included methyl ethyl ketone (MEK), toluene, and other solvents These materials had typically been used by paint companies to clean mixers Trichlorethane (TCE) and tetrachlorethane (PCE), were handled to a lesser extent at the facility. Recycling at CRS consisted of distilling the paint solvents to create paint wash material. The process created a sludge at the bottom of the still which was routinely pumped into a tanker trailer that was removed periodically by Ross Incineration in Grafton, Ohio. An average of about one tanker trailer a week was removed from CRS by Ross Incineration. Wastes were not buried at the facility or disposed of in any other way. I was responsible for determining the prices charged to customers by CRS Prices varied over time and were dependent upon the following factors: the percentage of materials recovered, the time taken to process the materials, the types of materials that could be resold, and the cost of virgin materials

4  
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On a good day, CRS could process about 150 gallons of chemicals per hour. The company probably processed an average of 2,000 to 3,000 gallons per week.

10. Major customers of CRS or those companies they did the most continuous business with was:

- ▶ Sherwin Williams, Cleveland;
- ▶ Glidden, Cleveland;
- ▶ Parr, Cleveland.
- ▶ E.F. Houseman.

Other CRS customers included:

- ▶ Jamestown Paint, Jamestown, New York;
- ▶ Allsides, Akron, Ohio (Steel siding company that CRS did business with about once a week);
- ▶ Firestone;
- ▶ Uniroyal;
- ▶ Dexter Corporation, Hysol Division, of New York and, possibly, Cleveland.

I recognized the following firms as customers of CRS also after many company names were mentioned to me.

- ▶ Fisher-Price;
- ▶ American Marietta;
- ▶ Worthington Ball.

I cannot estimate the frequency of pickups from and deliveries to any customer or the quantities picked up and dropped off.

11. There was a sewer line which was located directly under the CRS facility property and under the still. This sewer line discharged into the Black River. CRS was accused of discharging contaminants into the Black River via this sewer line in about 1975 or 1976. The sewer line under the CRS facility did not connect in any way to the CRS stills, storage tanks, or associated operations. Contamination in the Black River next to the CRS facility appeared as orange and black in color which was attributable to the types of chemicals processed by Harshaw Chemical Company and not CRS. I recall approaching city sewer employees who were working in this sewer from an access point on Locust Street in front of the CRS facility.

5  
2/2/15 - 2000

I was able to see that the sewer line came from the Harshaw Chemical Company which was located nearby. I told the workers that I would appreciate it if they would close or block the line off, however, they would not do it.

12. I probably would not have taken the position at CRS if I had looked at the facility first. It was a challenge to make the operation more profitable and to remove hundreds of drums left by Obitts, most of which contained chemicals not worth reclaiming. CRS had made slow but sure headway in ridding the facility of approximately 1,000 drums of chemicals left by Obitts and probably would have finished by 1979 or 1980 and continued operations if U.S. EPA had not initiated the RCRA action. The drums were stacked as many as four high outside on the open ground. Approximately 300 to 500 of the drums stored by Obitts may have originated from Cadillac Plastics. I believe that these drums may have been labeled and segregated to indicate they were from that company. All of the drums at the facility were supposedly marked, identifiable, and useable but the reality was that CRS had to test all of them and dispose of a large portion of them. Only about 200 to 300 of the drums had chemicals adequate for recycling. I believe that inventories were taken but I can not provide further details. I do not recall records concerning a "Dirty Inventory". Some of the drums stored at the CRS facility probably ruptured and/or leaked onto/into the ground but they would be over packed as soon as these occurrences were discovered. I cannot estimate the extent or frequency of these ruptures or leaks.

13. All chemicals brought to the facility by CRS were processed and returned to customers within about two to three days of pickup. CRS did all of the hauling back and forth between customers and the facility. Tanker trailers were used for bulk shipments and box trucks were used for drums. It was a rare exception that these materials were brought to the facility, processed, stored and not returned to a customer.

6  
2/15/81 15-2000

14. The CRS still and about three associated feed tanks were located on a concrete floor inside a shack or building at the back of the facility close to the Black River. The concrete had a short ridge or dike to contain spills. There was a drain in the floor which led to a sump pump that would transfer any spilled contaminants into a holding tank. The three feed tanks had a capacity of about 500-1000 gallons each. There were four to five above ground holding tanks located on a concrete platform outside and adjacent to the still building. These tanks were surrounded by a three to four foot block wall to contain any spills. Clean chemicals were pumped into these tanks after reclamation. These tanks had capacities in the range of 10,000, 15,000 or 20,000 gallons each. Tanker trailers and drums would be placed close to the shack on a concrete platform for processing. Dirty chemicals were pumped from the tanker trailers and drums into the feed tanks. Clean chemicals were pumped into the tanker trailers and drums from the above ground storage tanks.

15. Minor spills or leaks may have occurred occasionally at the CRS facility during the pumping processes if a hose broke or came loose. The slope of the ground and concrete platform was such that any chemical material spilled or leaked should have flowed towards the still building, into the sump, and pumped into a holding tank. There may have been times when these spills and leaks made their way to the Black River, however, I only know of one such occurrence. This was when a feed tank overflowed but I cannot describe how the chemicals actually made their way into the Black River. CRS put a boom into the river to contain and recover the contaminants. CRS employees monitoring processing activities should have noticed spills and leaks and corrected them promptly. If employees left such activities unattended and overflows or spills occurred, I would have fired the persons responsible.

16. The Fire Marshal subjected CRS to frequent inspections and cited many violations. One thing CRS was cited for concerned fixtures and switches which were allegedly improper to prevent igniting explosions when, in fact, they were proper. I believe that a man from the Fire Marshal's office with the last name of Howard was harassing CRS operations and was trying to make a name for himself. I do not recall what the other alleged violations were.

M  
19-19-2000

Authorities had a mind set that they did not want business in the community which handled hazardous materials when, in reality, CRS was providing a valuable service for local industry and was cleaning up drums filled with chemicals left over from Obitts

17. The RCRA action forced CRS to shut down operations at the facility. Any CRS records were turned over to the U.S. EPA. CRS was still putting out a good recycled product up until this point. All remaining chemicals and hazardous materials at the facility were sent for disposal at the expense of CRS. CRS also paid for excavation of soil about one foot deep. A substantial portion of this work was done after the regular operations of CRS had been shut down. CRS complied with everything a consent decree had required pursuant to the RCRA action. The office trailer was transported to CRS-MI and the property was returned to the Obitts. I believe CRS just shut down or was phased out by CRS-MI because of the costs imposed by U.S. EPA to clean up the facility. I was not aware of CRS claiming bankruptcy.

18. CRS had a policy of keeping an inventory of the types of dirty chemicals that went through the facility, the customers they came from, and the quantities. CRS also kept track of the materials as they were cleaned and left the facility. I believe Jim Jackson may have kept track of this. I have been shown records titled "Dirty Inventory", however, I cannot say these were the actual ones maintained at the CRS facility.

19. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
James C. Freeman

STATE OF Ohio )

STATE OF Ohio )  
 )  
COUNTY OF Fria )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared James C. Freeman, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this 15 day of August 2000.

  
Notary Public

J  
Printed Name

My Commission expires \_\_\_\_\_.





Matthews, who was short and in about his 40's at the time, was another truck driver. Clara worked in the office.

4. Obitts made and/or recycled alcohol and other chemicals I cannot recall. One of the chemicals was a product used to clean car motors. As a truck driver, I drove to many customers picking up chemicals and paints contained in large drums, transporting them in box trucks to Obitts for recycling, and returning them clean. I only drove within the state of Ohio. There were other Obitts truck drivers who hauled tanker trailers and drove box trucks to and from customers outside of Ohio. I cannot estimate the capacity of the tanker trailers.

5. Processing at Obitts consisted of taking the drums of chemicals obtained from customers out of the trucks with a fork lift and moving them to an outdoors location near a big container or still which was inside a building. I drove the forklift at times but was not a regular forklift driver. The drums were either placed in rows directly on the ground or on pallets. Tanker trailers were also placed in the same vicinity. The building with the still was located at the back of the facility near the Black River. I never worked in the building next to the office and cannot identify any other still. The other workers and I would hook up rubber-like hoses to the drums and tanker trailers. A pump would suck or move the chemicals into the still where they would be cleaned. The hoses may have been several inches in diameter. I do not know how long the hoses were to reach from the drums to the still. They were like garden hoses with a capability of stretching across a residential yard or property. Cleaning of the chemicals was done by heating them with steam. The contaminants would separate and move into different containers or barrels. I cannot remember if there were above ground storage tanks. Pumps and hoses were used to move the cleaned materials back to drums and tanker trailers for transport back to the customers.

6. The largest customer I picked up from and delivered to for Obitts was Mansfield Paint in Mansfield, Ohio. Jamestown or Johnstown was another customer although I never went there. Obitts may also have done business with a Balloon (spelling unknown) Company out of Mansfield. Sherwin-Williams in Cleveland and Fisher Price in Buffalo, New York may have been customers

but I cannot be sure as I did not travel to them myself. Customers typically had the dirty chemicals contained in drums when I went to pick them up. I loaded the drums onto the trucks myself at times. I cannot estimate the number of trips I made to and from each customer or the amounts I picked up and dropped off.

7. There were occasions when a little bit of the chemicals would run out and spill onto the ground at Obitts when they were pumped from drums to above ground storage tanks and vice versa. I cannot estimate the quantities or frequencies of these spills. It could possibly have been a couple of gallons at a time. The spills probably occurred when hoses were not attached to the drums correctly. Chemicals were stored at the facility in drums for unknown periods. A significant amount of my work time was spent driving a truck so I was not at the facility when a lot of the chemical pumping would have occurred.

8. Typically, I would receive a schedule telling me where to make pickups and deliveries. I am not sure how often I received schedules or who I received them from. I am not sure if I had to handle any paperwork such as work orders or invoices involving services provided by Obitts to customers. The orders I received may have only been verbal and I would write down where I had to go. I probably received direction from the foreman or Russell Obitts. I do not remember giving customers bills or accepting payments from them but they may have signed to confirm the materials and number of containers delivered or picked up. I would bring the signed paper to either the foreman or someone in the office when I returned to Obitts.

9. My understanding was that Obitts was owned solely by Russell Obitts. Russell Obitts was a chemist but I do not know what he typically did. The office was in a house on the first floor. Russell Obitts held meetings about once a week with the employees. The meetings were generally about safety. I was paid by company checks which may have been signed by Russell Obitts.

10. Further affiant sayeth naught.



STATE OF \_\_\_\_\_ )

\_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Arthur M. Bush, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

DECLARATION OF WALTER H. COATES

Walter H. Coates, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED]. I suffer from emphysema and have been in the hospital on two occasions over the past two to three months.

2. I was employed at the Obitts Chemical Company (Obitts) in Elyria, Ohio for about eight or nine years beginning in approximately 1960 or 1961. This included about one or two years when the company was located on Abbe Road prior to the Locust Street address. Initially, I was a yardman and then I became a still operator. I was a "working" foreman for a short while after Russ Obitts asked me to take the position. however, I did not like it and went back to being an operator. My wages were about \$3.00 per hour. There were not any benefits. I eventually left the company because the foreman, Jim Jackson, was always accusing me of things. I then worked for Allison, a division of General Motors, making tanks for the military until the end of the Viet Nam war.

3. My understanding was that Russ Obitts was the owner of Obitts. Lou Obitts was an employment manager at Colson Company and may have also been involved in some way with Obitts management or ownership. Obitts had been located in Norwalk before the Abbe Road location. From hearsay, I understand that Obitts disposed of chemical sludges in the sewer system at both of the previous locations in Norwalk and at Abbe Road. It was not until the company located on Locust Street that they began to use Ross Incineration to dispose of these sludges.

W. H. C.  
8-14-000

I believe that Obitts was forced to move from Abbe Road because of the discharges into the sewer and because a highway was built through or near the property. Obitts reclaimed chemicals such as perchloroethylene, trichloroethylene, acetone, benzene, MEK, mineral spirits, and xylene among others.

4. The distillation building at the Obitts facility was built directly over a sewer line from the Harshaw Chemical Company (Harshaw). I believe Harshaw discharged contaminants from their plant into the Black River. I believe Obitts was falsely accused of discharging these contaminants via this sewer line for years. I do not think that Obitts connected to the sewer line because I saw discharges into the river which were different in color from chemical residues generated during the distillation processes.

5. It was common for companies to give away dirty chemicals to Obitts for reclamation without either party being charged. My responsibility as an operator was to run dirty chemicals through stills located in a building at the facility near the Black River. There were two stills located there and a third was added at some point. I heard another still was added after I left. The company ran more than one shift per day. Shift logs were maintained to document what was done and what occurred. There was usually only one operator on duty per shift in addition to workers in the yard. Yard workers unloaded and loaded drums from railroad box cars and trucks and moved them to the still area for processing using tow motors. Tanker trailers were utilized in addition to drums. Pumps were used to move the dirty chemicals from tanker trailers and drums into holding tanks before they were treated with caustic soda and fed into the stills. The clear or clean chemicals would rise and flow into separate holding tanks. These separate holding tanks were shaped like drums and were mounted on their sides with steel or concrete cradles located on the bare ground. They were surrounded by a short concrete wall built on the bare ground which acted as a dike. Sludges removed during the process remained at the bottom and were moved to a separate container which would be removed for disposal by Ross Incineration.

W H.C.

8-14-000

6. Mr. Obitts started a separate business which was probably called Chemical Services Corporation (CSC) and was located in a building next to the office at the facility. The office was in an old house. There was an electrician who was living upstairs in the house and did the electrical work in the adjoining building. Apparently, spark proof switches were not put in and an explosion occurred on a Saturday when one of these switches was flipped. Mr. Obitts was severely burned and was laid up in the hospital for one or two months. Mr. Obitts used employees from Obitts on occasion to work there at CSC, although, I did not do too much there. I believe that CSC would take a type of fabric containing bad rubber, which was obtained from an unknown source, and cooked it with acetone. The separated rubber and the acetone was recovered and then sold.

7. Drums of chemicals were stacked at the Obitts facility inside the house where the Obitts office was, inside an adjoining building, and outside until they were ready for processing and/or transport to customers. Drums typically had markings painted on them indicating where they originated from. I estimate that about 2,000 to 3,000 of these drums were at the facility at any given time. I believe that a lot of these, possibly even most of them, had originated from an unknown company in Kankakee, Illinois which I knew as "KK" for short. I believe that Obitts did not charge "KK" to take their dirty chemicals.

8. An unknown company from Cleveland would clean drums for Obitts. On one particular occasion, this company came to the Obitts facility to deliver drums but would not unload them until the driver was paid. Apparently, Obitts owed this company \$10,000 but Mr. Obitts only made a check out in the amount of \$1,000 to hold them over so they could get the drums without paying the full bill. This was characteristic of Mr. Obitts in that he only spent money when he absolutely had to. I recall applying for a mortgage for my home at Elyria Savings and Loan and being told by the bank that Obitts was a shaky outfit. I got the loan but there were times when my pay checks from Obitts bounced. I believe that Obitts was fairly profitable. Russ Obitts had a nice home located on Abbe Road. Mr. Obitts obtained a divorce from his first wife at some point and eventually married Dorothy Dubena.

W. H. C.

8-14-008



9. It was common for Obitts workers to "run over" or spill chemicals many times while pumping them from one container into another. I recall one particular occurrence at night when one of the employees was neglectful and was sleeping when chemicals from Sherwin-Williams, being pumped to tanks within the diked wall, started spilling over onto the bare ground. Approximately 5,500 gallons was lost because much of it spilled over the wall, flowed into the Black River, and probably ended up in Lake Erie.

10. On another occasion, a 5,000 gallon tank had been mounted on a flatbed trailer parked by the CSC building at the CRS facility on the bare ground. The front of the trailer was supported with two legs sitting on wooden boards. An Obitts employee by the name of Jim Johnson used a hose to pump the contents from a tanker trailer into the tank on the flatbed trailer. At some point the front legs of the flatbed trailer sank into the ground and the whole thing fell sideways into the wall of the building causing extensive damage and a large chemical spill. This created a pool six to eight inches deep over the ground before it dissipated. Some soaked into the ground and much of it went into the Black River. I helped Mr. Johnson plug the hole to stop the contents spilling. Obitts had insurance with an agency by the name of Sumner. The insurance agent accused me of lying about how the incident occurred. I believe Mr. Obitts may have been in tight with the insurance agent and, possibly, documented the accident differently than it occurred.

11. The following companies were customers of Obitts/ <sup>ALSIDES - W.H.C.</sup> Sherwin-Williams, Cleveland; Glidden, Cleveland; Prescow, east of Cleveland; KK [short for an unknown company (major customer) in Kankakee, Illinois]; Jones Company, Michigan. I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off.

12. In addition to being a foreman, Jim Jackson was also a truck driver at the Obitts facility and was close with Mr. Obitts. Jim Jackson's son, Harry Jackson, was also employed by Obitts as a truck driver. I had an uncle by the name of Bill Bromley who was a foreman at Obitts and is now deceased. Marion Libengood, Jim Johnson, and Stan Reed were truck drivers there.

W.H.C.  
8-14-000

John Banks and his son were employees. Vernon Sherill and his sons Ralph and Ollie also worked at Obitts.

13. Further declarant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

Walter H. Coates  
Walter H. Coates

8-14-000

STATE OF Ohio )  
 )  
COUNTY OF Lorain )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared Walter H. Coates, who having read and reviewed the foregoing Declaration, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand this 14 day of August, 2000.

  
Civil Investigator

Reginald Arkell  
Printed Name

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

DECLARATION OF RUSSELL CRAMER

Russell Cramer, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED]. I am currently employed as a truck driver for All-Pro Freight of Avon, Ohio.

2. I was employed by the Obitts Chemical Company (Obitts) and Chemical Recovery Systems, Inc. (CRS) in Elyria, Ohio as a truck driver for approximately two years or from about 1973 to 1975 or 1976. Obitts was sold to CRS while I was there. My brother-in-law, Don Matthews, Foreman, helped me get the job. I recall a foreman and driver by the name of Jim Jackson who was in his late 60's or early 70's and eventually retired. Bob Spears was a chemist who became a foreman under Jim Freeman. Jim Freeman was the plant manager for CRS. I hauled tanker trailers and drove 45 foot long enclosed box trucks containing 55 gallon drums of chemicals. These chemicals included acetone and MEK among others. Frank Hart and Don Matthews were the number one and two drivers, respectively. There were three shifts for the still operators and yard men. Typically, my work day might start as early as 2:00 a.m. or 4:00 a.m. The job was non-union and there were not any company benefits although there was talk of profit sharing which never materialized while I was there. I eventually left to drive a cement truck because I could make more money and my hours at Obitts/CRS had been decreasing. In addition, the strong chemical odors from either CRS or Harshaw Chemical Company nearby started getting to me.

RC  
8/16/00

3. As a truck driver for Obitts/CRS, I did not do too much local driving and probably only serviced about ten different customers. I usually worked 45-50 hours per week before my hours started decreasing. I made separate pickups with tanker trailers approximately once a week from General Motors in Lordstown and Yenkin-Majestic Paint in Columbus. I did not or rarely made deliveries to these companies. General Motors currently makes the Pontiac Sunbird at their plant. Obitts/CRS often did not sell the recycled chemicals to the same customer they picked up from. I understood, through hearsay, that many of the larger companies did not want the material back from Obitts/CRS because it was cheaper for them to buy it new. The smaller companies generally bought the recycled material. Frank Hart and Don Matthews usually made deliveries.

4. Other companies which I made fairly frequent pickups from and, possibly, deliveries to were: Jamestown Paint, in New York or Pennsylvania; Alsides in Akron; PPG in, Pittsburgh, Cleveland and suburban Detroit; Spray-on in Bedford Heights (possibly made bowling pins), and Ashland Chemical in Dayton and/or Kentucky. I also transported to and, possibly, from the following companies on occasion: an unknown company in Jamestown, New York/Pennsylvania which was about an eight-hour drive; Sherwin-Williams in Cleveland; Carmack Chemical of Elyria, which was bought out by Aztec; and Eagle Rubber in Ashland. Other destinations I transported chemicals to or from where unknown and smaller customers/companies were located included Berea, Bedford Heights and Dayton, Ohio. I made deliveries to State of Ohio maintenance garages located in Cambridge, Marietta, and Columbus, Ohio and small automobile body shops. I did not make pickups from these entities. I cannot estimate the frequency of pickups from and deliveries to any customer or the quantities picked up and dropped off.

5. Typically, I had a manifest which identified the chemicals and the amounts to be picked up or delivered. I carried manifests and/or invoices and kept trucker's logs to record mileage to and from destination cities. I was never required to accept payments.

R.C.  
8/16/00

6. There were two stills located in a building by the Black River at the back of the Obitts/CRS property and a third still, which was fairly new at the time and located in a building near the front. I knew the stills by the river as the number two and number three stills. They looked like big drums. They were mounted on steel legs on a cement floor which was about an eight-inch drop from the outside ground surface. There was a sump system under these stills which would pump any spilled material into a slop tank for disposal by Ross Incineration. Sludges were disposed of in a tanker trailer and/or drums located outside for disposal by Ross Incineration. I estimate that a couple of tanker trailers full of sludges were transported to Ross Incineration every day. Steam generated by the distillation process was converted to the clean chemical liquid and pumped via pipes to storage tanks outside of the building. I believe these storage tanks were probably mounted on the bare ground with supports. The stills and aforementioned tanks were surrounded by a short wall or dike to contain any spills. I heard that there were spills or overflows but I may have only seen one occurrence. This spill did not make it out of the diked area. Although I did not see discharges to the Black River, the water appeared to have chemical contaminants in it at times.

7. I estimate that there were around 500 drums of unknown chemicals stored outside on the bare ground at the Obitts/CRS facility at any given time. Their numbers probably decreased over time. I believe that the majority of these contained outdated, frozen, or otherwise unuseable material and were probably sent to Ross Incineration for disposal. About 100 of these were stacked on top of other drums. I do not recall any of the drums leaking. Dirty drums were sent for cleaning to an unknown company in Cleveland and another unknown company in Canton.

8. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
Russell Cramer

STATE OF Ohio )  
 )  
COUNTY OF Lorain )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared Russell Cramer, who having read and reviewed the foregoing Declaration, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand this ~~16th~~ day of August 2000.

  
Civil Investigator

Reginald Arkell  
Printed Name

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V**

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

**AFFIDAVIT OF RUSSELL L. CRAMER**

Russell L. Cramer, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1.

  
 I am currently employed as a truck driver.

2. I was employed by the Obitts Chemical Company (Obitts) and Chemical Recovery Systems, Inc. (CRS) in Elyria, Ohio as a truck driver for approximately two years or from about 1973 to 1975 or 1976. Obitts was sold to CRS while I was there. My brother-in-law, Don Matthews, Foreman, helped me get the job. A recall a foreman and driver by the name of Jim Jackson who was in his late 60's or early 70's and eventually retired. Bob Spears was a chemist who became a foreman under Jim Freeman. I hauled tanker trailers and 45 foot long enclosed box trucks containing 55 gallon drums of unknown chemicals. Frank Hart and Mr. Matthews were the number one and two drivers. There were three shifts. Typically, my work day might start as early as 2:00 a.m. or 4:00 a.m. The job was non-union and there were not any company benefits although there was talk of profit sharing which never materialized while I was there. I eventually left to drive a cement truck because I could make more money and my hours at Obitts/CRS had been decreasing. In addition, the strong chemical odors from either CRS or Harshaw Chemical Company nearby started getting to me.

3. As a truck driver for Obitts/CRS, I did not do too much local driving and probably only serviced about ten separate customers. I usually worked 45-50 hours per week before my hours started decreasing. I made separate pickups with tanker trailers approximately once a week from General Motors in Lordstown and Yenkin-Majestic Paint in Columbus. I did not or rarely made



deliveries to these companies. General Motors currently makes the Pontiac Sunbird at their plant. I understood, through hearsay, that many of the larger companies did not want the material back from Obitts/CRS because it was cheaper for them to buy it new. Obitts/CRS often did not sell the recycled chemicals to the same customer they had gotten them from. The smaller companies generally bought the recycled material. Mr. Hart and Mr. Matthews usually made deliveries.

4. Other companies which I made fairly frequent pickups from and, possibly, deliveries to were: Jamestown Paint, in New York or Pennsylvania; Alsides in Akron; PPG in, Pittsburgh, Cleveland, suburban Detroit; Spray-on in Bedford Heights (possibly made bowling pins); Ashland Chemical in Dayton and/or Kentucky. I also transported to and, possibly, from the following companies on occasion: an unknown company in Jamestown, New York/Pennsylvania which was about an eight-hour drive; Sherwin-Williams in Cleveland; Carmar; and Eagle Miller in Ashland. Other destinations I transported chemicals to or from where unknown and smaller customers/companies were located included Berea, Bedford Heights, and Dayton, Ohio. I made deliveries to State of Ohio maintenance garages located in Cambridge, Marietta, and Columbus, Ohio and small automobile body shops.

5. Typically, I had a manifest which identified the chemicals and the amounts to be picked up or delivered. I carried manifests and/or invoices and kept a trucker's log to record mileage to destination cities when he drove. I was never required to accept payments.

6. There were two stills located in a building by the Black River at the back of the Obitts/CRS property and a third still, which was fairly new at the time and located in a building near the front. I knew the stills by the river as the number two and number three stills. They looked like big drums. They were mounted on steel legs on a cement floor which was about an eight-inch drop from the outside ground surface. There was a sump system under these stills which would pump any spilled material into a slop tank for disposal by Ross Incineration. Sludges were disposed of in a tanker and/or drums located outside for disposal by Ross Incineration. I estimate that a couple of tankers full of sludges were transported to Ross Incineration every day. Steam generated by the

distillation process was converted to the clean chemical liquid and pumped via pipes to storage tanks outside of the building. I believe these storage tanks were probably mounted on the bare ground with supports. The stills and aforementioned tanks were surrounded by a short wall or dike to contain any spills. I heard that there were spills or overflows but I may have only seen one occurrence. This spill did not make it out of the diked area. Although I did not see discharges to the Black River, the water appeared to have chemical contaminants in it at times.

7. I estimate that there were around 500 drums of unknown chemicals stored outside on the bare ground at Obitts/CRS facility at any given time. Their numbers probably decreased over time. I believe that the majority of these contained outdated, frozen, or otherwise unuseable material and were probably sent to Ross Incineration for disposal. About 100 of these were stacked on top of other drums. I do not recall any of the drums leaking. Dirty drums were sent for cleaning to an unknown company in Cleveland and another unknown company in Canton.

8. I am not aware of the burial of drums, chemicals, or any other materials at the Obitts/CRS facility or outside of the Site other than Ross Incineration. I recall seeing the Fire Marshal, City of Elyria, or other inspectors at the Obitts/CRS on occasion. From hearsay, I understood that the City had been responsible for closing the plant, however, I do not know the reason.

9. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

---

Russell L. Cramer





condenser. Dirty chemicals were pumped into charging tanks before being processed through the stills. The cleaned chemicals or distilled solvents would be piped to tanks located in a "tank farm" outside of the building. Ross Incineration always had a 48-foot trailer in which drums of sludges or processing residues were loaded onto and transported from the facility for disposal. Hot sludge was scraped with a hoe and put into drums.

4. My recollection of the stills and the surrounding tank farm, tanks, and Ross Incineration trailer was that they were probably located on cement platforms or surfaces. These areas were surrounded, at least partly, by a retention wall or dike three feet in height. I am not sure if this wall went all the way around. Drums and tankers were placed on another concrete surfaced area outside of the retaining wall where they were emptied to the tanks or filled from the tanks connected to the stills. I cannot recall if there was a sump inside the building although I assume there had to have been one there. Spills were part of the nature of the business in chemical recycling, however, I cannot provide first hand information about them in relation to still operations.

5. There were always hundreds of drums stored outside on the ground and stacked up at the CRS facility. Many of these drums were rusted and corroded. They would spill and leak at times. Most of the drums were not labeled and contained a mixed bag of dirty, old, and clean chemicals. CRS was trying to rid the facility of these drums. I was involved in testing and sampling drum contents to see if any of the material could be used. The majority of these chemicals stored at the facility were unuseable and sent to Ross Incineration for disposal.

6. CRS was mainly involved in one of two areas: first, reclaiming aromatic solvent-based chemicals/degreasers such as the ketones or trichloroethylene for companies involved in working with or making things out of metal; and second, in recycling thinners, lacquers, and solvents for paint companies. CRS probably only had 12 main or significant accounts. These included the following customers: General Motors, Lordstown; E.F. Houserman, Cleveland; Uniroyal, a vinyl plant in Port Clinton; Mobil Coatings, possibly in Pittsburgh; and Alsides, a steel siding company

in Cuyahoga Falls which used MEK. I am not sure if CRS actually got the Mobil Coatings contract.

7. CRS billed customers in amounts based upon the cost of virgin solutions. Typically, CRS would charge a certain percentage below this cost. The prices also varied by customer and quantity. A CRS accounting ledger titled "Scrap Solvents for Reclamation" might be a good record to analyze in an effort to determine the source of dirty chemicals which came to CRS for recycling. I do not believe invoices were generated for such pickups if there was not a bill. Chemicals provided by customers for recycling did not always go back to the same customer. CRS did not typically charge a fee to pick up their dirty chemicals and sometimes even paid the customers. I recall how charges by Ross Incineration for sludge disposal increased dramatically during my time at CRS. I estimate that CRS probably processed about 10,000 to 15,000 gallons of dirty chemicals per week when the facility was really busy. My goal was to be able to ship out about 12,000 gallons of clean chemicals to customers over the same period. However, such a high percentage was not always recovered.

8. I believe that a ledger titled, "Small Quantity Customers", may have referred to companies that probably only purchased about one to two drums of chemicals at any given time. As an example, Bob Gaydash was an individual who would purchase small amounts of lacquer from CRS and sell it to automotive body shops. A ledger titled, "Miscellaneous Suppliers", could have included companies which supplied services as well as those supplying used chemicals. I am not familiar with an inventory ever being taken at the CRS facility.

9. I understood that a sewer line ran directly from Harshaw Chemical Company under the CRS property and discharged into the Black River. My general recollection of the Black River was that it was clear, however, I recall seeing blue material flowing out of the discharge pipe on at least one occasion. I am sure that this did not originate at CRS because all of their solutions were black or brown.

10. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

---

William C. Crosby





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

ENVIRONMENTAL  
PROTECTION AGENCY

NOV 02 2000

OFFICE OF REGIONAL  
COUNSEL

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF WILLIAM C. CROSBY

William C. Crosby, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]  
[REDACTED] I am currently employed by MP and A, Inc. in Grafton, Ohio.

2. I was employed by Chemical Recovery Systems (CRS) in Elyria, Ohio for one summer while I was in college during the mid 1970's. After graduating from college with a degree in chemistry, I was employed at CRS as the first and only salesman for about two and one-half years from 1976 to late 1978 or early 1979. CRS was owned by CRS of Michigan which was owned by Nolwood. Pete Shagena was the President and/or owner of CRS in Michigan. CRS only did about \$15,000 to \$16,000 in sales per month. I recall commenting to Jim Freeman, President, CRS, about the feasibility of keeping such a small operation running and the possibility of closing and combining operations with the Romulus, Michigan plant. Carol Oliver was the other office worker at CRS. Jim Jackson was the main foreman. Bob Spears became a foreman and transferred to CRS Michigan later. My sister, Christine Smith, worked part-time/intermittently helping Ms. Oliver with bookkeeping and other office duties. I eventually left CRS for a better paying job.

3. I estimate that, as salesman for CRS, I spent about 70% of my time on the road, in Ohio or out of state, and in the office trying to drum up sales. The other 30% of my time was spent taking samples of chemicals and performing tests to identify them. Mr. Freeman was my direct supervisor. My summer job at CRS as a laborer consisted of "rolling drums", i.e., loading and unloading them from trucks.

There were two pot stills which were located in a metal shed type building at the facility near the Black River. They were big steam operated kettles with a simple condenser. Dirty chemicals were pumped into charging tanks before being processed through the stills. The cleaned chemicals or distilled solvents would be piped to tanks located in a "tank farm" outside of the building. Drums of sludges or processing residues were loaded onto a Ross Incineration 48-foot trailer and transported from the facility for disposal. Hot sludge was scraped with a hoe and put into drums.

4. My recollection of the stills and the surrounding tank farm, tanks, and Ross Incineration trailer was that they were probably located on cement platforms or surfaces. These areas were surrounded, at least partly, by a retention wall or dike three feet in height. I am not sure if this wall went all the way around. Drums and tanker trailers were placed on another concrete surfaced area outside of the retaining wall where they were emptied to the tanks or filled from the tanks connected to the stills. I cannot recall if there was a sump inside the building. Spills were part of the nature of the business in chemical recycling, however, I cannot provide first hand information about them in relation to still operations.

5. There were always hundreds of drums stored outside on the ground and stacked up at the CRS facility. Many of these drums were rusted and corroded. Most of the drums were not labeled and contained a mixed bag of dirty, old, and ~~dirty~~ solvents. I was involved in testing and sampling drum contents to see if any of the material could be used.

6. CRS was mainly involved in one of two areas: first, reclaiming aromatic solvent-based chemicals/degreasers such as the ketones for companies involved in working with or making things out of metal; and second, in recycling thinners, lacquers, and solvents for paint companies. CRS probably only had 12 main or significant accounts. These included the following customers: General Motors, Lordstown; E.F. Houserman, Cleveland; Uniroyal, a vinyl plant in Port Clinton; Mobil Coatings, possibly in Pittsburgh; and Alsides, a steel siding company in Cuyahoga Falls. I am not sure if CRS actually got the Mobil Coatings contract. I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off.

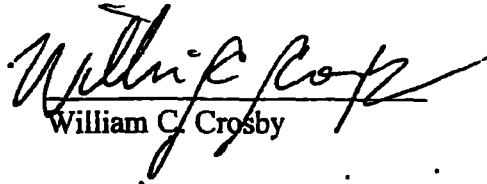
7. When providing recycled chemicals, CRS billed customers in amounts based upon the cost of virgin solutions. Typically, CRS would charge a certain percentage below this cost. The prices also varied by customer and quantity. Typically, CRS did not charge customers a fee for picking up their dirty chemicals and sometimes even paid the customers. Chemicals provided by customers for recycling did not always go back to the same customer.

8. CRS had many small customers or accounts in addition to the aforementioned 12 main or significant accounts. I cannot recall who any of these small customers were. When the name Bob Gaydash was mentioned to me, I recalled that he was an individual who would purchase small amounts of lacquer from CRS and sell it to automotive body shops.

9. My general recollection of the Black River was that it was clear, however, I recall seeing blue material flowing out of a discharge pipe <sup>near the</sup> ~~at the~~ CRS facility on at least one occasion. I am sure that this did not originate at CRS because all of their waste sludges were black or brown.

10. Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

  
William C. Crosby

STATE OF OHIO )  
COUNTY OF LORAIN )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared William C. Crosby, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this 26<sup>th</sup> day of Oct 2000.

ANITA M. SETH Notary  
Notary Public Residence Co. - Lorain  
State of Ohio  
My Commission Exp. Aug. 30, 2004  
ANITA M. SETH  
Printed Name

My Commission expires Aug. 30, 2004

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

AFFIDAVIT OF RAYMOND F. FIELDS

Raymond F. Fields, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED] I am currently self-employed as a truck driver.

2. I was employed by the Obitts Chemical Company (Obitts)/Chemical Recovery Systems, Inc (CRS) in Elyria, Ohio as a still operator for about two years from 1974 to 1976. Obitts was bought out by CRS while I worked there I applied for the job after seeing an ad in the newspaper Jim Jackson was my supervisor Truck drivers were Harry Jackson, Frank Hart, and Bob Spears. The latter two transferred to the CRS Michigan plant in later years. Still operators and yard men included Russ Cramer, Forest Hampton, Jr., and "Ron". I usually worked the first shift during the day but also worked the third shift at times.

3. The front of the Obitts/CRS facility at the top of the hill consisted of an office, break room, and a building where materials were stored I was not aware of a still in this area. The stills I worked with were located in a metal sided building over a hill at the back of the facility near the Black River. The company did not supply any type of respirator and I frequently had to hold my breath or go outside of the still building to get away from the strong odors There were about eight above ground storage or feed tanks located near two stills inside the building. Tanker trailers and drums would be placed near the building and pumped into these tanks before the chemicals were put through the stills. The clean chemicals would then be pumped to any of about eight tanks which were located about ten to fifteen away from the building on the outside

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These tanks stood on the bare ground and were surrounded by a short cinder block wall to contain any spills. I do not recall too many or any spills or leaks within this wall.

4 There was a drier tank located outside of the building on the bare ground just outside of the retaining wall which was used to mix the chemicals with calcium chloride to remove any water. Water would be drained on the bare ground from this tank and would flow into the Black River. Small amounts of chemicals may have been present in the water drained from the drier tank.

5 There was a two-compartment tanker trailer stationed on the bare ground just outside of the still building which accepted sludge that resulted from the distillation process. The sludge flowed via pipes and/or hoses with valves. This tanker trailer constantly overflowed and actually sat in a large area of sludge that had already spilled. A lot of this sludge flowed into the Black River. The tanker trailer also accepted any spills within the distillation building. Spills or leaks which occurred around the stills on occasion would fall onto a cement floor and drain to a sump which would pump the material to the same tanker trailer. This tanker trailer was transported routinely to Ross Incineration.

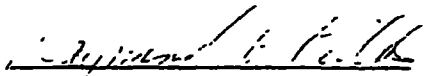
6 Spills and leaks at the Obitts/CRS facility were a common occurrence. Hundreds of drums containing chemicals were stored there outside on the bare ground. Rusting and leaking barrels were common. It was also common for drums to tip over and spill their contents while being moved with forklifts. There were not any procedures at Obitts/CRS to address leaking drums and spills. Empty drums which could be reused were sent to an unknown company in Cleveland for cleaning.

7 Obitts/CRS recycled chemicals such as perchloroethylene, trichloroethylene, xylene, acetone, and benzene. I came to know who the customers were from Jim Jackson, other drivers, markings on barrels, and the types of materials that came in.

The following large customers had chemicals sent to the Obitts/CRS facility for recycling Ford Motor Company, Lorain, E F. Houserman, Cleveland, Spray-On, Cleveland; Uniroyal, Sherwin-Williams; Glidden, Flint, <sup>Inc.</sup> Michigan, and Jamestown Paint I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off I remember the chemicals from Ford because they were about the only customer that picked up and delivered chemicals to the Obitts/CRS facility themselves The Ford chemicals were in drums, very foul-smelling, and burned my eyes and nose more so than chemicals from other companies.

8 Further affiant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief

  
Raymond F. Fields

*R F 5/14/82*

STATE OF Ohio )  
COUNTY OF Lorain )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Raymond F. Fields, who having read and reviewed the foregoing Affidavit, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand and Notarial Seal this 14 day of Aug 2000.

*Linda Jane Hassler*

Notary Public

**LINDA JANE HASSLER**  
Notary Public, State of Ohio  
My Commission Expires 7-18-2001

Printed Name

My Commission expires 7-18-2001



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF THE )  
CHEMICAL RECOVERY SYSTEMS )  
SUPERFUND SITE, ELYRIA, OHIO )

DECLARATION OF WILLIAM J. GRIFFITH

William J. Griffith, having been first duly sworn upon his oath and of his own personal knowledge, alleges and says:

1. [REDACTED]

[REDACTED] I am retired from the Harshaw Chemical Company (Harshaw) in Elyria, Ohio where I was employed from 1955 to 1995 for about a total of 39 years. I was a truck driver at Harshaw for about the first 29 years and in shipping and receiving during the last ten years.

2. There was a strike at Harshaw some time in the 1970s and I was hired by Russ Obitts to work as a truck driver at the Obitts Chemical Company (Obitts) in Elyria. Harshaw and Obitts were located next to each other. Jones Trucking was located close by. Mr. Obitts and I had an understanding that I would return to Harshaw when the strike was over. I believe that I was only employed by Obitts for about three months. I worked there Monday through Friday during that time.

3. I usually hauled tanker trailers with about an 8,000 gallon capacity while I was with Obitts. I believe that Obitts had three tankers trailers which were used to pickup dirty chemicals and two tanker trailers for delivering recycled chemicals. I hauled both types in addition to driving enclosed box trailers for transporting drums of chemicals. I am not sure of the types of chemicals I transported. They were some type of paint wash, possibly alcohol. It was common to pump dirty chemicals out of drums and underground tanks at customers facilities into the tanker trailers for transport to Obitts. Typically, I parked the tanker trailers at the front of the Obitts facility near the road when I returned with a load. I believe that yard workers moved them to the still area for processing. Obitts stored several hundred drums of chemicals at their facility. I do not have any information about the recycling process or any associated leaks and spills.


W.M.G., 8-15-00

4. Before Obitts began operations at their facility, Harshaw stored materials there such as: copper; cadmium balls, which were eventually melted down to make cadmium oxide powder; and blocks of ten pigs, which was a raw metal melted down to make ten oxide powder. I was aware that there were a few hundred drums of chemicals stored by Obitts at the facility. I was familiar with a sewer line which ran from Harshaw, under Johns Street and the Obitts facility, and emptied into the Black River. Harshaw discharged paint wastes/pollutants into this sewer for a long time before access was cut off by Jacobs Plumbing of Lorain many years ago. I had heard that Obitts was accused of discharging into this sewer also, however, I do not have any first hand knowledge of this.

5. While with Obitts, I made pickups and/or deliveries of dirty chemicals from the following companies: Uniroyal, Port Clinton (definite pickups); Sherwin-Williams, Cleveland (definite pickups); Red Ball Chemical, Pittsburgh (deliveries). I also made deliveries to other companies, which I cannot remember, at the following locations: Columbus north of Washington Street off Route 35 near the court house (drums); Akron; Pennsylvania; and West Virginia. I was told by an employee of the company in West Virginia that the chemicals were used to "blow gas wells". I cannot estimate the frequency of pickups from and deliveries to each customer or the quantities picked up and dropped off.

6. Further declarant sayeth naught.

I verify under the penalties of perjury that the above and foregoing is true and correct to the best of my knowledge and belief.

 8-15-00  
William J. Griffith

STATE OF Ohio )  
 )  
COUNTY OF Lorain )

Before me, the undersigned, a Civil Investigator for the United States Environmental Protection Agency, personally appeared William J. Griffith, who having read and reviewed the foregoing Declaration, attested to its truth and veracity to the best of his recollection and belief and acknowledged his execution thereof.

WITNESS my hand this 15<sup>th</sup> day of August 2000.

  
Civil Investigator

Reginald Arkell  
Printed Name