

53



MID AMERICA CHEMICAL CO., INC.

402 SOUTH FIFTH STREET

LEAVENWORTH, KANSAS 66048

PHO

April 21, 1983

Mr. Arlen Pottenbaum
Inter-Chem Inc
101 E. 10th St.
PO Box 231
Alton, Iowa 51003

Dear Arlen:

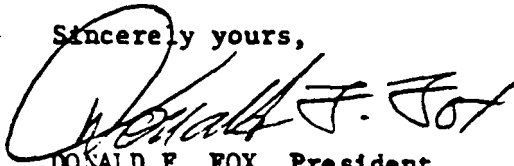
This letter is to confirm our telephone conversation and agreement on the Aatram 20 G storage and rework project. It was my understanding that we agreed on the following items:

1. Mid America Chemical Company will ship approximately 1000 drums of Aatram granules and Aatram powder to the Inter-Chem Inc warehouse and plant at 101 E. 10th St, Alton, Iowa.
2. You will receive and store the drums at the agreed rate of \$1.00 per drum in and out charges and \$1.00 per month storage fee.
3. The rework of the Aatram granules and blending of the Aatram powder is scheduled to begin in September of 1983. An exact cost of the following will be furnished as soon as possible:
 - a. Manufacturing the Aatram granule
 - b. Cost of reworking the Aatram granules
 - c. The blending of the Aatram powder

This will be finalized on or before August 1, 1983 after you have had an opportunity to assess the cost of the reworking and blending process.

This letter is to serve as a preliminary agreement until a more detailed and thorough contract and/or agreement can be agreed upon and signed by both parties.

Sincerely yours,



DONALD F. FOX, President
Mid America Chemical Company

DF/dmw

cc: Robert Morby, EPA, Region VII
Bobby Pace, Helena Chemical,
Memphis, TN

APR 25 '83

30307012



Superfund



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI - 64106

March 9, 1983

Mr. Don Fox
Mid America Chemical Company
402 South Fifth Street
Leavenworth, Kansas 66048

Dear Mr. Fox:

On this date you visited with me concerning disposal of some granular Aatram 20G. Aatram 20G is a brand name for a herbicide whose active ingredients are atrazine and propachlor. Aatram 20G is not a hazardous waste under Part 261 of the Resource Conservation Recovery Act (RCRA). First, neither of the active ingredients are tested as part of the Extraction Procedure Toxicity testing (40 CFR 261.24). Second, neither of the active ingredients are listed under the list of commercial chemical products (40 CFR 261.33(e) or (f)). Thus, the waste is not a hazardous waste under the federal Hazardous Waste Management Program at the present time.

If you have questions on this determination, please feel free to call me at 816-374-6536.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Morpy".

Robert L. Morpy
Chief, Waste Management Branch
Air and Waste Management Division



InterChem Inc

101 E. 10th St.
P.O. Box 231
Alton, Iowa 51003

Phone: 712-756-8951

April 29, 1983

Mr. Donald Fox
Mid America Chemical Company
402 South Fifth Street
Leavenworth, KS 66048

Dear Mr. Fox :

In regards to the tentative agreement contained in your letter of April 21, we would like to redefine item #2. The item should read as follows; 2. You will receive and store drums at the agreed rate of \$1.00 per drum "in" charge, \$1.00 per drum "out" charge and \$1.00 per drum per month storage.

It should be noted that the \$1.00/ month storage charge is due in advance as is the \$1.00 / drum "in" charge. See enclosed invoice.

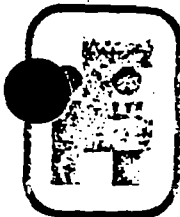
The additional charge on the invoice is for overtime wages paid to our employees to unload trucks on Saturday, 4/23/83 and Sunday, 4/24/83.

If you have any questions please call us at 712-756-8951.

Sincerely,

Rick
Rick Hop
Accounts Receivable
InterChem, Inc.

ST/rh



InterChem Inc

101 E. 10th St. Phone: 712-756-8951
P.O. Box 231
Alton, Iowa 51903

June 2, 1983

Mr. Jack W. Bogkin
Mid-America Chemical Company
c/o Wesley Industries
P.O. Box 490
Montrose, AL 36559

Dear Jack,

Enclosed with this letter is our letter of agreement with Macco on storage of the Aatram granules and powder in our warehouse in Alton, Iowa.

The final total of drums amounted to 1236 each, as you can verify with the enclosed bills of ladings. Our written and verbal agreements were to store and possibly reprocess this material at the price agreed to in the letter. It was brought to us on a weekend so Don Fox verbally agreed to pay overtime wages as they are so stated on Invoice No. 1243. So far we have been paid \$ 618.00, leaving a balance owed as of May 24, 1983 of \$3,373.59.

Jack, as we both realize InterChem owes you money in the amount of \$15,455.40 and I want to get this paid as bad as you wish to receive it, so let me propose this as a settlement. A) We will credit your account with the unpaid balance of \$3,373.59 leaving a balance owed you of \$12,181.91. B) This remaining balance will be reduced each month for the next 10 months in the amount of \$1,236.00. Leaving a plus balance of \$ 121.81. C) I would assume by that time you will either have it ready to reformulate, or be moving it from our warehouse. In either case, if this schedule is followed we will not charge the additional \$1.00/per drum out charge. If the drums do remain past the 10 month period a new warehouse agreement will need to be negotiated.

We are prepared at this time to propose a reformulating schedule for this fall. Upon setting up a definite time schedule, we will sift all usable material and formulate as new with you supplying all materials for .30/per lb. plus .25/per lb. for handling and packaging the fines. Warehousing time on new processed material will commence 30 days after packaging, and will be based on .10/per bag out, as per your direction, and .20/per bag per month.

I am looking forward to hearing from you and hope that one or the other programs are acceptable to you.

Sincerely,

INTERCHEM, INC.

Arlin N. Pottebaum
President

ANP/rrf

Enclosures

HAMILTON, BUTLER, RIDDICK, TARLTON & ALLEN

A PROFESSIONAL ASSOCIATION
ATTORNEYS & COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1743
MOBILE, ALABAMA

36633
TELEPHONE: 206 432-7517

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)
THOMAS A. HAMILTON (1928-1982)
CHARLES R. BUTLER (1951-1982)

CABLE ADDRESS HAMILTONS
TELEX 782007

HARRY H. RIDDICK
JAMES W. TARLTON, III
JOSEPH M. ALLEN, JR.
ALBERT W. KEY
JANELLA J. WOOD
JOHN W. DONALD, JR.
GREGORY C. BUFFALOW
MICHAEL E. BALLARD

July 20, 1983

Interchem, Inc.
Post Office Box 231
Alton, Iowa 51003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Your Invoice 6/24/83 to Mid-America
Chemical Company

Dear Sirs:

We serve as counsel to Mid-America Chemical Company and have been forwarded the invoice noted above to it seeking to impose a charge against Mid-America for purportedly storing 1,236 drums of Aatram 20 G.

Please be advised that Mid-America is not indebted to you in any manner whatsoever and does not own or claim any interest in the chemicals purportedly stored in your warehouse and for the storage of which you have rendered the captioned invoice.


According to the Certified Public Accountants servicing the books and records of Mid-America, Mid-America, during the past twelve months, has neither owned nor bought any amount of Aatram 20 G nor has it entered into any contract with you for the storage of this or any other chemical. We would, therefore, appreciate your confirming to us in writing that this invoice was sent to Mid-America in error and that Mid-America does not own or have any interest in the chemical purportedly stored in your warehouse.

If you insist that Mid-America has an interest in this chemical or that it entered into an agreement with you for its storage, we would appreciate your promptly advising us of the particulars of such an agreement including the person or party with whom you dealt in arranging for the storage of this chemical, the date the chemical was received by you and the means by which it was transported to your warehouse. We would also appreciate your furnishing to us all documents relating to this chemical including all agreements relating to its storage, all correspondence sent or received by you in connection therewith and any other papers or writings which bear on this particular question.

erchem, Inc.
July 20, 1983
Page Two

We look forward to hearing from you.

Yours very truly,


For the Firm

JMAjr/mm

cc: Mid-America Chemical Company
Post Office Box 456
Montrose, Alabama 36559



AAtram™

20G

Herbicide For weed control in corn

AAtrani 20G is a granular herbicide

Warning: Keep out of reach of children.
See additional warnings below

Active Ingredients:

Atrazine: 2-chloro-4-ethylamino-6-isopropylamino- s-triazine.....	6.32%
Related compounds.....	.34%
2-chloro-N-Isopropyl-acetamide	13.34%

Inert Ingredients: 80.00%

Total:

CONDITIONS FOR USE AND CONDITIONS OF SALE AND WARRANTY

READ THE ENTIRE DIRECTIONS FOR USE AND THE CONDITIONS OF SALE AND WARRANTY BEFORE USING THIS PRODUCT.

Conditions of Sale and Warranty

Directions for Use of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner, of use or application all of which are beyond the control of Helena Chemical Company or the Seller. All such risks shall be assumed by the Buyer.

Helena Chemical Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the uses referred to in the Directions for Use, subject to the limitations and risks referred to above. Helena Chemical Company makes no express or implied warranty of Fitness or Merchantability, other than express or implied warranty. In no case shall Helena Chemical Company or the Seller be liable for consequential, special or indirect damages resulting from the use or handling of this product. Helena Chemical Company and the Seller offer this product and the Buyer and user accept it, subject to the foregoing Conditions of Sale and Warranty which may be varied only by a written agreement in writing signed by a duly authorized representative of Helena Chemical Company.

Additional Information

AAtram 20G will control most annual broadleaf and grass weeds in corn, silage corn, and sweet corn. It should be applied prior to and at crop emergence.

AAtram 20G acts mainly through root absorption, its effectiveness depends on rainfall or irrigation to move it into the root zone. Best results are obtained when moisture occurs within 10 days after application. Should moisture not occur within this period, shallow weeding or should weeds develop, a shallow cultivation or rotary weeding will generally result in better weed control.

AAtram 20G is noncorrosive to equipment and metal surfaces, nonflammable and has low electrical conductivity.

Precautions should be taken to avoid using AAtram 20G where adjacent to trees, shrubs or plants might be injured.

AAtram 20G in a dry place.

Application Instructions

Broadcast or Overall Treatment

Use broadcast applicators or fertilizer spreaders that can apply small amounts of granules evenly.

Band Treatment

Use applicators designed for this purpose. Calculate the amount of granules per acre needed for band treatment as follows:

$$\frac{\text{Band width in inches}}{\text{Row width in inches}} \times \frac{\text{Rate/A for broadcast treatment}}{\text{broadcast}} = \text{Amount needed for band}$$

Range of Rates: In each case where a range of rates is given, the lower rate should be used on soils low in organic matter and the higher rate should be used on soils high in organic matter.

Directions for Use

AAtram 20G controls most annual broadleaf and grass weeds such as:

Giant Foxtail	Fall Panicum	Mustard
Green Foxtail	Annual Morningglory	Pigweed
Yellow Foxtail	Cocklebur	Ragweed
Barnyardgrass	Sandbur	Smartweed
(Watergrass)	Jimsonweed	Sunflower
Crabgrass	Lambsquarters	Velvetleaf

AAtram 20G will not control perennial weeds such as:

Johnsongrass Field Bindweed Canada Thistle Bull Nettle

Apply AAtram 20G at planting behind the press wheel or immediately after planting prior to emergence of either crop or weeds. See table below for recommended rates.

Soil	Rate per acre of AAtram 20G Broadcast*
Coarse-textured soils: Sands, loamy sands, and sandy loams	15 lbs.
Medium to fine-textured soils including the dark prairie soils in the Corn Belt**	22.5—30 lbs.

*For calculation of band treatment rate, see Application Instructions section.

**AAtram 20G should not be used on high organic soils such as peat and muck.

Suggestions for Crop Rotations

1) Corn may be replanted at any time following application of AAtram 20G. 2) Sorghum may be seeded in all areas the spring following application of the granules. 3) Soybeans may be seeded in Louisiana, Arkansas, Missouri, Iowa, southeastern Minnesota and areas east of these states the spring following applications made not later than June 1 of the previous year.

Precautions: 1) Do not plant sugar beets, tobacco, vegetables (including dry beans), spring-seeded small grains or small-seeded legumes and grasses the year following AAtram 20G application or injury may occur. 2) Following harvest of a treated crop, plow (moldboard or disk-plow) and thoroughly till the soil in the fall or spring to minimize possible injury to rotational spring-seeded crops. 3) Injury to rotational crops following application may occur on eroded hillsides, alkali outcroppings, gravelly areas and on soils in general with pH near or exceeding 7.5 4) Do not graze treated area or feed treated forage to livestock for 21 days following application.

Warning

Keep out of reach of children.

Irritating to skin, eyes, nose and throat. May be harmful if swallowed. May cause allergic skin reaction. Do not get in eyes, on skin or on clothing. Avoid breathing dust. Do not take internally. While handling, wear rubber gloves. In case of contact, flush skin or eyes with plenty of water; for eyes, get medical attention. Launder clothing before reuse. Avoid contamination of seed, feed and foodstuffs.

This product is toxic to fish. Keep out of lakes, ponds and streams.

Do not reuse container. Destroy when empty.

AAtram™ trademark of CIBA-GEIGY.

50 Pounds

Net Weight

EPA Reg. No. 100-519-5905

EPA EST. NO. 05905-1A-01

SN 110179 CC

CGPL 1L47 109



Distributed by
HELENA CHEMICAL COMPANY
Memphis TN 38117