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REGION VII

BRYAN CAVE

ONE METROPOLITAN SQUARE
211 NORTH BROADWAY, SUITE 3600
ST. LOUIS, MISSOURI 63102-2750
(314) 259-2000

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FACSIMILE: (314) 259-2020

NICHOLAS C. GLADDING

(314) 259-2333

June 9, 1994

Mr. Robert Koke
Remedial Project Manager
Waste Management Division
Region VII
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, KS 66101

Re: Acme Battery Manufacturing Company Docket No. VII-93-F-0025: Notice of Force Majeure Event.

Dear Mr. Koke:

This letter will serve as formal written notification to you of an event of force majeure which has occurred with regard to the Acme Battery Manufacturing Company ("Acme Battery") cleanup in St. Louis, Missouri.

Pursuant to Section XIII (Force Majeure) of the Administrative Order on Consent, Docket No. VII-93-F-0025, I am following up as Acme Battery's attorney, with regard to the oral notice which you already received from David Wrobel of Environmental Operations that an event of force majeure has occurred which will cause a delay in the implementation of the scope of work required under the subject order. As I believe Mr. Wrobel advised you, the Metropolitan Sewer District ("MSD") has delayed the approval of the required design for the sewer which is related to the scope of work. Despite respondent's best efforts to avoid this delay, MSD has delayed to the extent that it is now impossible for Acme Battery to meet the original time schedule set forth in the order. Part of this delay is related to the difficulty in obtaining required access from adjoining property owners for the sewer work. This has also occurred despite respondent's best efforts to avoid the delay.

As a result of this event of force majeure Acme Battery is requesting an eight (8) week delay in the completion of the scope work. Attached is a new proposed time schedule.

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Superfund

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If this meets with your approval would you please send me a letter indicating that EPA is willing to extend the completion date under the order for eight weeks beyond the original completion date. Thank you for your consideration.

Very truly yours,



Nicholas C. Gladding

NCG:crc

Enclosure

cc: Harvey S. Gershenson, Acme Battery Manufacturing Co.
James Stevens, Esq., U.S. EPA
David Wrobel, Environmental Operations, Inc.

**Acme Battery Manufacturing Company
Removal Action
Environmental Operations, Inc. *Project #5991*
Project Schedule**

DATE	ACTION
12/9/93	RAWP Submitted
12/9/93	MPR Submitted
1/19/94	MPR Submitted
2/4/94	MPR Submitted
3/7/94	Revised RAWP Submitted
3/15/94	MPR Submitted
4/11/94	Contract Documents out to Bidders
4/5/94	MPR Submitted
5/12/94	MPR Submitted
6/13/94	Contract Bids Due
6/15/94	MPR Due
6/20/94	Contractor Begins Mobilization
6/22/94	Contractor Completes Mobilization and Work Begins
7/8/94	Excavation/Grading Complete (including fence demolition) AST Containment Dike Complete Sewer Work Complete
7/15/94	MPR Due
7/22/94	Asphalt Paving Complete (includes fence construction)
8/5/94	RAR Due

RAWP
MPR
RAR

Removal Action Work Plan
Monthly Progress Report
Removal Action Report