



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

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APR 03 1992

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

James Meister, President
Anchor Lith Kem-Ko, Inc.
50 Industrial Loop
Orange Park, FL 32073

Re: Administrative Order, Index II-CERCLA-20205
Anchor Chemical Site, Hicksville, New York

Dear Mr. Meister:

Enclosed please find Administrative Order, Index Number II-CERCLA-20205 (the "Order"), directing your participation and cooperation in the performance of a remedial investigation and feasibility study at the above-referenced site. The Order was issued by the Regional Administrator of Region II of the U.S. Environmental Protection Agency ("EPA") on March 31, 1992.

As set forth in paragraphs 66 through 69, the Order establishes a process to determine when, if appropriate, the Order becomes effective, including providing an opportunity for you to comment and/or confer with EPA on the Order's issuance.

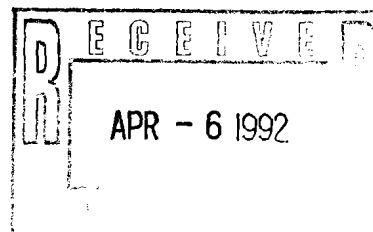
If you have any questions, you may contact me at the above address, in room 437, or at (212) 264-2645.

Respectfully,

James Doyle
Assistant Regional Counsel
Office of Regional Counsel

cc: James O'Brien, Esq.
Michael O'Toole - NYSDEC

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

-----X
IN THE MATTER OF THE ANCHOR :
CHEMICAL SITE :
Anchor/Lith-Kem Ko, Inc., :
Respondent. : ADMINISTRATIVE ORDER
Proceeding under Section 106(a) : Index No. II CERCLA-20205
of the Comprehensive Environmental :
Response, Compensation and Lia- :
bility Act, 42 U.S.C. §9606(a). :
-----X

I. JURISDICTION

1. This Administrative Order ("Order") is issued to the above-captioned Respondent (hereinafter referred to as "Respondent") pursuant to the authority vested in the President of the United States under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9606, which authority was delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, dated January 23, 1987, and duly redelegated to the Regional Administrators of EPA. Notice of the issuance of this Order was provided to the New York State Department of Environmental Conservation ("NYSDEC").

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

2. The Anchor Chemical Corporation site ("Site") includes the Anchor Chemical Corporation facility ("Facility") which is approximately 1.5 acres in size and is located at 500 West John Street in Hicksville, Nassau County, New York. The Facility constitutes a facility, as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9). The Site includes a building where chemical blending and packaging operations were conducted.

3. Respondent is a corporation which is organized and existing by virtue of the laws of the State of Delaware and is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. §9601(21).

4. The Site is included on the National Priorities List ("NPL") of known or threatened releases of hazardous substances, codified at 40 C.F.R. Part 300, Appendix B, as established pursuant to Section 105(a)(8)(B) of CERCLA, 42 U.S.C. §9605(a)(8)(B).

5. The Site is currently owned by K.B. Co., a New York partnership, and was formerly owned by Kobar Construction, Inc. ("Kobar"), a corporation which was organized and existing by virtue of the laws of the State of New York.

6. Respondent, a Delaware corporation, is a successor corporation to Anchor/Lith Kem-ko, Inc., a New York corporation and its predecessor, Anchor Chemical Corporation (hereinafter collectively referred to as "Anchor"). Between the years of 1964 and 1984, Anchor was the only lessee and operator at the Site and engaged in the blending and packaging of chemicals for the graphic arts industry. Such activity and the related office support have been the only known commercial activity conducted at the Site.

7. In December of 1990, Respondent was purchased by International Paper Company, a New York corporation.

8. Documentation from inspections conducted at the Site in 1977 by the Nassau County Department of Health ("NCDH"), as well as meetings between Anchor and NCDH, indicate that during the production, mixing and deliveries of chemicals spillage occurred which contaminated a drywell at the Site. Water samples taken on July 27, 1977 from the dry well at the north end of the Facility contained concentrations of 1,1,1-trichloroethane at 2,500 parts per billion ("ppb"), trichloroethylene at 15,000 ppb, and tetrachloroethylene at 20,000 ppb.

9. On August 6, 1981, in response to a notice of violation issued by the office of the Nassau County Fire Marshal ("NCFM") in May of 1981, fourteen of the seventeen underground storage tanks at the Site were tested using the "air over product" procedure. The aforementioned storage tanks have storage capacities ranging from 550 to 4000 gallons and are buried two feet below grade within the Facility at the Site. The results of the tests indicated that five of the fourteen tanks tested were leaking. At or about the time of the tests, the five tanks found to be leaking were used to store naphthol spirits, acetone, mineral spirits, isopropyl alcohol, and textile spirits. The three remaining tanks at the Facility contained methylene chloride, diethylene glycol, and 1,1,1-trichloroethane, but they were not tested because said materials are not flammable and therefore were not within the jurisdiction of NCFM. Upon NCDH request, however, Anchor tested the three remaining tanks on December 12 and 14, 1982, and the tank containing methylene chloride was found to be leaking.

10. Records available to EPA depicting the chemical storage tanks at the Site as of 1965 and as of February 4, 1975 indicate that 1,1,1-trichloroethane was stored in one of the five tanks which were identified as leaking during the NCFM tests conducted on August 6, 1981.

11. In 1982, Anchor retained Lockwood, Kessler and Bartlett, Inc. ("LKB"), a consulting engineering firm, to install three monitoring wells and conduct periodic groundwater monitoring of said wells at the Site. Soil samples collected during the well installation and analyzed by NCDH indicated the presence of methylene chloride and 1,1,1-trichloroethane in the soil.

12. Sampling and analysis of the groundwater from the three monitoring wells was performed by the NCDH in September 1982. NCDH's analysis of samples from monitoring well #1 ("MW#1"), located in the northeast corner of the Facility, indicated the following compounds above 5 ppb in concentration: (a) methylene chloride, (b) 1,1-dichloroethylene, (c) 1,1-dichloroethane, (d) 1,1,1-trichloroethane, (e) trichloroethylene, and (f) tetrachloroethylene. NCDH's analysis of samples from monitoring well #2 ("MW#2"), located in the southeast corner of the Facility, and monitoring well #3 ("MW#3"), located in the southwest corner of the Facility, indicated the same compounds as stated above, also at concentrations in excess of 5 ppb. In addition, they indicated 1,2-dichloroethylene, chloroform, and 1,2-dichloroethane in concentrations above 5 ppb. Concentrations of 1,1,1-trichloroethane as high as 11,000 ppb were indicated in analyses of samples from MW#3. These levels were confirmed during a second round of sampling by NCDH which was conducted on December 14, 1982.

13. LKB analyzed groundwater samples from MW#1, MW#2, and MW#3 on several occasions, including December 1982, June 1983, January, July, and November of 1984, and February 1985. The December 1982 analyses confirmed the NCDH sampling results. Sampling results subsequent to the December 1982 have indicated that contaminant concentrations recorded from the three wells at the Site have decreased over time.

14. The New York State Department of Health adopted 5 ppb as the drinking water standard for principal organic contaminants (POCs). Such compounds, as identified in Paragraph 12, with the exception of chloroform, are POCs and have been found to be present at the Site at levels which exceed 5 ppb. In addition, NYSDEC has established groundwater standards for 1,1,1-trichloroethane (50 ppb), tetrachloroethylene (0.7 ppb), trichloroethylene (10 ppb), 1,1-dichloroethylene (0.07 ppb), 1,1-dichloroethane (50 ppb), 1,2-dichloroethylene (50 ppb), and 1,2-dichloroethane (0.8 ppb), all of which have been exceeded at the Site. Furthermore, several of the compounds which are or have been found to be present at the Site exceed maximum contaminant levels ("MCLs"), promulgated pursuant to the Safe Drinking Water Act, 42 U.S.C. §§300f-300j-11. These contaminants are 1,1,1-trichloroethane (MCL 200 ppb), trichloroethylene (MCL 5 ppb), 1,1-dichloroethylene (MCL 7 ppb) and 1,2-dichloroethane (MCL 5 ppb).

15. Compounds found to have been present in sampling conducted at the Site, including, without limitation, tetrachloroethylene, 1,1,1-trichloroethane, and trichloroethylene, are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

16. The presence of hazardous substances at the Site and their migration to groundwater, as indicated in sampling data referred to in this Order, constitutes a "release" within the meaning of Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

17. Respondent's predecessors in interest operated the Facility at the Site during a period when there was a release of hazardous substances at the Site and Respondent is thus a responsible party pursuant to Section 107(a)(2) of CERCLA, 42 U.S.C. §9607(a)(2).

18. In order to determine the nature and extent of the release or threatened release of hazardous substances at and from the Site and to evaluate remedial alternatives for the Site, a Remedial Investigation and Feasibility Study ("RI/FS") must be conducted in conformance with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300 ("NCP"), and any amendments thereto, and CERCLA, including but not limited to Sections 104 and 121, 42 U.S.C. §§9604, 9621.

19. On June 2, 1989, the Acting Regional Administrator of Region II of EPA issued Administrative Order on Consent, Index Number II CERCLA-90208 ("Consent Order"), to K.B. Co. with respect to this Site. The Consent Order requires that K.B. Co. (hereinafter, "Settling Respondent") undertake a RI/FS at the Site. The Settling Respondent has agreed, inter alia, to reimburse EPA for all response costs not inconsistent with the NCP which are incurred by EPA with respect to the Site, including oversight costs associated with the issuance of the Consent Order.

20. On August 3, 1989, the Acting Regional Administrator of Region II of EPA issued Administrative Order, Index Number II CERCLA-90215, to Chessco Industries, Inc., requiring it to participate and cooperate in the RI/FS which was being performed by K.B. Co. at the Site.

21. K.B. Co. is currently conducting field activities associated with the RI, consistent with an EPA-approved work plan for the performance of the RI ("RI Work Plan") and Project Operations Plan ("POP").

III. DETERMINATION

22. Based on the FINDINGS and CONCLUSIONS set forth above and the entirety of the administrative record, the Regional Administrator has determined that the release or threatened release of hazardous substances from the Facility may present an

imminent and substantial endangerment to the public health or welfare or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. §6906(a).

IV. ORDER

23. Based on the foregoing, it is hereby ordered that Respondent shall participate and cooperate in the undertaking of a RI/FS with respect to the Site in accordance with the requirements set forth below. In performing the work required by this Order, Respondent shall fully participate in the efforts of and cooperate with the Settling Respondent. All activities required by this Order shall be completed as soon as possible even though maximum time periods for their completion are set forth herein, including performing the activities set forth in the attached and incorporated EPA-approved RI Work Plan and POP.

Remedial Investigation and Feasibility Study Work Plan

24. The RI Work Plan and the POP have been submitted and approved pursuant to the Consent Order, and Respondent shall participate and cooperate in the performance of the RI in conformance with the RI Work Plan and the POP. The RI shall be conducted in conformance with the requirements of CERCLA, the NCP (and any amendments thereto), and applicable EPA guidance documents relating to the performance of RI/FSs under CERCLA, including EPA document, "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA." Respondent shall participate and cooperate in the preparation and submittal to EPA for review and approval of a draft report detailing the results of the RI ("Draft RI Report").

25. Upon receipt of the Draft RI Report, EPA will review the report and comment thereon in writing. Within twenty (20) days of receipt of the written EPA comments, Respondent shall participate and cooperate in amending the Draft RI Report in accordance with any such comments or as otherwise agreed upon by EPA, and shall submit the amended report to EPA.

26. In the event that EPA's comments on the Draft RI Report require that Respondent participate and cooperate in the performance of additional investigatory work, Respondent shall participate and cooperate in the performance of such work (including any necessary work plans and reports) in conformance with a schedule approved by EPA.

27. EPA remains the final arbiter in any dispute regarding the sufficiency or acceptability of the Draft RI Report and any supplementary submissions prepared in accordance with paragraph 26, above, and EPA may modify them unilaterally. At such time as EPA determines that the Draft RI Report is acceptable, EPA will

transmit to Respondent a written statement to that effect, and the report will be deemed the RI Report.

Feasibility Study

28. Within thirty (30) days after receiving a request and authorization from EPA to proceed with a Feasibility Study ("FS"), Respondent shall participate and cooperate in the submission to EPA of a detailed work plan for the performance of an FS with respect to the Site for review and approval. This FS Work Plan shall provide for the performance of the FS in conformance with the requirements of CERCLA (including, but not limited to, Section 121 of CERCLA) and the NCP (and any amendments thereto), as well as EPA's guidance on the performance of FSs under CERCLA. The FS Work Plan shall include a schedule for the performance of the tasks comprising the FS.

29. EPA will review and comment in writing on the FS Work Plan. Within twenty (20) days after receiving the written EPA comments, Respondent shall participate and cooperate in amending the FS Work Plan as required by those comments, or as otherwise approved by EPA, and shall submit the amended FS Work Plan to EPA.

30. EPA remains the final arbiter in any dispute regarding the sufficiency or acceptability of the FS Work Plan, and EPA may modify it unilaterally. At such time as EPA determines that the FS Work Plan is acceptable, EPA will transmit to Respondent a written statement to that effect.

31. Respondent shall participate and cooperate in the performance of the FS in conformance with the EPA-approved FS Work Plan and the schedule contained therein. By the date specified in the schedule contained in the EPA approved FS Work Plan, Respondent shall submit to EPA for review an FS report ("Draft FS Report").

32. EPA will review and comment on the Draft FS Report. Within twenty (20) days of receipt of EPA's comments, Respondent shall participate and cooperate in amending that report in accordance with such comments, or as otherwise agreed upon by EPA, and shall submit the modified report to EPA.

33. In the event that EPA's comments on the Draft FS Report require that Respondent participate and cooperate in the performance of additional evaluations, such work (including any necessary work plans and reports) shall be performed in accordance with a schedule approved by EPA.

34. EPA remains the final arbiter in any dispute regarding the sufficiency or acceptability of the Draft FS Report and any supplementary submissions prepared in accordance with paragraph 33 above, and EPA may modify them unilaterally. At such time as

EPA determines that the Draft FS Report is acceptable, EPA will transmit to Respondent a written statement to that effect, and the report will be deemed the FS Report.

35. Following submittal of the FS Report, EPA will announce the availability of both the RI Report and the FS Report to the public for review and comment. Following the public comment period (which may involve both written and oral comments), EPA will determine if the reports should be modified and will notify Respondent in writing of its determination. In the event that EPA determines that either or both of the reports need to be modified, Respondent shall participate and cooperate in modifying the report(s) as directed by EPA and shall submit the modified document(s) to EPA within twenty (20) days of receipt of EPA's determination. EPA shall remain the final arbiter in any dispute regarding the sufficiency or acceptability of both the RI and FS Reports, and EPA may modify them unilaterally.

36. EPA will make the final selection of the remedial alternative(s), if any, to be implemented with respect to the Site.

37. EPA reserves the right to stop Respondent from proceeding further, either temporarily or permanently, on any task, activity, or deliverable at any point during the RI/FS.

38. In the event that Respondent amends or revises a report, plan, or other submittal upon receipt of EPA comments, if EPA subsequently disapproves of the revised submittal or if subsequent submittals do not fully reflect EPA's directions for changes, EPA retains the right to the following: (a) seek statutory penalties; (b) perform its own studies, complete the RI/FS (or any portion of the RI/FS), and seek reimbursement from Respondent for its costs; and/or (c) seek any other appropriate relief.

V. FINANCIAL ASSURANCE

39. At least seven (7) days prior to the performance of any work under this Order by Respondent's contractors and/or sub-contractors, Respondent shall submit a certification that said contractors and/or subcontractors have adequate insurance coverage or indemnification for any liability which may result from the RI/FS activities to be conducted by them.

VI. NOTIFICATION AND REPORTING REQUIREMENTS

40. All reports and other documents submitted by Respondent to EPA (other than the monthly progress reports referred to in paragraph 41) which purport to document Respondent's compliance with the terms of this Order shall be signed by a corporate officer of Respondent.

41. Respondent shall participate and cooperate in providing monthly written progress reports to EPA by the tenth day of every month following the effective date of this Order. The progress reports shall develop a chronological record of Site activities.

42. All work plans, reports and other documents required to be submitted to EPA under this Order shall be sent by certified or express mail, return receipt requested, to the following addressees:

2 copies:

Chief, New York/Caribbean Compliance Branch II
Emergency and Remedial Response Division
United States Environmental Protection Agency Region II
26 Federal Plaza, Room 747
New York, NY 10278

Attention: Project Officer, Anchor Chemical Site

1 copy: Chief, New York/Caribbean Superfund Branch
Office of Regional Counsel
United States Environmental Protection Agency Region II
26 Federal Plaza, Room 437
New York, NY 10278

Attention: Anchor Chemical Site Attorney

6 copies: Division of Hazardous Waste Management
New York State Department of Environmental Conservation
50 Wolf Rd.
Albany, NY 12233-0001

43. Respondent shall give EPA seven (7) business days advance notice of the following expected activities under this Order: drilling, installation, and testing of all monitoring wells and all on-site and off-site sampling activities.

44. All reports and other documents produced by Respondent and submitted to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by Respondent and determined by EPA to merit confidential treatment, in accordance with 40 C.F.R. Part 2, Subpart B. In addition, EPA may release all such documents to NYSDEC, and NYSDEC may make those documents available to the public unless Respondent conforms with appropriate New York law and regulations regarding confidentiality. No sampling and monitoring data or hydrological or geological data shall be considered confidential.

45. Respondent shall use its best efforts to avoid or minimize any delay or prevention of performance of its obligations under this Order. Respondent shall provide written notification to EPA of any circumstances which have caused or which Respondent

believes are likely to cause a delay in performance. Such written notice: (a) shall be provided as soon as possible, but not later than seven (7) days after the date when Respondent learned or should have learned of the occurrence of such circumstances; (b) shall include (i) a description of the circumstances causing or potentially causing the delay; (ii) the actions (including pertinent dates) that Respondent has taken and/or plans to take to minimize any delay; and (iii) the date by which or time period within which Respondent proposes to complete the delayed activities. Such notification does not relieve Respondent of any of its obligations under this Order.

VII. RESPONDENT'S FACILITY COORDINATOR, OTHER PERSONNEL

46. Not later than seven (7) calendar days after the effective date of this Order, Respondent shall propose to EPA for approval an individual to be known as the Facility Coordinator and shall notify EPA in writing of the name, address, qualifications, job title and telephone number of the proposed Facility Coordinator. The individual proposed shall have technical expertise sufficient to adequately oversee all aspects of the work contemplated by this Order. When approved, the Facility Coordinator shall be responsible for oversight of the implementation of this Order. EPA correspondence to Respondent with respect to the work to be performed pursuant to this Order will be sent to the Facility Coordinator.

47. All activities required of Respondent under the terms of this Order shall be performed only by well-qualified persons possessing all necessary permits, licenses, and other authorizations required by federal, state, and local governments.

VIII. ACCESS AND AVAILABILITY OF DATA

48. Respondent shall be responsible for obtaining in a timely fashion such access to the Site and any other premises where work under this Order is to be performed as is necessary for Respondent to carry out the requirements of this Order. This Order does not convey any rights of access to Respondent.

49. EPA and its designated representatives, including but not limited to its employees, agents, contractors and consultants, shall be permitted to observe the work carried out pursuant to this Order. Respondent shall provide EPA and its designated representatives with access to and freedom of movement at the Site (and any other premises under the ownership or control of Respondent where work under this Order is performed) at all times, including, but not limited to, any time that work under this Order is being performed, for purposes of inspecting or observing Respondent's progress in implementing the requirements of this Order, verifying the information submitted to EPA by Respondent, or for any other purpose related to EPA oversight of

the implementation of this Order. Respondent shall not interfere with EPA access to premises where work under this Order is performed, and to the maximum extent practicable, Respondent shall support and assist EPA in obtaining access to any such premises. Notwithstanding the above, EPA hereby retains all of its inspection authority under CERCLA, the Resource Conservation and Recovery Act, 42 U.S.C. §§6901-6991, and any other applicable statute. NYSDEC and its designated representatives shall be eligible to be designated representatives of EPA under this paragraph.

50. All data, information, and records created or maintained by Respondent or its contractors or consultants in connection with implementation of the work under this Order, including but not limited to contractual documents, shall, without delay, be made available to EPA on request. Further, EPA shall be permitted to copy all such documents. In addition, no such data, information, or records shall be destroyed for six years after completion of the work required by this Order without either the express written approval of EPA or a written offer by Respondent to provide such material to EPA, followed by EPA's written rejection of that offer.

51. Upon request by EPA, Respondent shall provide EPA or its designated representatives with duplicate and/or split samples of any material sampled in connection with the implementation of this Order.

IX. GENERAL PROVISIONS

52. This Order shall apply to and be binding upon Respondent and Respondent's receivers, trustees, successors and assigns.

53. All actions performed by Respondent pursuant to this Order shall be carried out in conformance with all applicable federal, state, and local laws, regulations, and requirements, including, but not limited to, the NCP and any amendments thereto.

54. All work conducted pursuant to this Order shall be performed in accordance with prevailing professional standards.

55. Respondent shall be responsible for obtaining all necessary permits, licenses and other authorizations.

56. The activities set forth in the EPA-approved RI Work Plan and the POP are incorporated as requirements of this Order. All subsequent reports, work plans, and other writings required under the terms of this Order, upon approval by EPA, shall be deemed to be incorporated into this Order, and Respondent is required to perform all activities in accordance with any schedules set forth in such reports, work plans, or documents.

57. Neither the United States Government nor any agency thereof shall be held out as a party to any contract entered into by Respondent in carrying out any activities pursuant to this Order.

58. Nothing herein shall constitute or be construed as a satisfaction or release from liability for Respondent or Respondent's directors, officers, employees, agents, contractors, subcontractors, consultants, receivers, trustees, successors or assigns or for any other individual or entity. Nothing herein shall constitute a finding that Respondent is the sole responsible party with respect to the release and threatened release of hazardous substances from the Facility.

59. Nothing contained in this Order shall affect any right, claim, interest, defense, or cause of action of any party hereto with respect to third parties.

60. Nothing in this Order shall be construed to constitute preauthorization under Section 111(a)(2) of CERCLA, 42 U.S.C. §9611(a)(2), and 40 C.F.R. §300.25(d).

61. No informal advice, guidance, suggestions or comments by EPA shall be construed to relieve Respondent of any of its obligations under this Order.

X. ENFORCEMENT

62. Notwithstanding any other provision of this Order, EPA reserves the right to bring an action against Respondent (and/or any other responsible parties) pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any costs incurred by the United States at the Site including, but not limited to, oversight costs, any costs incurred in the event that EPA performs the RI/FS or any part thereof, and any future costs incurred by the United States in connection with response activities conducted pursuant to CERCLA at the Site.

63. EPA retains the authority to take enforcement actions, including actions for monetary penalties, for any violation of law, regulation, or of this Order. Such enforcement actions may include, without limitation, actions for violations of this Order pursuant to Sections 106(b)(1) and 113(b) of CERCLA, U.S.C. §§ 9606(b)(1) and § 9613(b). Failure to comply with this Order or any portion hereof without sufficient cause also may subject Respondent to civil penalties of up to \$25,000 per day and/or punitive damages in the amount of up to three times the amount of any costs incurred by the United States as a result of such failure, pursuant to Sections 106(b) and 107(c) of CERCLA, 42 U.S.C. §§ 9606(b) and 9607(c). EPA may also take other actions as it deems necessary or appropriate for any purpose, including but not limited to, the investigation, prevention, or abatement

of a threat to the public health, welfare, or to the environment arising from conditions present at the Site.

64. Respondent is jointly and severally liable for all work required to complete the RI/FS in accordance with this Order. Failure of any other liable person to complete any of the work at the Site does not relieve Respondent of its obligation to complete all work required herein.

XI. TERMINATION AND SATISFACTION

65. When Respondent concludes that they have completed the work required under this Order, Respondent shall so notify EPA by submitting a written report demonstrating that Respondent has complied with and completed the implementation of this Order. That report shall be accompanied by appropriate documentation which substantiates Respondent's assertion that the work required hereunder has been completed. The report shall further include a certification statement, signed by a responsible corporate officer of the Respondent, which states the following:

" I certify that the information contained in or accompanying this submission is true, accurate and complete.

"As to (the) (those) identified portion(s) of this submission for which I cannot personally verify (its) (their) truth and accuracy, I certify, as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is true, accurate and complete."

Following receipt of the aforementioned report, and if EPA determines that the work required hereunder has been fully carried out in accordance with this Order, EPA will so notify Respondent in writing.

XII. EFFECTIVE DATE / OPPORTUNITY TO CONFER

66. Not later than five (5) calendar days from the date of receipt of this Order, Respondent may request a conference with EPA to discuss this Order. Any such conference shall be held within seven (7) calendar days of the date of Respondent's request. At any conference held pursuant to Respondent's request, Respondent may discuss with EPA this Order, including its applicability, the Findings upon which this Order is based, the appropriateness of any action or activity required to be undertaken herein, or other issues or contentions directly relevant to the issuance of this Order which Respondent may have regarding this Order. Such conference is not, and shall not be deemed to be, an adversarial hearing or part of a challenge to this Order, and no official stenographic record of such

proceeding shall be kept. Respondent may appear at such conference in person or by attorney or other designated representative. Any request for such conference shall be made to James Doyle, Esq., of the Office of Regional Counsel, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York, 10278, (212) 264-2645.

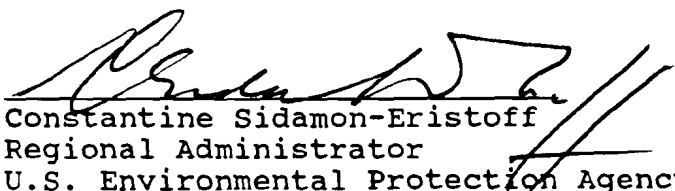
67. Any comments which Respondent may have regarding this Order, its applicability to Respondent, the correctness of any factual determination upon which this Order is based, or any other relevant and material issue must be reduced to writing and submitted to EPA within seven (7) calendar days following receipt of this Order or, if a conference is requested, within three (3) calendar days following the conference. Any such comments should be sent by overnight carrier to James Doyle, Office of Regional Counsel, U.S. EPA, Region II, 26 Federal Plaza, Room 437, New York, New York, 10278.

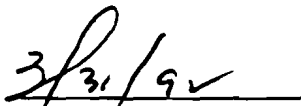
68. This Order shall be effective ten (10) calendar days following receipt by Respondent unless a conference is requested as provided above. If a conference is requested, this Order shall become effective five (5) calendar days following the conference, unless this Order is modified or withdrawn by the Regional Administrator.

XIII. NOTICE OF INTENTION TO COMPLY

69. Within three (3) calendar days of the effective date of this Order, Respondent shall provide notice to EPA stating whether it intends to comply with the terms hereof. Such notice shall be conveyed to James Doyle, Office of Regional Counsel, Room 437, U.S. EPA, Region II, 26 Federal Plaza, New York, New York, 10278. In the event that Respondent fails to provide such notice, Respondent shall be deemed not to have complied with the terms of this Order.

U.S. ENVIRONMENTAL PROTECTION AGENCY


Constantine Sidamon-Eristoff
Regional Administrator
U.S. Environmental Protection Agency
Region II


DATE