

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 3, 1969

Corporation Trust Company, Registered Agent
15 Exchange Place
Jersey City, New Jersey

Kearney

Gentlemen:

There is enclosed for service upon you as Registered Agent for Alcan Aluminum Corporation, an Order, in duplicate, made by this Department pursuant to the provisions of R.S. 58:12-2.

Kindly acknowledge receipt of this Order by affixing your signature and date of acceptance on the back of the original and return it to this Department in the enclosed envelope. The duplicate may be retained by you.

Very truly yours,

Ernest R. Segesser, Chief Engineer
Water Pollution Control Program

6E26:CS
Enclosures

cc: Division of Fish and Game
Air Pollution Control Program
Passaic Valley Sewerage Commissioners
Division of Water Policy and Supply
Metropolitan State Health District



State of New Jersey

DEPARTMENT OF HEALTH

JOHN FITCH PLAZA, P.O. BOX 1540, TRENTON, N. J. 08625

ORDER

WHEREAS, The State Department of Health of the State of New Jersey has found through investigations made by its representatives that Alcan Aluminum Corporation in the Town of Kearny, County of Hudson and State of New Jersey, is discharging industrial waste and other polluting matter into the Passaic River, being waters of this State, thereby causing or threatening injury to the inhabitants of this State either in their health, comfort or property, in violation of R.S. 58:12-2; and

WHEREAS, The State Department of Health of the State of New Jersey has found through investigations made by its representatives that Alcan Aluminum Corporation in the Town of Kearny, County of Hudson of the State of New Jersey, is discharging harmful, deleterious and polluting matter from a sewer or drain into the Passaic River, being waters of this State, without approval of the State Department of Health as required by R.S. 58:12-3.

WHEREAS, The State Department of Health of the State of New Jersey, in consideration of the aforesaid findings, is of the opinion that in order for the wastewater to be properly, adequately and sufficiently treated and/or otherwise disposed of, wastewater treatment and/or disposal facilities must be provided in a manner approved by the State Department of Health of the State of New Jersey; therefore

NOTICE IS HEREBY GIVEN, by the State Department of Health of the State of New Jersey, pursuant to the applicable provisions of R.S. 58:12-2 to Alcan Aluminum Corporation in the Town of Kearny, County of Hudson and State of New Jersey, requiring that the Company, on or before January 5, 1970, install and provide wastewater treatment and/or disposal facilities in order that the Company's wastewaters be properly, adequately, and sufficiently treated and/or otherwise be disposed of in a manner approved by the State Department of Health; and

NOTICE IS FURTHER GIVEN, by the State Department of Health of the State of New Jersey that the Company cease and desist discharging its industrial waste or other polluting matter from any sewer or drain into the waters of the Passaic River being waters of this State by January 5, 1970 and thereafter.

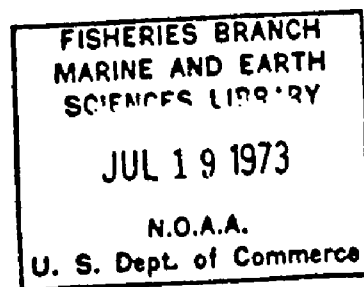
STATE DEPARTMENT OF HEALTH OF THE STATE OF NEW JERSEY

Richard J. Sullivan
Richard J. Sullivan, Director
Division of Clean Air and Water

Dated: October 3, 1969

TD
225
N4945

REPORT ON THE
QUALITY OF THE INTERSTATE WATERS
OF THE
LOWER PASSAIC RIVER AND UPPER AND LOWER BAYS
OF NEW YORK HARBOR



U. S. DEPARTMENT OF THE INTERIOR
U.S. FEDERAL WATER POLLUTION CONTROL ADMINISTRATION.

NORTHEAST REGION.

HUDSON DELAWARE BASINS OFFICE

Edison, New Jersey

November 1969

70 4047

TABLE 6
DIRECT WASTE DISCHARGES
PASSAIC RIVER 1/

| Map Ident. No. | Source Municipality | River Mile 2/ | Pipe Size | Est. Flow mgd | Temp. °C | BOD mg/l | Total Suspended Solids mg/l | pH | Total Coliform Org./100 ml | Fecal Coliform Org./100 ml | Remarks |
|----------------|--|---------------|----------------------------------|----------------------------|--------------|------------|-----------------------------|------------|--|--|---|
| 1 | Passaic Valley Sewerage Comm. 2/ 4/ | 0.1 | undetermined | - | - | - | - | - | - | - | BOD = 241 mg/l yellow color, odor |
| 2 | Vulcan Materials 2/ 4/ | 0.6 | 36", 6", 8" | - | - | - | - | - | - | - | High BOD, pH = 9.6 - 11.4 |
| 3 | Ashland Chemical Co. 4/ | 1.1 | 3" 24" | - | - | - | - | - | - | - | Temp. > 70°C Q = 0.05 mgd |
| 4 | Revere Smelting & Refining Co. 2/ 4/ | 1.1 | Open ditch | - | - | - | - | - | - | - | BOD = > 421 mg/l Ether sol. = 14 mg/l yellow color, pH = 2.7 Q = 0.25 mgd |
| 5 | Celanese Chemical Co. 2/ 4/ | 1.1 | 6" | - | - | - | - | - | - | - | BOD = > 430 mg/l Q = 0.25 mgd |
| 6 | Essex Chemical Corp. 2/ | 1.4 | 18", 18", 11", 15" | 0.1 | 25.0 | nil | 352 | 6.5 | 32x10 ⁴ | 28x10 ³ | BOD = 48.0 mg/l, pH = 8.2 4/ |
| 7 | Roanoke Ave. Storm Sewer 2/ | 1.7 | 60" | 1.90 | 27.0 | 740 | 1,230 | 6.7 | 75x10 ⁴ | 31x10 ³ | Oil & chemical odor BOD = 382 mg/l, pH = 8.8 Ether sol. = 228 mg/l Phenol = 1.5 ppm 4/ |
| 8 | Western Electric Kearny | 1.9 | 18", 18", 18", 21" other 10" | 18" = .01 18" = slight | 25.0 | nil | 278 | 6.7 | 26x10 ³ | 22x10 ² | |
| 9 | Surface Runoff Kearny | 2.1 | 48", 6", 18" | - | - | - | - | - | - | - | |
| 10 | Surface Runoff <i>Lincoln Hwy 51-11</i> Kearny | 2.1 | 12" | - | - | - | - | - | - | - | |
| 11 | Alcan Aluminum Corp. of America 2/ Kearny | 2.2 | 4", 2", several other pipes 3" | 4" = .01 2" = .02 | 42.0 44.0 | 2 7.4 | 42 60 | 7.7 7.6 | 10 10 | 4 4 | Cr = 122 ppm Cu = 70 ppm pH = 4.3 4/ |
| 12 | Storm Sewer 2/ Newark | 2.5 | 18", 18" | - | - | - | - | - | - | - | |
| 13 | Kramer Chemical Co. 2/ Kearny | 2.5 | Flow through 8" hole in bulkhead | 0.001 | 22.0 | nil | 580 | 12.0 | 10 | 4 | |
| 14 | Monsanto Chemical Co. Kearny | 2.7 | 27" with V notched weir | 0.20 | 43.5 | nil | 68 | 8.8 | 26x10 ³ | 71x10 ² | |
| 15 | Public Service Essex Gen. Station Newark | 2.8 | 28", very large outlet with gate | very large 28"-very lg. | 33.0 38.5 | nil 7.4 | 8 236 | 7.0 8.7 | 18x10 ⁴ 21x10 ³ | 60x10 ² 40x10 ² | |
| 16 | Hudson County Mosquito Control Kearny | 3.0 | 12" | large-under pressure | 19.0 | nil | 312 | | 45x10 ³ | 40 | |
| 17 | Commercial Solvents 4/ Newark | 3.1 | 2" | - | - | - | - | - | - | - | |
| 18 | Blanchard Street Storm Sewer 2/ 4/ Newark | 3.2 | - | - | - | - | - | - | - | - | pH = 6.4 |

TABLE 6 (Cont'd.)

| Map Ident. No. | Source Municipality | River ^{2/} Mile | Pipe Size | Est. Flow mgd | Temp. °C | BOD mg/l | Total Suspended Solids mg/l | pH | Total Coliform Org./100 ml | Fecal Coliform Org./100 ml | Remarks |
|----------------|---|--------------------------|--------------------------|---------------|----------|----------|-----------------------------|-----|----------------------------|----------------------------|---|
| 72 | Witco Chemical Co. Paterson | 24.0 | 2-4" | - | - | - | - | - | - | - | |
| 73 | Leon Street Storm Sewer (PVSC Overflows) Paterson | 24.0 | 18" | 0.01 | 30.5 | 98.7 | 450 | 7.7 | 11x10 ⁴ | 29x10 ³ | |
| 74 | Public Service Paterson | 24.2 | 8 pipes of varying sizes | - | - | - | - | - | - | - | Pipes flowing, samples could not be taken |
| 75 | Storm Sewer Paterson | 26.6 | 30" | - | - | - | - | - | - | - | |
| 76 | Storm Sewer West Paterson | 27.0 | 36", 12", 48" | - | - | - | - | - | - | - | |

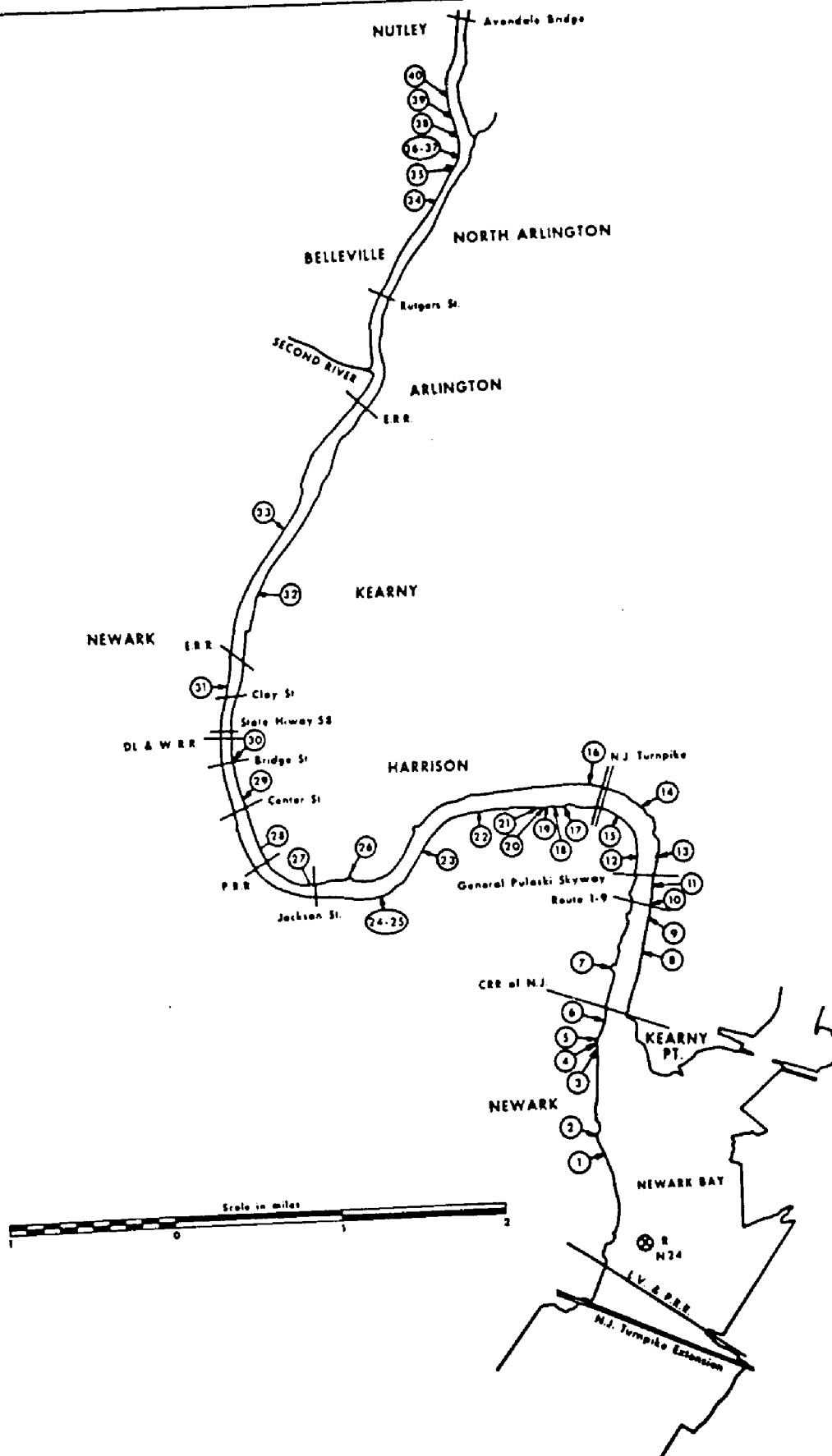
^{1/} Data contained in this Table have been obtained from the Federal Water Pollution Control Administration and New Jersey State Department of Health surveys conducted during June-November, 1969.

^{2/} River mile measured from mouth of River at Newark Bay (Buoy RN 24).

^{3/} Waste source under pollution abatement orders issued by the New Jersey State Department of Health.

^{4/} New Jersey State Department of Health data.

(T) Tentatively identified sources.



Map 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 15 2003

**GENERAL NOTICE LETTER
CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Robert Ball, President
Alcan Aluminum Corporation
100 Erieview Plaza, 29th Floor
Cleveland, Ohio 44114

RE: Diamond Alkali Superfund Site
Notice of Potential Liability for
Response Actions in the Lower Passaic River, New Jersey

Dear Mr. Ball:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq.

You received a letter from EPA, dated April 26, 1996, notifying Alcan Aluminum Corporation ("Alcan") of its potential liability relating to the Passaic River Study Area, which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey, pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, potentially responsible parties ("PRPs") include current and past owners of a facility, as well as persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site. Accordingly, EPA is seeking your cooperation in an innovative approach to environmental remediation and restoration activities for the Lower Passaic River.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the six-mile stretch of the river, known as the Passaic River Study Area, which is part of the Site located in Newark, New Jersey. Based on the results of previous CERCLA remedial investigation activities and other environmental studies, including a reconnaissance study of the Passaic River conducted by the United States Army Corps of Engineers ("USACE"), EPA has further determined that contaminated sediments and other potential sources of hazardous substances exist along the entire 17-mile tidal reach of the Lower Passaic River. Thus, EPA has decided to expand the Study to include the areal extent of contamination to which hazardous substances from the six-mile stretch were transported; and those sources from which hazardous substances outside the six-mile stretch have come to be located within the expanded

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Study Area.

In recognition of our complementary roles, EPA has formed a partnership with USACE and the New Jersey Department of Transportation-Office of Maritime Resources ("OMR") ["the governmental partnership"] to identify and to address water quality improvement, remediation, and restoration opportunities in the 17-mile Lower Passaic River. This governmental partnership is consistent with a national Memorandum of Understanding ("MOU") executed on July 2, 2002 between EPA and USACE. This MOU calls for the two agencies to cooperate, where appropriate, on environmental remediation and restoration of degraded urban rivers and related resources. In agreeing to implement the MOU, the EPA and USACE will use their existing statutory and regulatory authorities in a coordinated manner. These authorities for EPA include CERCLA, the Clean Water Act, and the Resource Conservation and Recovery Act. The USACE's authority stems from the Water Resources Development Act ("WRDA"). WRDA allows for the use of some federal funds to pay for a portion of the USACE's approved projects related to ecosystem restoration.

For the first phase of the Lower Passaic River Project, the governmental partners are proceeding with an integrated five- to seven-year study to determine an appropriate remediation and restoration plan for the river. The study will involve investigation of environmental impacts and pollution sources, as well as evaluation of alternative actions, leading to recommendations of environmental remediation and restoration activities. This study is being conducted by EPA under the authority of CERCLA and by USACE and OMR, as local sponsor, under WRDA. EPA, USACE, and OMR are coordinating with the New Jersey Department of Environmental Protection and the Federal and State Natural Resource Trustee agencies. EPA, USACE, and OMR estimate that the study will cost approximately \$20 million, with the WRDA and CERCLA shares being about \$10 million each. EPA will be seeking its share of the costs of the study from PRPs.

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from the Alcan facility located at Jacobus Avenue in Kearny, New Jersey, into the Lower Passaic River. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Alcan may be potentially liable for response costs which the government may incur relating to the study of the Lower Passaic River. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

Enclosed is a list of the other PRPs who have received Notice letters. This list represents EPA's findings on the identities of PRPs to date. We are continuing efforts to locate additional PRPs who have released hazardous substances, directly or indirectly, into the Passaic River. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site. Be advised that notice of your potential liability at the Site is being forwarded to all parties on this list.

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We request that you consider becoming a "cooperating party" for the Lower Passaic River Project. As a cooperating party, you, along with many other such parties, will be expected to fund EPA's share of the study costs. Upon completion of the study, it is expected that CERCLA and WRDA processes will be used to identify the required remediation and restoration programs, as well as the assignment of remediation and restoration costs. At this time, the commitments of the cooperating parties will apply only to the study. For those who choose not to cooperate, EPA may apply the CERCLA enforcement process, pursuant to Sections 106 (a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws.

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site are located at EPA's Region 2 office (290 Broadway, New York) on the 18th floor. You may call the Records Center at (212) 637-4308 to make an appointment to view the administrative record for the Lower Passaic River Project.

EPA will be holding a meeting with all PRPs on October 29, 2003 at 10:00 AM in Conference Room 27A at the Region 2 office. At that meeting, EPA will provide information about the actions taken to date in the Lower Passaic River, as well as plans for future activities. After the presentation, PRPs will be given the opportunity to caucus, and EPA will return to answer any questions that might be generated during the private session. Please be advised that due to increased security measures, all visitors need to be registered with the security desk in the lobby in order to gain entry to the office. In order to ensure a smooth arrival, you will need to provide EPA with a list of attendees no later than October 15, 2003.

EPA recommends that the cooperating parties select a steering committee to represent the group's interest as soon as possible, since EPA expects a funding commitment for the financing of the CERCLA share of the \$20 million study by mid-November 2003. If you wish to discuss this further, please contact Ms. Alice Yeh, Remedial Project Manager, at (212) 637-4427 or Ms. Kedari Reddy, Assistant Regional Counsel, at (212) 637-3106. Please note that all communications from attorneys should be directed to Ms. Reddy.

Sincerely yours,



George Pavlou, Director
Emergency and Remedial Response Division

Enclosure

cc: Lawrence Salibra, Esq.
Alcan Aluminum Corporation

851550003

PRPs in Receipt of Notice Letters:

| PRP | Legal Counsel |
|--|---|
| J. Roger Hirl President and Chairman of the Board Occidental Chemical Co. Occidental Tower 5005 LBJ Freeway Dallas, Texas 75244 | Paul W. Herring, Esq. Andrews & Kurth L.L.P. 1717 Main Street, Suite 3700 Dallas, Texas 75201 |
| Joseph Gabriel Vice President of Operations 360 North Pastoria Environmental Corp. 1100 Ridgeway Avenue Rochester, New York 14652-6280 | Philip Sellinger, Esq. Sills Cummis Zuckerman One Riverfront Plaza Newark, NJ 07102 |
| Robert Ball, President Alcan Aluminum Corporation 100 Erieview Plaza, 29th Floor Cleveland, Ohio 44114 | Lawrence Salibra, Esq. Alcan Aluminum Corporation 6060 Parkland Blvd. Mayfield Hts., OH 44124 |
| Mark Epstein, President Alden Leeds Inc. 55 Jacobus Ave. Kearny, New Jersey 07032 | Eric Aronson, Esq. Whitman Breed Abbott & Morgan One Gateway Center Newark, NJ 07102 |
| Alan Bendelius, President Alliance Chemical, Inc. Linden Avenue Ridgefield, New Jersey 07657 | Fredi L. Pearlmutter, Esq. Cooper, Rose & English, LLP 480 Morris Avenue Summit, New Jersey 07901-1527 |
| William Gentner, President The Andrew Jergens Co. 2535 Spring Grove Ave. Cincinnati, Ohio 45214 | A. Christian Worrell III, Esq. Head & Ritchey, LLP 1900 Fifth Third Center 511 Walnut Street Cincinnati, OH 45202 |
| Gary Cappeline, President Ashland Specialty Chemical Co. 5200 Blazer Parkway Dublin, Ohio 43017 | Stephen Leermakers, Esq. Ashland Specialty Chemical Co. 5200 Blazer Parkway Dublin, OH 43017 |
| Klaus Peter Loebbe, President BASF Corporation 3000 Continental Drive North Mount Olive, New Jersey 07828 | Nan Bernardo, Esq. and Nancy Lake Martin, Esq. BASF Corporation 3000 Continental Drive North Mount Olive, NJ 07828 |

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|--|---|
| Joseph Akers, Vice President Bayer Corporation 100 Bayer Road Pittsburgh, Pennsylvania 15205-9741 | Gerard Hickel, Esq. Bayer Corporation 100 Bayer Road Pittsburgh, PA 15205-9741 |
| Yvan Dupay, President Benjamin Moore & Co. 51 Chestnut Ridge Road Montvale, New Jersey 07645 | Arthur Schulz, Esq. Environmental Counsel 4910 Massachusetts Ave., N.W. Suite 221 Washington, DC 20016 |
| Alberto Celleri, President Chemical Compounds Inc. 10 Baldwin Court Roseland, New Jersey 07086 | Jim Giannotti Chemical Compounds Inc. 29-75 Riverside Avenue Newark, NJ 07104 |
| President Chris-Craft Industries, Inc. 767 Fifth Avenue, 46th Floor New York, New York 10153 | Brian Kelly, Esq. Chris-Craft Industries, Inc. 767 Fifth Avenue, 46th Floor New York, NY 10153 |
| John Guffey, President Coltec Industries, Inc. 3 Coliseum Centre 2550 West Tyvola Road Charlotte, North Carolina 28217 | John R. Mayo, Esq. Coltec Industries, Inc. 430 Park Avenue New York, NY 10022 |
| Roger Marcus, President Congoleum Corporation 3705 Quakerbridge Road Mercerville, New Jersey 08619 | Russell Hewit, Esq. Dughi & Hewit 340 North Avenue Cranford, NJ 07016 |
| Martin Benante, Chairman Curtiss-Wright Corp. 4 Becker Farm Road Roseland, New Jersey 07068 | James Maher, Esq. Curtiss-Wright Corp. 4 Becker Farm Road Roseland, NJ 07068 |
| Antonio Perez, President Eastman Kodak Company 343 State Street Rochester, New York 14650 | Elliot Stern, Esq. Eastman Kodak Company 343 State Street Rochester, NY 14650 |
| Edgar Woolard, Chairman E.I. du Pont de Nemours & Co. 1007 Market Street Wilmington, Delaware 19898 | Bernard J. Reilly, Esq. Corporate Counsel E.I. du Pont de Nemours & Co. 1007 Market Street Wilmington, DE 19898 |

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|--|--|
| David Weisman, CEO Elan Chemical Company 268 Doremus Ave. Newark, New Jersey 07105 | Jeffrey Schwartz, Esq. Sarber Schlesinger Satz & Goldstein One Gateway Center Newark, NJ 07102 |
| Al Reisch, President E M Sergeant Pulp & Chemical Co. Inc. 6 Chelsea Road Clifton, New Jersey 07102 | None |
| Mark Tucker, Esq. Essex Chemical Corp. 2030 WMDC Midland, Michigan 48674 | Kenneth Mack, Esq. Fox, Rothschild, O'Brien & Frankel Princeton Pike Corp.Center 997 Lenox Drive, Building 3 Lawrenceville, NJ 08648 |
| Todd Walker, President Fairmount Chemical Co. Inc. 117 Blanchard St. Newark, New Jersey 07105 | John lx, Esq. Porzio Bromberg & Newman 163 Madison Ave. Morristown, NJ 07962 |
| Bradley Buechler, President Franklin-Burlington Plastics Inc. 113 Passaic Ave. Kearny, New Jersey 07032 | Robert M. Becker, Esq. Kraemer, Burns, Mytelka & Lovell, P.A. 675 Morris Ave. Springfield, NJ 07081 |
| Henry Benz, President Hoescht Celanese Chemicals, Inc. Route 202-206 P.O.Box 2500 Somerville, New Jersey 08876 | Anne Conley-Pitchell, Esq. Hoescht Celanese Corp. Route 202-206 P.O.Box 2500 Somerville, NJ 08876 |
| Francine Rothschild, President Kearny Smelting & Refining 936 Harrison Ave #5 Kearny, New Jersey 07032 | None |
| Henry Schact, CEO Lucent Technologies, Inc. 600 Mountain Avenue Murray Hill, New Jersey 07974 | Ralph McMurry, Esq. Hill, Betts & Nash LLP 1 Riverfront Plaza, Suite 327 Newark, NJ 07102-5401 |
| Richard Meelia, President Mallinckrodt, Inc. 675 McDonnell Blvd. Hazelwood, Missouri 63042 | Patricia Duft, Esq. Mallinckrodt, Inc. 675 McDonnell Blvd. Hazelwood, MO 63042 |

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| Richard Mahoney, CEO Monsanto Company 800 N. Lindbergh Blvd. St. Louis, Missouri 63167 | L. William Higley, Esq. Monsanto Company 800 N. Lindbergh Blvd. St. Louis, MO 63167 |
| Joseph Galli, President Newell Rubbermaid, Inc. 29 E. Stephenson St. Freeport, Illinois 61032 | Peter Schultz, Director Environmental Affairs Newell Co. 4000 Auburn St. Rockford, IL 61101 |
| Jean-Pierre van Rooy, President Otis Elevator Company North American Operations 10 Farm Springs Road Farmington, Connecticut 06032 | Sarah Hurley, Esq. Robinson & Cole LLP 695 East Main Street Stamford, CT 06904-2305 |
| Richard Ablon, President Ogden Corporation Two Pennsylvania Plaza, 25 th Floor New York, New York 10121 | J.L. Effinger, Esq. Ogden Corporation Two Pennsylvania Plaza, 25 th Floor New York, NY 10121 |
| Henry McKinnell, Chairman Pfizer Inc. 235 E. 42 nd St. New York, New York 10017 | Michael McThomas, Esq. Pfizer Inc. 235 E. 42 nd St. New York, NY 10017 |
| Raymond LeBoeuf, President PPG Industries, Inc. One PPG Place Pittsburgh, Pennsylvania 15272 | Joseph Karas, Esq. PPG Industries, Inc. One PPG Place Pittsburgh, PA 15272 |
| Lawrence Codey, President PSE&G Co. P.O. Box 570 Newark, New Jersey 07101-0570 | Hugh Mahoney, Esq. PSE&G Co. P.O. Box 570 Newark, NJ 07101 |
| Phillip D. Ashkettle, President Reichhold Chemicals, Inc. P.O. Box 13582 Research Triangle Park, North Carolina 27709 | Adam S. Walters, Esq. Phillips, Lytle, Hitchcock, Blaine & Huber 3400 Marine Midland Center Buffalo, NY 14203 |
| Robert McNeeley, President Reilly Industries, Inc. 1510 Market Square Center 151 North Delaware Street Indianapolis, Indiana 46204 | Paul Rivers, Director Corporate Environmental Affairs Reilly Industries, Inc. 1500 S. Tibbs Avenue Indianapolis, IN 46242 |

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|--|--|
| Robert Finn, President RSR Corporation 2777 Stemmons Freeway, Suite 1800 Dallas, Texas 75207 | Howard Myers, Esq. RSR Corporation 2777 Stemmons Freeway, Suite 1800 Dallas, TX 75207 |
| Christopher Connor, CEO The Sherwin-Williams Company 101 Prospect Avenue, N.W. Cleveland, Ohio 44115-1075 | Donald McConnell, Esq. The Sherwin-Williams Co. 101 Prospect Ave., N.W. Cleveland, OH 44115 |
| George Barrett, President Teva Pharmaceuticals USA Inc. 1090 Horsham Road North Wales, Pennsylvania 19454 | Kirsten E. Bauer, Esq. Teva North America 1090 Horsham Road North Wales, PA 19454 |
| Robert Senior, President Three County Volkswagen 701 Riverside Ave. Lyndhurst, New Jersey 07071 | Robert DiLascio, Esq. 30 Park Avenue, Suite 101 Lyndhurst, NJ 07071 |
| Michael Jordan, President Westinghouse Electric Corp. 11 Stanwix Street Pittsburgh, Pennsylvania 15222 | Roger Willis, Esq. Westinghouse Electric Corp. 11 Stanwix Street Pittsburgh, PA 15222 |
| Isaac Weinberger, President Wiggins Plastics Inc. 547 Maitland Ave. Teaneck, New Jersey 07666 | None |

851550008

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

**Mr. Robert L. Ball, President
Alcan Aluminum Corporation
100 Erieview Plaza, 29th Floor
Cleveland, OH 44114**

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

IB536032178 US

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| <input checked="" type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

Mr. Robert L. Ball

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

840150001

APR 26 1996

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
EXPRESS MAIL - RETURN RECEIPT REQUESTED

Mr. Robert L. Ball, President
Alcan Aluminum Corporation
100 Erieview Plaza, 29th Floor
Cleveland, OH 44114

Re: Diamond Alkali Superfund Site
Notice of Potential Liability for
Response actions in the Passaic River Study Area

Dear Mr. Ball:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the Passaic River Study Area which is part of the Diamond Alkali Superfund Site ("Site"). By this letter EPA is notifying Alcan Aluminum Corporation ("Alcan") of its potential liability relating to the Site pursuant to Section 107 of CERCLA.

Sediment in the Passaic River contain numerous hazardous substances, pollutants and contaminants. Investigations undertaken by EPA indicated that hazardous substances were being released from the Alcan facility located at Jacobus Avenue in Kearny, New Jersey, into the Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the Passaic River Study Area present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Alcan may be potentially liable for all response costs which the government may incur relating to the Passaic River Study Area.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws, potentially responsible parties ("PRPs") may be obligated to implement response actions deemed

| | | | | | | | | |
|-------------|---------|---------|---------|-------|-------|--------|----------|--|
| SYMBOL --> | NNJS2 | ORC-SUP | NNJS2 | NJB2 | NJP | DD | D | |
| SURNAME --> | RICHMAN | WAGNER | DIFORTE | BASSO | RISCO | PAVLOU | CALLAHAN | |
| DATE --> | 4/12 | 4/23/96 | | 4/26 | 4/26 | | 4/26 | |

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necessary by EPA to protect public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. If response actions are performed by EPA rather than by the PRPs, those PRPs may be subject to legal action pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a), to recover public funds expended by EPA in response to the release and threatened release of hazardous materials at the Site. Such actions and costs may include, but need not be limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), a Remedial Design/Remedial Action, and other investigation, planning, response, oversight, and enforcement activities. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

While EPA has the discretionary authority to invoke special notice procedures, EPA hereby notifies you that it will not utilize the special notice procedures contained in Section 122(e) of CERCLA, 42 U.S.C. §9622(e). EPA has concluded that use of the special notice procedures in Section 122(e) of CERCLA would delay the implementation of any RI/FS which is currently being performed at the Site to determine the extent of contamination and to evaluate possible actions to mitigate any adverse effects. EPA will determine at a subsequent time whether additional measures are required to mitigate releases from the Site in order to protect the public health, welfare, and the environment. The decision not to use the special notice procedures does not preclude you from entering into discussions with EPA regarding your participation in activities at the Site.

By this letter, EPA encourages you, as a PRP, to voluntarily participate in the EPA-approved activities underway at the Passaic River Study Area in conjunction with other PRPs. At the present time, the Occidental Chemical Corporation ("OCC") is performing an RI/FS at the Site under an Administrative Consent Order. OCC, through a successor, Maxus Energy Corporation, can be contacted at the addresses listed in the Attachment to this letter. Other PRPs who have received Notice letters are also listed in the Attachment. Be advised that notice of your potential liability at the Site is being forwarded to OCC by EPA.

EPA requests your cooperation in this matter. If you are interested in participating in the ongoing response action you should notify EPA of your intentions to join with OCC. Notification should be in writing and should be delivered to EPA no later than fourteen (14) days after the date that you receive

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this letter. Your letter should be sent to:

Lance R. Richman, P.G.
U.S. Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway, Floor 19
New York, NY 10007-1866,

with a copy to Ms. Amelia Wagner, Esq., of the Office of Regional Counsel at the same address.

If EPA does not receive a written response from you in the time specified above, EPA will assume that you voluntarily decline to participate in any of the response actions taking place at the Site. EPA reserves the right to pursue its available enforcement options with regard to the site.

If you wish to discuss this matter further, please contact Mr. Lance R. Richman, P.G., of my staff at (212) 637-4409 or Ms. Wagner at (212) 637-3141. Please note that all communications from attorneys should be directed to Ms. Wagner.

Sincerely yours,

Kathleen Callahan, Director
Emergency and Remedial Response Division

Attachment

CC: Mr. Lawrence A. Salibra, II
Senior Counsel
Alcan Aluminum Corporation

Ms. Carol Dinkins, Esq.
Vinson & Elkins, L.L.P.

Mr. Richard P. McNutt
Maxus Energy Corporation

bcc: A. Wagner, ORC-SUP

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ATTACHMENT

Contact for Maxus Energy Corporation:

Mr. Richard P. McNutt
Maxus Energy Corporation
1015 Belleville Turnpike
Kearny, New Jersey 07032

Counsel: Ms. Carol Dinkins, Esq.
Vinson & Elkins, L.L.P.
3700 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201-2916

PRPs in receipt of Notice Letters:

Mr. J. Roger Hirl
President and Chairman of the Board
Occidental Chemical Company
Occidental Tower
5005 LBJ Freeway
Dallas, Texas 75244

Brian C. Kelly, Esq.
Chris-Craft Industries, Inc.
600 Madison Avenue
New York, New York 10022

Counsel: Peter Simshauser, Esq.
Skadden, Arps, Slate, Meagher & Flom
300 South Grand Avenue
Los Angeles, California 90071-3144

Mr. Robert D. McNeeley, President
Reilly Industries, Inc.
1510 Market Square Center
151 North Delaware Street
Indianapolis, IN 46204

Counsel: Jacqueline A. Simmons, Esq.
Reilly Industries, Inc.

Mr. John G. Breen, Chairman of the Board
The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

Counsel: Donald J. McConnell, Esq., Environmental Counsel
The Sherwin-Williams Company

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Mr. Robert L. Ball, President
 Alcan Aluminum Corporation
 100 Erieview Plaza, 29th Floor
 Cleveland, OH 44114

Counsel: Lawrence A. Salibra II, Esq., Senior Counsel
 Alcan Aluminum Corporation
 6060 Parkland Blvd.
 Mayfield Hts., Ohio 44124

Mr. David J. D'Antoni, President
 Ashland Chemical Company
 P.O. Box 2219
 Columbus, OH 43216

Counsel: Stephen W. Leermakers, Esq., Senior Litigation Counsel
 Ashland Chemical Company
 5200 Blazer Parkway
 Dublin, Ohio 43017

Mr. Richard J. Mahoney, Chief Executive
 Monsanto Company
 800 N. Lindbergh Blvd.
 St. Louis, MO 63167

Counsel: Peter H. Smith, Esq., Assistant Environmental Counsel
 Monsanto Company

Mr. Maurice C. Workman, President
 Benjamin Moore & Co.
 51 Chestnut Ridge Road
 Montvale, New Jersey 07645

Counsel: John T. Rafferty, Esq., General Counsel
 Benjamin Moore & Co.

Mr. Edgar S. Woolard, Jr., Chairman
 E.I. du Pont de Nemours and Company
 1007 Market Street
 Wilmington, Delaware 19898

Counsel: Bernard J. Reilly, Esq., Corporate Counsel
 E.I. du Pont de Nemours and Company

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