EPA
United States
Environmental Protection
Agency

Superfund Records Center
SITE: Centredale
BREAK: 11-9
OTHER: 494720

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

August 6, 2008

Mr. David D. Ethier
Environmental Manager
Duro Industries, Division of Duro Textiles LLC
110 Chace Street
P.O. Box A
Fall River, MA 02724

Re: Notice of Potential Liability for the Centredale Manor Restoration Project Superfund Site in North Providence, Rhode Island

Dear Mr. Ethier:

This letter serves to formally notify Duro Industries, a Division of Duro Textiles LLC, of the potential liability which it has or may have incurred with respect to the Centredale Manor Restoration Project Superfund Site ("the Site") located in North Providence, Rhode Island. In addition, this letter requests that you pay certain costs related to the Site and that you prepare to participate in the conduct or financing of certain cleanup activities at the Site.

Explanation of Potential Liability

The U.S. Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Site. EPA has spent and is considering spending additional public funds on actions to investigate and control such releases or threatened releases. Unless EPA reaches an agreement under which a responsible party or parties such as yourself will properly perform or finance such actions, EPA may itself perform these actions or order responsible parties to perform these actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et seq. ("CERCLA"), commonly known as the federal "Superfund" law.

Under Sections 106(a) and 107(a) of CERCLA, potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. Such costs may include, but are not limited to, expenditures for investigation, planning, cleanup response and enforcement activities. In addition, PRPs may be required to pay damages for injury to, destruction of, or loss of natural resources, including the costs to assess such damages.

SDMS DocID 494720

PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including witness interviews; written statements and depositions from persons familiar with activities at the former chemical and drum refurbishing companies that operated at the Site; and responses to CERCLA Section 104(e) information requests. Based on the information collected, EPA believes that Duro Industries may be liable under Section 107(a) of CERCLA with respect to the Site as an arranger, who by contract or agreement, arranged for the disposal, treatment or transportation of hazardous substances at the Site.

By this letter, EPA notifies you of your potential liability with regard to this matter. EPA also encourages you, as a PRP, to reimburse EPA for the costs incurred to date as set out below, and to prepare to voluntarily perform or finance future response activities which EPA determines are necessary to address the contamination at the Site.

Demand for Payment of Costs

In accordance with CERCLA and other authorities, EPA has undertaken certain actions and incurred costs in response to conditions at the Site. These response actions are described below. The costs to date associated with these actions are approximately $ 18 million, excluding interest. EPA anticipates that it will expend additional funds for response activities at the Site under the authority of CERCLA and other laws, including those response activities described below.

In accordance with Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), demand is hereby made for payment of the above amount, and all interest authorized to be recovered under that Section or under any other provisions of law. Demand is also hereby made under these authorities for payment of all future costs, and interest thereon, that EPA may accrue in regard to the Site.

Response Activities at the Site

EPA has conducted or is planning in the future to conduct the following activities at the Site:

1. Previous Site activities:

Previous activities by EPA

- established site security;
- restricted access to contaminated soils;
- conducted certain characterization activities to assist in determining the extent of contamination at the Site;
- installed one and partially installed a second interim cap over two contaminated soil areas at the Site;

- conducted an Engineering Evaluation/Cost Analysis for addressing the breached Allendale Dam and contaminated soil and sediment on residential-use properties; and
- conducted a remedial investigation to identify the characteristics of the Site, to define the nature and extent of soil, sediment, air, surface water and ground water contamination at the Site, and to characterize the risk posed by the Site.

Previous activities by PRPs
- completed installation of a second interim cap over a contaminated soil area at the Site;
- completed the restoration of the Allendale Dam;
- sampled, analyzed, excavated and disposed of contaminated soils and sediments located in areas accessible by residential and recreational users; and
- completed the reconstruction of the tail-race, including the construction of a cap over contaminated soil and sediment and construction of a drainage swale to prevent migration.

2. Current Site activities:

Current activities by EPA
- a feasibility study to evaluate a number of different means for addressing the contamination at the Site and the risk posed by that contamination.

Current activities by PRPs
- performance of studies and investigations to assist EPA in its analysis of the conditions that would potentially result from the removal of the Allendale and Lyman Mill Dams.

3. Future Site activities:

Future work at the Site may include removal actions to address any remaining sources of contamination. Future work shall also include the design and implementation of the remedial action to be selected and approved by EPA for the Site and any operation, maintenance and monitoring activities necessary at the Site.

In addition to those activities enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other studies or cleanup activities are necessary to protect public health, welfare or the environment.

Future Special Notice and Negotiation Moratorium

At an appropriate point in the future, EPA will send to you, or a person you designate to represent you, a notice informing you that one or more of the above activities is pending and that your cooperation is being requested to negotiate an agreement to perform or finance those activities.

This forthcoming notice will tell you whether EPA has decided to use the "Special Notice" procedures pursuant to CERCLA Section 122(e), 42 U.S.C. § 9622(e), to formally negotiate the terms of a consent order or consent decree to conduct or finance response activities at the Site. If

EPA does not use Section 122(e) Special Notice procedures, the notice will explain to you why EPA has determined that those procedures are not appropriate for this Site.

If EPA chooses to employ the Special Notice procedures under Section 122(e) of CERCLA, that notice will commence formal negotiations between EPA and the PRPs. This notice will also trigger a moratorium on certain EPA activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may negotiate a settlement.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please contact Eve Vaudo at (617) 918-1089 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business [and personal] federal income tax returns. If EPA concludes that Duro Industries has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy.

Information to Assist You

EPA would like to encourage communication between you, other PRPs, and EPA at the Site. EPA recommends that all PRPs meet to select a "steering committee" that will be responsible for representing the group's interests. Establishing a manageable group is critical to successful negotiations with EPA. If this is not possible, EPA encourages each PRP to select one person from its company or organization to represent its interests to EPA.

To assist you in your efforts to communicate, please find the following attached information:

1. A list of names and addresses of PRPs to whom this letter is being sent (Enclosure A).

2. A list of names and addresses of PRPs previously identified for this Site (Enclosure B).

3. An evidentiary summary which sets forth the documentary evidence which indicates, along with other investigatory information gathered by EPA, that you are a PRP for this Site (Enclosure C).

4. A compact disk set (with user manual) that contains evidentiary documents including responses to EPA's information requests; deposition transcripts; and summaries of interviews or written statements from former employees of the

companies that previously operated at the Site (Enclosure D). EPA will issue an updated disk periodically as new documents are issued and received.

5. A compact disk set that contains that portion of the ongoing administrative record file that is not available on EPA's website (Enclosure E).

In accordance with Section 113(k) of CERCLA, EPA must establish an administrative record containing the documents used by EPA to select the appropriate response actions for the Site.

The administrative record file for past response actions is available to the public for inspection at:

EPA Records Center
1 Congress Street
Boston, MA 02114-2023
Telephone No. 617-918-1440.

Please call the EPA Records Center at (617) 918-1440 for current hours and directions.

This administrative record file is also available at North Providence Union Free Library, 1810 Mineral Springs Ave., North Providence RI 02911 and Marion J. Mohr Memorial Library, 1 Memorial Avenue, Johnston, RI 02919.

In addition, this administrative record file is available at http://www.epa.gov/region01/superfund/resource/centredale.htm.

In most cases, EPA seeks an active dialogue with PRPs regarding the search for additional PRPs. If you have evidence regarding the liability of any party for response actions at the Site which has not already been provided to EPA, you should provide that information no later than thirty (30) days from the date of this letter. You should note that any evidence which you gather and offer to EPA regarding other PRPs will be subject to independent evaluation by EPA. Therefore, this evidence must be reliable and sufficiently detailed to be verified by EPA.

Orphan Share Information

Pursuant to the Superfund Reforms, when EPA enters into certain settlements, EPA may compensate settlors for a portion of the shares specifically attributable to insolvent and defunct PRPs ("orphan share"), if any. EPA believes that there may be PRPs at this site who are insolvent or defunct. If in the future you, either individually or with other PRPs, enter into a cost recovery or RD/RA settlement with EPA and provide sufficient information about the existence, liability, and relative shares of responsibility of insolvent and defunct PRPs, EPA will analyze the information and determine whether to consider the shares of these parties in the amount of past costs and future oversight costs which EPA will seek to recover in such settlement.

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small

Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at http://www.epa.gov/swerosps/ bf/sblrbra.htm and review EPA guidances regarding these exemptions at http://www.epa.gov/ compliance/resources/policies/cleanup/superfund.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at http://www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at http://www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Timing and Form of Response to this Letter

As a PRP, you should notify EPA in writing within 30 days from the date of this letter of your receipt of this letter, and your willingness to join the other PRPs in addressing the contamination at the Site, and in paying EPA's outstanding response costs set out in this letter. Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you with respect to any such activities. EPA requests that you report the status of such Site-related activities in your response to this letter.

Your response letter should be sent to:

Anna Krasko
U.S. Environmental Protection Agency
Office of Site Remediation and Restoration
1 Congress Street, Suite 1100 (HBO)
Boston, MA 02114-2023

If EPA does not receive a timely response to this letter, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the Site and that you have declined any involvement in performing the response activities, and paying outstanding costs.

If you have questions regarding the Site or this notice letter, please contact Anna Krasko at (617) 918-1232. If you have an attorney representing you in this matter, please direct his or her questions to Eve Vaudo of the EPA Office of Environmental Stewardship at (617) 918-1089.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any matter set forth herein. Please give these matters your immediate attention and consider consulting with an attorney.

Sincerely,

James T. Owens, III, Director
Office of Site Remediation and Restoration

Enclosures

cc: Patty Fairweather, RIDEM Legal Services
Louis Maccarone, RIDEM Remedial Project Manager
Jerome MacLaughlin, USDOJ
Eve Vaudo, EPA Office of Environmental Stewardship
Anna Krasko, EPA Remedial Project Manager
Stacy Greendlinger, EPA Community Involvement Coordinator
Joan Buonopane, Acting Chief, Search & Cost Recovery Section

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-07-003 October 2007

Office of Enforcement and Compliance Assurance

INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture
(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry
(www.ecarcenter.org)

Automotive Service and Repair
(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry
(www.chemalliance.org)

Construction Industry
(www.cicacenter.org or 1-734-995-4911)

Education
(www.campuserc.org)

Healthcare Industry
(www.hercenter.org or 1-734-995-4911)

Metal Finishing
(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings
(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing
(www.pwbrc.org or 1-734-995-4911)

Printing
(www.pneac.org or 1-888-USPNEAC)

Transportation Industry
(www.transource.org)

Tribal Governments and Indian Country
(www.epa.gov/tribal/compliance or 202–564-2516)

US Border Environmental Issues
(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Gateway
www.epa.gov/smallbusiness

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Voluntary Partnership Programs
www.epa.gov/partners

Recycled/Recyclable
Printed with Soy/Canola Ink on paper that contains at least 30% post consumer fiber

U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

ENCLOSURE A

1. A. Harrison & Co., Inc.

   Richard R. Harrison
   President
   A. Harrison & Co., Inc.
   35 Hurdis Street
   North Providence, RI 02904
   (P): (401) 725-7450
   (F): (401) 725-3570

2. BNS Co.

   Michael Warren
   President
   BNS Co.
   200 Frenchtown Road, Suite 2
   Middletown, RI 02842-5201

3. Cal Chemical Corporation

   Charles A. Lamendola
   President
   P.O. Box 1452
   592 Arnold Road
   Coventry, RI 02816
   (P): (401) 821-0320
   (F): (401) 823-5001

4. Duro Industries, Division of Duro Textiles LLC

   David D. Ethier
   Environmental Manager
   Duro Textiles LLC
   110 Chace Street
   P.O. Box A
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   (P): (508) 675-0101
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5. Eastern Resins Corp.

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Woonsocket, RI 02895
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(F): (401) 769-6710

6. Indusol, Inc.

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Sutton, MA 01590
(P): (508) 865-9516
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ENCLOSURE B

1. American Mineral Spirits Company

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2. Ciba Specialty Chemicals Corporation

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   Tarrytown, NY 10591

3. CNA Holdings, Inc.

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4. ConocoPhillips Company

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5. Cranston Print Works Company

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6. Crown-Metro, Inc.

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7. Eastern Color & Chemical Company

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Mr. Barry S. Shepard
President
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8. Eli Lilly and Company

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9. Emhart Industries, Inc.

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10. New England Container Company, Inc.

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11. Northeast Products Company, Inc.

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12. Organic Dyestuffs Corporation

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greg@organicdye.com

13. Refinity Corporation

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14. Sequa Corporation

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(F): (973) 848-2138
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15. The Original Bradford Soap Works, Inc.

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16. Teknor Apex Company

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Mr. David F. Yopak
Director of Environmental, Health and Safety
Teknor Apex Company
505 Central Avenue
Pawtucket, RI 02861-1900
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17. THBC, Inc.

Scott Junkin, Esq.
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195 Church Street
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New Haven, CT 06510
(P): (203) 777-8008
(F): (203) 777-6304

18. United States Department of the Navy

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Office of the General Counsel
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19. United States Air Force

Brian P. Turcott, Esq.
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Air Force Legal Operations Agency (AFLOA)
Regional Environmental Counsel, Eastern Region
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ENCLOSURE C

CENTREDALE MANOR RESTORATION PROJECT SUPERFUND SITE

Duro Industries
Division of Duro Textiles LLC
110 Chace Street
P.O. Box A
Fall River, MA 02724

Contact: **David D. Ethier**
Environmental Manager
Duro Textiles LLC

Evidentiary Summary

New England Container Company, Inc. ("NECC") operated a drum recycling business at 2074 Smith Street in North Providence, Rhode Island from approximately 1952 to approximately mid-1971. This property is now part of the Centredale Manor Restoration Project Superfund Site ("Site").

In Duro Textiles, LLC's July 15, 2003 response to EPA's April 10, 2003 Request for Information ("Duro Textiles' Response), the Company states that Duro Finishing Corporation operated a textile dyeing and finishing company at 110 Chace Street in Fall River, MA from approximately 1947 to 1985. Typical raw materials included dyestuffs, mineral spirits, ammonia, acids and caustics and finishing solutions. A former employee stated that Duro purchased dry powder dyes from Metro-Atlantic Corporation some time during 1952 to 1972 and returned the drums to NECC.

In responses to EPA's requests for information, NECC provided EPA with lists of companies whose drums were taken to the Site for refurbishing. In particular, NECC states that Duro Finishing sent open head drums to NECC for refurbishing. (NECC Responses dated February 12, 2002 and August 22, 2002.) This information was confirmed in a deposition of Vincent Buonanno taken on March 28, 2003 in Russell-Stanley Holdings v. Vincent Buonanno (U.S. Dist. Ct., So. District of NY). According to his deposition, Mr. Buonanno, whose father was a part owner of NECC, worked at NECC in the summers in the early 1960s; became a salesperson in 1967; and eventually became the Chief Executive Officer. Specifically, Mr. Buonanno states that Duro Finishing supplied barrels to NECC.

In 1985, Duro Industries acquired the assets and business of Duro Finishing. In 2002, Duro Textiles acquired the assets of Duro Industries. As a result of these transactions, Duro Textiles succeeded to the liabilities of Duro Finishing. (See Milliken & Company v. Duro Textiles, LLC, 19 Mass.L.Rptr. 509 (Mass. Super. June 10, 2005.))

EPA personnel have interviewed many former employees of NECC and former residents of the

area. EPA has concluded that NECC's recycling operations resulted in contamination at the Site. NECC received drums by truck. The drums were then unloaded and stacked on the ground. The contents of some of the drums leaked onto the ground. Drums were then placed upside down on a conveyor belt inside a furnace. The drum contents either drained into a pit located under the conveyor belt or were burned out. Ash from the incineration process either fell into the pit or was swept into the pit. (The liquid contents of some drums may have been emptied into other drums or onto the ground before being placed on the conveyor belt.) The contents of the pits were emptied periodically into drums. Those drums or the contents of those drums were then taken to an area south of the facility (but still within the Site property) and dumped. Residents living near the Site observed the dumping of drums in this area. In addition, residents observed bulldozers burying drums into the ground.