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Site Name (Subject): VASS TRUCK WRECK

Site ID (Document ID): NCD981929391

Document Name (DocType): Removal (RMVL)

Report Segment:

Description: Immediate Removal

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Division: WASTE MANAGEMENT

Section: SUPERFUND

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

JUN 1 9 1988

4WD-SISB



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Arthur Culbertson, President
Culbertson Plastics, Inc.
13150 N W 45 Avenue
Opalocka, Florida 33054

Re: Vass Truck Wreck Site

Dear Mr. Culbertson:

The United States Environmental Protection Agency (EPA) expended public funds to investigate and take corrective action for the control of releases of hazardous substances at the Vass Truck Wreck Site which is located along Highway 1 and in Little River one half mile south of Vass, North Carolina (hereafter "the Site"). The March 13, 1986, release was a result of an accident involving two tractor trailers and several passenger autos. One trailer had been transporting 85 drums of an intermediate product of the plastics industry, containing the hazardous constituents, cadmium and barium. Because of the accident, some of these drums had been damaged; some were leaking; and they were scattered along the highway and in the river.

This action was taken pursuant to Section 104 and other provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA" or the "Superfund law"), 42 U.S.C. §9601, et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), P.L. 99-499. Under Section 107(a) of CERCLA, as amended, responsible parties may be liable for any costs incurred in taking corrective actions at the Site. Such costs may include, but may not be limited to, expenditures for investigation, planning, cleanup of the Site, and enforcement.

Responsible parties under CERCLA include current and past owners and operators, as well as persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of them. EPA has reason to believe that Culbertson Plastics, Inc. was an owner of the hazardous materials that were spilled on the ground and in the river at the Site. By this letter, therefore, EPA intends to notify you under Section 104(a) of CERCLA of potential liability for any costs incurred by the government in taking corrective actions at the Site, and to request that you reimburse the EPA for its cost in cleaning up the Site to date. In addition, you are requested to provide additional information as set forth below.

EPA's emergency response action, which began on March 14, 1986, and concluded April 18, 1986, consisted of the retrieval and proper disposal of the spilled and damaged drums and removal of contaminated soil from the area. Eleven 30-cubic yard dump trailer loads of soil were removed.

The Agency believes that you are responsible for the hazardous materials contaminating the Site because EPA has reason to believe that you were owner of the hazardous materials released at the Site. Pursuant to the provisions of Section 107(a) of CERCLA, as amended, 42 U.S.C. §9607(a), we believe that you are liable to the Hazardous Substance Superfund, which is administered by EPA, for the payment of all costs associated with the removal actions at the Site, and all other costs incurred as a result of that cleanup.

We hereby request that you make restitution by payment of \$104,979.58, plus interest, as well as all costs of EPA's enforcement actions, including attorney fees, together with any sums hereafter expended by the Agency on the Site pursuant to the authority of CERCLA. The other potentially responsible party receiving a similar request for payment is:

Mr. William Wishnick
Chairman of the Board
Witco Corporation
520 Madison Avenue
New York, New York 10022

If you or a group representing all of the responsible parties desire to discuss your liability with EPA, please contact the person named below in writing not later than fifteen (15) days after the date of this letter. Absent such contact, the Agency will assume that you have declined to reimburse the Fund for the Site expenditures, and may subsequently pursue civil litigation against you.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. Where you are already involved in discussions with the state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this Site, you should continue that activity and report the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions.

Your letter should be sent to:

Alvin Lenoir
Assistant Regional Counsel
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

If you need further information, Mr. Lenoir can be reached by telephone at 404/347-2641. Any technical questions should be directed to Mr. Herb Miller at 404/347-5059.

EPA is also seeking certain additional information from you for the purpose of determining the need for possible enforcement actions against potentially

responsible parties. Under the provisions of Section 104 of CERCLA, 42 U.S.C. §9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, as amended, the Administrator of the Environmental Protection Agency has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handled or has handled hazardous wastes and substances to furnish information related to such wastes and substances. Pursuant to those statutory provisions, you are hereby directed to respond to the information and document requests set forth herein on the basis of all information and documents in its possession, custody or control, or in the possession, custody or control of its employees, agents, servants or attorneys.

1. Please explain the sales agreement for the 85 drums of product that were being transported from Argus Chemical Division of Witco Corporation in New York to Culbertson Plastics, Inc., in Palm Coast, Florida.
2. Please explain the shipping arrangements for the 85 drums in question. Name all intermediate handlers and subcontracting transporters, if any.
3. Who was owner of the 85 drums of product at the time of the accident? Explain the basis for your answer.
4. Have you filed a claim for reimbursement for losses resulting from the referenced truck wreck. If so, was the claim for loss of the drummed product? If not, what was the nature of the claim.
5. Referencing the previous question, who did you file the claim (or claims) against? Has a settlement been reached? Please provide copies of your claims and any settlement agreements.
6. List the fixed and liquid assets of Culbertson Plastics, Inc.
7. Please identify real property owned by Culbertson Plastics, Inc. As to such property identified, please provide a legal description.
8. Please provide copies of Culbertson Plastics, Inc.'s federal income tax returns for the last five years.
9. Provide the names and addresses for all banks with which you do business.
10. Name the type of accounts, and list the corresponding account numbers for all accounts with the banks listed in response to the previous question.
11. Did you have liability insurance at the time of the accident? If so, provide the name and address of the insurance company, the policy number, the effective dates of the policy, and the amount of coverage. Also, please provide a copy of this policy. If you have more than one policy, this question applies to each of them.

The requested information must be sent to the person named above within fifteen (15) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, as amended, failure to comply with this request may result in an order requiring compliance or a civil action for appropriate relief. Section 3008 provides for civil penalties. Failure to comply with this request under Section 104 of CERCLA, 42 U.S.C. §9604, as amended, may result in a civil enforcement action being brought against Culbertson Plastics, Inc. by EPA.

Enclosed is a Cost Recovery Agreement prepared pursuant to Section 122(h) of CERCLA (the "Agreement"). The Agreement reflects EPA's current costs of \$104,979.58 for the Site. Notwithstanding the demand stated above for these costs and additional sums, the Agency is willing to settle with you on the terms and conditions set forth in the Agreement. This settlement is conditioned upon your signing the Agreement within (15) days of your receipt of this letter. If you do not sign within that time frame, additional costs may be added to the total amount due.

Due to the seriousness of the problems at this Site, and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

Sincerely,



Patrick M. Tobin
Director
Waste Management Division

cc: Jerry Rhodes
North Carolina Department of Human Resources



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Culbertson Plastics, Inc.
13150 N W 45 Avenue
Opalocka, Florida 33054

If you or a group representing all of the responsible parties desire to discuss your liability with EPA, please contact the person named below in writing not later than thirty (30) days after the date of this letter. Absent such contact, the Agency will assume that you have declined to reimburse the Fund for the Site expenditures, and may subsequently pursue civil litigation against you.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. Where you are already involved in discussions with the state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this Site, you should continue that activity and report the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions.

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Enclosure

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