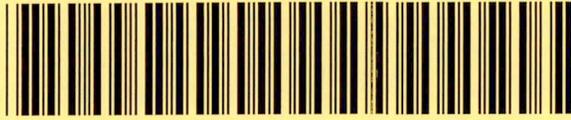


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DocumentID NONCD0002863

Site Name BABY DIAPER SERVICE

DocumentType Correspondence (C)

RptSegment 1

DocDate 7/2/2008

DocRcvd 7/2/2008

Box SF1225

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY



1203 Maple Street
Greensboro, NC 27405

July 2, 2008

Mr. Marshall Morgan
810 Mc Nair Court
High Point, NC 27265

Re: Baby Diaper Service
1819 Spring Garden Street
Greensboro, Guilford County, NC

Dear Mr. Morgan:

We have received your information and affidavit regarding the Baby Diaper Service site. The evidence is not adequate to absolve Baby Diaper Service of responsibility for the contamination. This site is ranked as a low priority for the Inactive Hazardous Sites Branch. Further assessment and remediation will be addressed in order of priority.

If you have any questions please contact Mindy Lepard at (336) 641-5557.

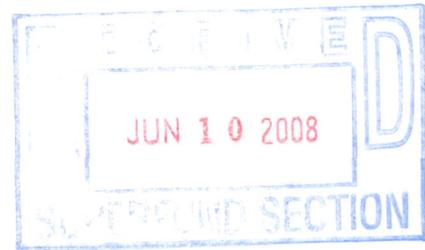
Sincerely,

A handwritten signature in cursive script that reads "Mindy Lepard".

Mindy Lepard
Guilford County Environmental Health



WYATT EARLY HARRIS WHEELER
ATTORNEYS AND COUNSELLORS AT LAW



June 9, 2008

Direct Telephone ● 336.819-6003
Direct Fax ● 336.819-6063
E-mail ● rsawyer@wehwlaw.com

Mr. John Walch
Eastern Unit Supervisor-
DWM-Superfund Section
NC-DENR
401 Oberlin Road, Suite 150
Raleigh, NC 27605

Via Federal Express
(919)508-8400

RE: Baby Diaper Service, Inc. Property
1819 Spring Garden Street
Greensboro, Guilford County, North Carolina ("Site")

Dear Mr. Walch:

As you know, our firm represents Baby Diaper Service, Inc. ("BDS") concerning the referenced Site.

You and I have previously had discussions about the Site and the TCE contamination found there in recent testing. BDS contends that its operations are not the source of the TCE contamination and, therefore, BDS cannot be considered a "responsible party" ("RP") for the contamination as that concept has been discussed in a recent decision by the North Carolina Court of Appeals (see discussion below).

You indicated that the North Carolina Department of Environment and Natural Resources ("DENR") is willing to consider any evidence that BDS would offer in support of BDS contention that it is not the RP at the Site.

Enclosed with this letter you will find an affidavit signed by Marshall Morgan, the President of BDS, along with supporting documentation. Mr. Morgan's affidavit discusses his knowledge of the history of the BDS Site and the company's operations (BDS is no longer in operation). As you will see from the Affidavit, it is unlikely that the TCE contamination presently found on the Site could have come from BDS' operations. It is, in fact, more likely that the TCE could have come from prior owners or operators which included a chemical company.

Please take note that the highest reported TCE concentrations in groundwater were found underneath the “original” concrete slab that, according to Mr. Morgan, has existed at the property since before the acquisition of the Site from the Amalgamated Chemical Company by M.G. and Juanita W. Morgan in 1957 (and the subsequent acquisition by BDS outright from the Morgans in 1960). As noted in Mr. Morgan’s affidavit, BDS’s operations did not utilize either TCE or TCE-producing components. This combination of BDS’s “non-use” of TCE producing compounds along with the presence of TCE groundwater contamination on a non-accessible portion of the Site lead to the reasonable conclusion that the source of the present TCE contamination probably existed prior to its purchase in 1957. From the facts above and in the BDS affidavit, it is clear there is no evidence that BDS ever used TCE in its operations, and no evidence that BDS was the source of the TCE found on the Site. ***Under these circumstances, there is absolutely no basis for concluding that BDS is an RP at the Site for the TCE contamination.*** Moreover, as the North Carolina courts have recently held (see below), the mere status of owning the Site is not sufficient to place liability on a landowner for contamination found there.

We respectfully request that DENR review this affidavit and the other information about the Site in light of the legal standard established recently by the North Carolina Court of Appeals (discretionary review was denied by the North Carolina Supreme Court) in *A.J. Lancaster, Jr. v. North Carolina Department of Environment and Natural Resources*, 652 S.E.2d 359, 2007 N.C.App. LEXIS 2304 (2007), a copy of which is attached to this letter. Within this case the Court of Appeals stated that a party cannot be deemed a responsible party without having engaged in the type of responsibility-creating conduct defined within various environmental statutes. Simply being the present owner of a contaminated property does not create responsible party status.

We believe that the affidavit, along with other information already known to DENR at the Site, suggest that parties other than BDS are the source of the TCS contamination. We respectfully request that DENR issue a decision to that effect, so that BDS may then focus its efforts on marketing the Site. Although such a finding will not remove the “stigma” of contamination on the Site, a finding that BDS is not the RP would provide additional options to BDS, including, without limitation, the ability to petition as a “prospective developer” under the North Carolina Brownfields Program.

We look forward to hearing from you after your review. Please do not hesitate to contact me if you have any questions or need anything further for your review.

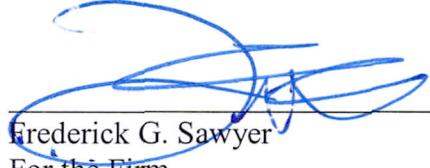
**WYATT
EARLY
HARRIS &
WHEELER, L.L.P.**

Mr. John Walch
North Carolina Department of Environment & Natural Resources
June 9, 2008
Page 3

Very truly yours,

WYATT EARLY HARRIS WHEELER, L.L.P.

By:



Frederick G. Sawyer

For the Firm

FGS:bp

Enclosures

cc: Ms. Mindy Lepard-Guilford County Environmental Health (w/enclosures)

cc: Marshall Morgan-Baby Diaper Service, Inc.(w/o enclosure)

LEXSEE 652 SE 2D 359

A.J. LANCASTER, JR., Petitioner v. NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WASTE MANAGEMENT, AND ENVIRONMENTAL MANAGEMENT COMMISSION, Respondents.

NO. COA07-149

COURT OF APPEALS OF NORTH CAROLINA

652 S.E.2d 359; 2007 N.C. App. LEXIS 2304

**September 12, 2007, Heard in the Court of Appeals
November 6, 2007, Filed**

PRIOR HISTORY: **[**1]**
Nash County. No. 06 CvS 216.

failing to submit a Comprehensive Site Assessment (CSA) report as required by *15A NCAC 2L.0115(f)*.

DISPOSITION: Affirmed.

Background

COUNSEL: Simonsen Law Firm, P.C., by Lars P. Simonsen, for petitioner.

Attorney General Roy Cooper, by Assistant Attorney General Kelly L. Sandling, for respondents.

JUDGES: ELMORE, Judge. Judges MCGEE and STEELMAN concur.

OPINION BY: ELMORE

OPINION

[*360] Appeal by respondents from judgment entered 13 October 2006 by Judge Quentin T. Sumner in Nash County Superior Court. Heard in the Court of Appeals 12 September 2007.

ELMORE, Judge.

The North Carolina Department of Environmental and Natural Resources (DENR), the Division of Waste Management, and the Environmental Management Commission (the EMC) (collectively, respondents) appeal a 13 November 2006 judgment filed in Nash County Superior Court. The judgment reversed a final agency decision by the EMC assessing A.J. Lancaster, Jr. (petitioner), a civil penalty and costs of \$ 7,563.38 for

Petitioner inherited property from his father, A.J. Lancaster, Sr. (Lancaster, Sr.), who owned and operated underground storage tanks (USTs) on the property prior to his death in November of 1991. It appears that Lancaster, Sr., asked the Nash County Health **[**2]** Department to test his well water, and that the tests revealed high levels of benzene and other gasoline constituents. Nash County reported these findings to DENR, ¹ which performed laboratory analysis of the groundwater sample taken by Nash County. DENR re-sampled the well in January of 1991 and again found gasoline constituents in the water. DENR notified Lancaster, Sr., by letter dated 15 February 1991, which included the following language:

On February 14, 1991, the Raleigh Regional Office received a report of laboratory results of the sampling of your well on January 31, 1991. According to the lab report, methyl tertbutyl ether was found in your water. This compound which is a common gasoline additive indicates a release of a regulated substance has occurred from the underground storage tanks on your facility.

Based on the information submitted, the Division has reason to believe a regulated substance may have or is

continuing to be released. Pursuant to [2N .0603], the Division is requiring you to determine if the underground storage tanks at this facility are the source of contamination. If a release is discovered, then you must immediately begin release response and corrective [**3] action as required in Section .0700.

The report required under release investigation and confirmation as described in Subsection .0603 is due in this office within seven (7) days of receipt of this letter. . . . Failure to submit this report within the time limits or request an extension before the deadline is a violation of State regulations and the Division may hold you liable for a civil penalty of not more than \$ 10,000 for each day of continued noncompliance in accordance with *G.S. 143-215.6*.

Lancaster, Sr., did not respond to DENR's letter--either to ensure the safety of his well water or to comply with DENR's demands.

1 DENR has gone through several incarnations and name changes during the course of these events. For ease of reference, we refer to all of them as DENR.

Petitioner was appointed executor to his father's estate and, as executor, published a Notice to Creditors pursuant to *Chapter 28A of our General Statutes*. Respondents made no claim against the estate. DENR continued to send Annual Tank Operating fee invoices to Lancaster, Sr., which petitioner paid. In 1993, DENR sent a notice that the USTs were subject to new technical requirements and needed to be upgraded or closed. [**4] Petitioner investigated the cost of the upgrades and decided to close the tanks. He contacted DENR about this decision and DENR informed him that this was a good time to close the tanks because he would qualify for the lowest deductible under the Leaking Petroleum Underground Storage Tank Cleanup Fund (the Trust Fund) if the tanks were closed prior to 1 January 1994 and contamination was discovered. DENR did not mention the contamination found in 1989 and 1991 or the belief expressed in the 1991 letter that the USTs were leaking and causing the contamination.

[*361] Petitioner hired an environmental consultant to remove the USTs on 29-30 December 1993. Soil and groundwater samples revealed petroleum contamination, which was reported to DENR. Petitioner excavated and properly disposed of 225 cubic yards of contaminated soil from the tank area.

In response to petitioner's tank closure report, DENR sent petitioner a Notice of Regulatory Requirements (NORR) on 5 July 1994, which stated, "Information received by this office on February 1, 1994 relative to a suspected petroleum release, does confirm a release from an underground storage tank system located at A.J. Lancaster Store" The NORR [**5] informed petitioner that as the owner of the USTs, he "must comply with the release requirements of the State's rules," 15A NCAC 2N .0700, a copy of which was attached to the NORR. The letter contained summaries of several rules including *15A NCAC 2N .0706*, which requires that

[i]f certain conditions exist as described in the rule . . . the owner and operator [must] conduct a comprehensive site assessment (CSA) of the release area to determine the full horizontal and vertical extent of any soil and groundwater contamination caused by the release from its UST system. A copy of the guidelines titled, "Groundwater Section Guidelines For The Investigation and Remediation of Soils and Groundwater" addressing the requirements for submittal of the CSA can be obtained at the [Raleigh Regional Office (RRO)]. . . . A complete report of the required investigation must be submitted to the RRO no later than **October 7, 1994**.

The NORR did not specify what conditions would necessitate a CSA, nor did it specify that such conditions existed in this case. There is no evidence that petitioner requested a copy of the CSA guidelines or that he received one.

According to a Record of Communication made by a [**6] DENR staff member, petitioner contacted DENR by telephone on 10 April 1996 to "find out what would be required for this site." Petitioner was told that DENR "had no record of receiving a CSA and that one is

required whenever soil contamination exceeds the concentration determined by an SSE."

The next preserved communication from DENR to petitioner is a Notice of Violation (NOV) dated 17 May 1996, which stated that the 5 July 1994 NORR "required per 15A NCAC 2N .0706, that [petitioner] submit a Comprehensive Site Assessment (CSA) on or before October 7, 1994." According to this NOV, petitioner's 10 April 1996 telephone call followed a 20 March 1996 NOV, which requested that petitioner submit a CSA. ² The NOV further stated that "[a]s a result of [his] failure to submit a CSA, [petitioner is] formally considered to be in continuous violation of 15A NCAC 2N .0706 and 15A NCAC 2L .0106 since October 7, 1994."

2 This March NOV is not in the record.

Petitioner submitted a handwritten CSA on 24 June 1996, which DENR rejected as incomplete and not in compliance with the reporting requirements of 15A NCAC 2L .0106 and .0111. Specifically, petitioner's handwritten CSA did not include analysis performed [**7] by a North Carolina Licensed Geologist or a qualified Professional Engineer or a seal from one of those specialists.

DENR sent a Recommendation for Enforcement Action letter to petitioner on 14 November 1997, advising petitioner that the RRO was "preparing a recommendation for enforcement action to the Director of the Division of Water Quality" because of petitioner's "failure to comply with the reporting requirements of . . . 15A . . . 2N .0706 and 2L .0106 as indicated in the" 17 May 1996 NOV. The letter continues:

By letter dated November 20, 1996, you were given an opportunity to provide an explanation for the above referenced violations. Based on your response to that letter, it appears that at least two of the previous notifications from the Division were sent to your father (A.J. Lancaster, Sr.). ³ However, as the executor of your father's estate and current property owner, [*362] we consider both you and the Estate of A.J. Lancaster, Sr. to be responsible parties and therefore jointly and severally liable for the contamination at this site."

3 Photocopies of the letters and envelopes show that the envelopes were addressed to A.J. Lancaster, Sr., but that the letters were addressed to [**8] A.J. Lancaster, Jr. Petitioner's signature appears on the return receipts.

DENR sent another NOV on 14 November 1997, which included the following language:

By letter dated July 24, 1997, your attorney (Lars Simonsen) indicated that you inherited the property containing the USTs from the Estate of A.J. Lancaster, Sr. After the operation of the USTs was discontinued on December 28, 1993. While it is claimed that you never individually operated the USTs, it appears that you were the executor of the estate and had a responsibility to comply with the notices that had been issued to both you and your father. Based on this information and the fact the USTs remained in use after November 8, 1984, we believe that both you (A.J. Lancaster, Jr.) and the Estate of A.J. Lancaster, Sr. are statutory owners of the USTs. Furthermore, we continue to believe that you and the Estate of A.J. Lancaster, Sr. Are responsible parties and are jointly and severally liable for the contamination at this site.

Notwithstanding these issues, you are the landowner of record and we consider you to also have responsibility as the person in control of the release. In accordance with 15A NCAC 2L .0106, any person conducting [**9] or controlling an activity which results in a discharge to the groundwater must take immediate action to terminate and control the discharge and to mitigate any hazards resulting from the discharge. As the person in control of the release, you are responsible for conducting a site assessment (CSA) sufficient to determine the full vertical and horizontal extent of the contamination

This office has sent numerous letters to you outlining the requirements and

explaining what is required to comply with state regulations. However, to date, you have failed to make any reasonable efforts toward achieving compliance. *Your failure to act in a timely manner has caused the contamination to migrate off-site and impact at least two other drinking water wells.*

(Emphasis added). These NOV's continued until 2003.

The 2001 Final Agency Decision

Petitioner sought reimbursement for the removal of the USTs from the Trust Fund. *See N.C. Gen. Stat. § 143-215.94B* (2005) (describing the Trust Fund). The Trust Fund will reimburse the cost of "the cleanup of environmental damage . . . in excess of twenty thousand dollars (\$ 20,000) per occurrence" "resulting from a discharge or release of a petroleum product [**10] from a commercial underground storage tank . . . discovered on or after 1 January 1992 and reported between 1 January 1992 and 31 December 1993 inclusive." *N.C. Gen. Stat. § 143-215.94B(b)* (2005). The Trust Fund will reimburse the cost of cleanup in excess of \$ 50,000.00 "[f]or discharges or releases discovered or reported between 30 June 1988 and 31 December 1991 inclusive." *Id.* Petitioner sought a \$ 20,000.00 deductible for the removal of the USTs because the tanks were removed in December of 1993, but DENR argued that petitioner was only entitled to a \$ 50,000.00 deductible because the discharge had been discovered in 1989 and 1991.

An administrative law judge (ALJ) concluded that "a discovered release as defined in *15A NCAC 2P.0202(b)(4)* existed at the Lancaster Store Site in both 1989 and 1991 when the on-site water supply well sample confirmed petroleum contamination in the form of benzene contamination and MTBE contamination." The ALJ's recommended decision was adopted as DENR's final agency decision on 6 March 2001 (the 2001 final agency decision). Petitioner appealed to the superior court, but before a verdict was reached, the parties entered into a settlement agreement that [**11] allowed petitioner to pay the \$ 20,000.00 deductible rather than the \$ 50,000.00 deductible, but did "not resolve any other issues except for the specific deductible issue."

During the trial for the case at bar, DENR argued that the release had not happened in 1989 or 1991, despite the agency's own final decision finding that fact.

The superior court judge correctly stated at trial that he was bound by the finding in the 2001 [*363] final agency decision under the doctrine of collateral estoppel. "Collateral estoppel precludes relitigation of an issue decided previously in judicial or administrative proceedings provided the party against whom the prior decision was asserted enjoyed a full and fair opportunity to litigate that issue in an earlier proceeding." *Bradley v. Hidden Valley Transp., Inc.*, 148 N.C. App. 163, 166, 557 S.E.2d 610, 613 (2001) (citations and quotations omitted). "[W]hen a fact has been agreed upon or decided in a court of record, neither of the parties shall be allowed to call it in question, and have it tried over again at any time thereafter, so long as the judgment or decree stands unreversed." *State v. Summers*, 351 N.C. 620, 623, 528 S.E.2d 17, 20 (2000) (citation [**12] and quotations omitted) (alteration in original). The 2001 final agency decision stands unreversed and therefore the parties and this Court are bound by that decision's finding that the releases on petitioner's property occurred in 1989 and 1991.

The 2006 Final Agency Decision

DENR pursued enforcement against petitioner because petitioner was in violation of "*15A NCAC 2L .0115(f)* from 30 August 2003 through at least 16 June 2004 by failing to submit a [CSA] for prior release or discharge from petroleum underground storage tanks formerly located at the A.J. Lancaster Store . . ." The 20 January 2006 final agency decision (the 2006 final agency decision) made the following relevant conclusions of law:

13. The Petitioner violated *15A NCAC 2L .0115(f)* by failing to submit a [CSA] from August 30, 2003 through at least June 16, 2004 in accordance with the procedures and requirements of the cited rule.

15. Petitioner would be absolved of liability for contamination occurring at the site prior to 1991 under the innocent landowner exception pursuant to *15A NCAC 2L .0101(b)* since evidence presented at trial by Petitioner indicated he had no knowledge of releases occurring in 1989 and 1991.

16. [**13] Petitioner's liability as an

owner of the USTs under 15A NCAC 2n .0203 exists since he inherited the tanks from his father in 1991 and the tanks held a regulated substance.

18. The assessment of civil penalties was unnecessarily harsh, given that Mr. Lancaster's claim of being an innocent landowner had some merit, that he did make efforts to comply, and that he never operated the USTs.

The final agency decision reduced the amount of petitioner's fine to \$ 7,563.38.

Petitioner appealed the 2006 final agency decision to the superior court, which reversed. The order is brief and includes as its sole legal basis for the reversal:

that Respondents' conclusion of law that Petitioner is not absolved of liability under the innocent landowner exception pursuant to title *15A N.C.A.C. 2L.0101(b)* is an error of law. Applying the *de novo* standard, the Court finds as a fact and as a matter of law that Petitioner is absolved of liability under title *15A N.C.A.C. 2L.0101(b)* on the grounds that Petitioner acquired the property by inheritance without knowledge or a reasonable basis for knowing that groundwater contamination at the Lancaster Store site had occurred.

Discussion

Respondents argue that the trial [**14] court erred by failing to find that petitioner was the statutory owner of the USTs and, as such, was responsible for submitting a CSA report. They also argue that the trial court erred by applying the innocent landowner exception. We disagree.

DENR fined petitioner for violation of *15A NCAC 2L .0115(f)* (2005),⁴ which states, in relevant part:

If the risk posed by a discharge or release is determined by the Department to be high risk, *the responsible party* shall comply with the assessment and cleanup

requirements of Rule .0106(c), (g) and (h) of this Subchapter and *15A NCAC 2N .0706 and .0707*.

[*364] *15A NCAC 2L .0115(f)* (2005) (emphasis added). DENR had determined that the discharge on petitioner's property was high risk, thus triggering compliance by "the responsible party." *15A NCAC 2L .0106(c)(2)* requires that "[a]ny person *conducting or controlling* an activity which has not been permitted by the Division *and which results in an increase* in the concentration of a substance in excess of the standard . . . shall . . . submit a report to the Director assessing the cause, significance and extent of the violation . . ." *15A NCAC 2L .0106(c)* (2005) (emphasis added). Rules .0106(g) and (h) of [**15] Subsection L list further required content for the site assessment--or CSA--described in Rule .0106(c). *15A NCAC 2L .0106(g)-(h)* (2005). Therefore, petitioner's duty to file a CSA hinges on his being "the responsible party" for the discharge and a "person conducting or controlling an activity . . . which results in an increase" in a regulated substance. *15A NCAC 2L .0106(c)* (2005).

The Authorization subsection of Subchapter 2L states, in relevant part:

(b) These rules are applicable to all activities or actions, intentional or accidental, which contribute to the degradation of groundwater quality . . . *except an innocent landowner* who is a bona fide purchaser of property which contains a source of groundwater contamination, who purchased such property without knowledge or a reasonable basis for knowing that groundwater contamination had occurred, or a person whose interest or ownership in the property is based or derived from a security interest in the property, *shall not be considered a responsible party*.

15A NCAC 2L .0101(b) (2006) (emphasis added).

4 *15A NCAC 2L .0115(f)* was recodified at *15A NCAC 2L .0400* effective 1 December 2005.

The trial court found that petitioner was an innocent [**16] landowner and thereby absolved of liability because he "acquired the property by inheritance without

knowledge or a reasonable basis for knowing that groundwater contamination at the Lancaster Store site had occurred." In the 2006 final agency decision, the EMC concluded, as a matter of law, that "Petitioner would be absolved of liability for contamination occurring at the site prior to 1991 under the innocent landowner exception pursuant to *15A NCAC 2L .0101(b)* since evidence presented at trial by Petitioner indicated he had no knowledge of releases occurring in 1989 and 1991."

Although the innocent landowner exception in Rule .0101(b) does not specifically include language protecting a landowner who inherits contaminated property, the EMC itself recognized that the exception's purpose--to protect from prosecution those landowners who acquire property without prior knowledge of contamination--applies to landowners who acquire land by inheritance. Petitioner inherited the property "without knowledge or a reasonable basis for knowing that groundwater contamination had occurred." *15A NCAC 2L .0101(b)* (2006). The EMC specifically did not find liability for the discharges that occurred [**17] before petitioner acquired the property.

The EMC instead concluded that petitioner's liability arose because he owned the USTs after he inherited the property from his father in 1991, and that the tanks were "in use" until their removal in 1994. The EMC concluded that this made petitioner an "owner" under *15A NCAC 2N .203*, and that as an "owner," he must "comply with . . . the Comprehensive Site Assessment report requirements of *15A NCAC 2L .0115(f)*." *15A NCAC 2L .0115(f)*, which is the basis for petitioner's fine, does not state that it applies to "owners" of USTs. It states that it applies to "responsible parties" and makes no reference to "owners" as defined in Subsection 2N. *15A NCAC 2L .0115(f)* (2005). Furthermore, the CSA requirement itself arises from *2L .0106(c)*, which applies to persons "conducting or controlling" discharge without reference to "owners" or Subsection 2N.

The issue before us is whether petitioner violated *15A NCAC 2L .0115(f)* by failing to file a CSA. We are bound by the finding in the 2001 final agency decision that the only discharges on petitioner's land occurred in 1989 and 1991. Only "responsible parties" who conduct and control the activity leading to the [**18] discharge must file a CSA. *15A NCAC 2L .0115(f)*, *.0106(c)* (2005). Petitioner cannot be a "responsible party" under *2L .0115(f)* or a "person conducting or controlling" [**365] the discharge under *2L .0106(c)* because the discharges occurred before he acquired the property. As such, he had no obligation to file a CSA and did not violate *2L .0115(f)*. Accordingly, we affirm the order of the trial court.

We further note that respondents made much of petitioner's property being on the state's "Top Ten Worst UST Discharges" list and that petitioner's lack of compliance led to this result. This is an untenable position. DENR had knowledge of a possible discharge on this property as early as 1989 and by 1991 believed that a discharge from Lancaster, Sr.'s USTs was the cause of the contaminated groundwater on the property. DENR failed to follow up with Lancaster, Sr., regarding this belief or to notify petitioner or petitioner's neighbors that such a discharge may have occurred or may be ongoing. Petitioner was in frequent contact with DENR in 1993 and 1994 regarding the tanks prior to their removal, and DENR said nothing about the contamination. DENR did not notify petitioner of the 1989 and 1991 contamination [**19] until 1998, in response to petitioner's application for coverage under the Trust Fund. The letter stated that the release "was discovered in September 1989 when Nash County Health Department sampled the site water supply well." Petitioner is hardly the only party to blame for the detrimental impact of the discharge.

Affirmed.

Judges MCGEE and STEELMAN concur.

1 of 2 DOCUMENTS

**A.J. LANCASTER, JR. v NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WASTE
MANAGEMENT, AND ENVIRONMENTAL MANAGEMENT COMMISSION**

No. 591P07

SUPREME COURT OF NORTH CAROLINA

2008 N.C. LEXIS 191

March 6, 2008, Decided

**NOTICE: DECISION WITHOUT PUBLISHED
OPINION**

PRIOR HISTORY: [*1]

From NC Court of Appeals. (COA07-149). From Nash.
(06 CVS 216).

COUNSEL: Ms. Kathleen Waylett, Special Deputy
Attorney General, For NCDENR, etal.

Mr. Lars P. Simonsen, Attorney at Law, For Lancaster.

JUDGES: Hudson, J.

OPINION BY: Hudson

OPINION

ORDER

Upon consideration of the petition filed on the 11th
day of December 2007 by Respondents in this matter for
discretionary review of the decision of the North Carolina
Court of Appeals pursuant to *G.S. 7A-31*, the following
order was entered and is hereby certified to the North
Carolina Court of Appeals:

**"Denied by order of the Court in conference, this
the 6th day of March 2008.**

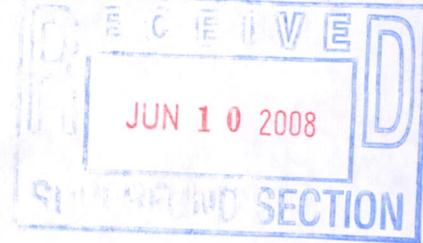
s/ Hudson, J.

For the Court"

NORTH CAROLINA

GUILFORD COUNTY

AFFIDAVIT



Marshall Morgan, first being duly sworn, deposes and says:

1. My name is Marshall Morgan, President of Baby Diaper Services, Inc. ("BDS"). I have been employed by BDS for twenty-three years starting on April 1, 1985. During the course of my employment I held the title of Vice-President from April 1, 1985 through June of 1996. From June of 1996 to the present I have held the title of President. Over the course of my employment and I have had supervisory capacity over, access to, familiarity with and detailed knowledge of the day-to-day operations of BDS.

2. Prior to my involvement with the company, both Graham Morgan ("Graham"), my father, and Don Crouch ("Don"), my brother-in-law, had supervisory capacity over, access to, familiarity with and detailed knowledge of the day-to-day operations of BDS. I was given the opportunity to work side-by-side with both Graham and Don over the course of fifteen (15) years of my overall employment of BDS and to assimilate their knowledge of BDS's operations.

3. On March 28, 2003, BDS ceased day-to-day business operations.

4. BDS was founded in May of 1946. At the time of its founding, BDS was operating on Commerce Street in High Point, North Carolina. BDS was later incorporated as a North Carolina corporation on January 17, 1951. On January 30, 1957, Graham (listed on the deed as "M.G. Morgan") and Juanita W. Morgan (collectively the "Morgans") purchased the real property commonly known as 1819 Spring Garden Street, Greensboro, Guilford County (the "Property") from Amalgamated Chemical Corporation ("Amalgamated"). Attached as Exhibit A to this Affidavit is a copy of the deed recorded with the Guilford County Register of Deeds within book 1709 on page 545 whereby the Morgans acquired the Property. On February 20, 1960, BDS obtained the Property from the Morgans. Attached as Exhibit B to this Affidavit is a copy of the deed recorded with the Guilford County Register of Deeds within book 1882 on page 460 whereby BDS acquired the Property. In July of 1957 BDS moved all operations from High Point to the Property. The Property is known for tax purposes as Guilford County tax parcel 00-00-0139-0-0001-00-013.

5. The Property was purchased by the Morgans (and subsequently obtained by BDS) from Amalgamated. To the best of my personal knowledge, Amalgamated's operations consisted of the sale of chemicals. I do not have any personal knowledge of the exact processes or component chemicals utilized by Amalgamated's operations. I do

not have any personal knowledge of whether Amalgamated's operations ever utilized, produced or stored trichloroethylene ("TCE") or any related precursor.

6. BDS has learned through environmental assessment of the Property that a small amount of TCE is present in the soil and groundwater. To the best of my knowledge, BDS never used TCE in its operations nor did BDS use any products that might have contained TCE. We have no idea of how the TCE came to be on the Property, but we believe that BDS is not the source of the TCE.

7. Prior to purchasing the Property from Amalgamated, BDS performed what was, at the time, appropriate due diligence investigation and inquiry. We did not perform any environmental testing as there was no reason to do so or to suspect any releases of contaminants on the Property.

8. Both at the time the Morgans purchased the Property in 1957 and when BDS acquired the Property in 1960, there was only a single a 50 foot by 80 foot building located on the Property ("the Original Building"). The Original Building is still present on the Property today. The Original Building does not presently have any floor drains with the exception of one in the bathroom. The bathroom floor drain, which is now (and always has been) connected to the municipal sewer line, is not located in the immediate area of the TCE contamination. We do not know whether there were other floor drains when Amalgamated owned the Property.

9. In 1966, BDS added an addition ("the Addition") to rear of the Original Building. The Addition was approximately 20' in length and was made of "concrete slab on grade" construction. This Addition was built to allow access to delivery vehicles. Prior to this time, there was not any point of access from the building's rear and the surrounding property was in a "natural" state. The Addition to the Building only contains three (3) floor drains, all of which connect directly to the Property's municipal sewer line.

10. In 1976, BDS performed another addition ("the Second Addition") to the building located on the Property. This addition was also performed through slab-on-grade construction. The Second Addition does not contain any floor drains.

11. In 1986, BDS performed another addition ("the Third Addition") to the building located on the Property. This addition was also performed through slab-on-grade construction. The Third Addition does not contain any floor drains.

12. In 1992 BDS performed yet another addition to the building ("the Fourth Addition"). The Fourth Addition was performed through slab-on-grade construction. The Fourth Addition does not contain any floor drains.

13. BDS made use of a vehicle fleet as a part of its operations. BDS employees handled a considerable amount of the maintenance on the vehicles within this fleet. Prior to 1984, all of this maintenance was performed off-site. In 1984, BDS employed an on-staff mechanic, Hubert Pearson (the "Mechanic"), who engaged in

vehicle maintenance on the Property. The Mechanic was an employee of BDS from 1984 through BDS's cessation of operations in 2003.

14. The vehicle maintenance that occurred on the Property was performed within a mechanic's bay located approximately 120 feet south of the area that currently is contaminated with TCE.

15. To the best of my knowledge, the Mechanic did not utilize solvents or degreasing agents containing TCE as a part of his maintenance on the BDS fleet.

16. Prior to 1992, BDS would take all vehicles in need of oil changes to Sprinkle Gas on Lee Street in Greensboro. Starting in 1992, oil changes began to be performed on site. As a part of the oil change process and other vehicle maintenance operations the Mechanic collected all waste oil. This collected waste oil was then stored within fifty-five (55) gallon drums. BDS employed Safety-Kleen Systems, Inc. ("Safety-Kleen") to service and remove these waste oil drums from the date that oil changes were performed on the Property through April 14, 2004. Attached as Exhibit C to this Affidavit is a copy of the Generator Waste Report generated by Safety-Kleen for the last ten (10) years of service starting on March 6, 1998, and concluding on April 14, 2004, listing all service dates to the Property and the quantity of waste oil collected on each service date. Safety-Kleen is not able to produce similar records pre-dating March 6, 1998. There were no known spills of waste oil on the Property.

17. From the date in 1957 that operations at the Property began through the time that BDS ceased operations in 2003, BDS was in the business of laundering cotton baby diapers. The BDS laundering process utilized alkali soap, water, chlorine bleach, anti-chlor, a softening agent and a "bacteriastatic" agent. This laundering process remained basically unchanged throughout the entire course of BDS' operations.

18. To the best of my knowledge, BDS never used any products in its laundering operations that contained TCE. Attached as Exhibit D to this Affidavit are copies of the Material Safety Data Sheets generated by Gurtler Chemical ("Gurtler") for BDS. Gurtler supplied BDS with the chemicals utilized for the laundering process from 1986 through BDS' cessation of operations in 2003.

19. BDS used N.S. Farrington, F.H. Ross, Chemsolv and Ballard Chemical prior to using Gurtler as a chemical supplier. The materials provided to BDS by these suppliers were similar (and identical in many cases) to those supplied by Gurtler. The overall wash formula remained largely identical throughout the years. The only real differences came in the original use of powdered detergents (later switched to liquid detergents). Due to the passage of time Material Safety Data Sheets are not available from these suppliers.

20. To the best of my knowledge BDS has never been engaged in dry cleaning services at the Property.

21. Previously located on the Property were two (2) aboveground storage tanks. These two tanks were as follows: a three hundred (300) gallon tank used for liquid detergent storage and a one thousand (1000) gallon tank used for alkali storage. Both of these tanks were removed from the Property in 2000.

22. Currently located on the Property is one (1) aboveground storage tank. This tank has a capacity of three hundred (300) gallons and was used for hot water storage.

23. Located on the Property was one (1) underground storage tank. This tank had a capacity of five thousand (5,000) gallons and it was used for gasoline storage. This Tank was closed and removed in 1988.

24. To the best of my knowledge, the Property has never been subject to any RCRA permits or enforcement actions.

25. To the best of my knowledge, there are no waste products currently stored on the Property.

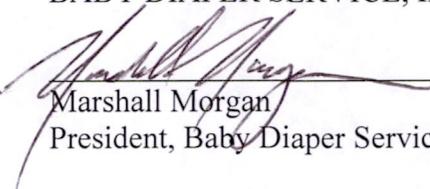
26. To the best of my knowledge, there have never been any on-site releases of hazardous substances (including, without limitation, TCE).

27. I have read all documents attached to this Affidavit and the information therein are true to the best of my knowledge and belief.

This the 9th day of June, 2008.

BABY DIAPER SERVICE, INC.

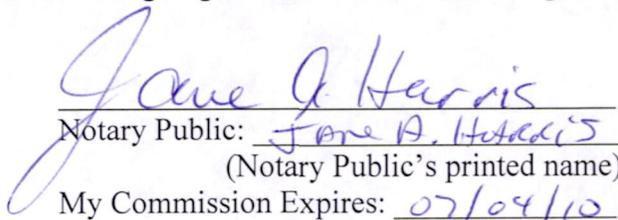
By:


Marshall Morgan
President, Baby Diaper Service, Inc.

Swiftford County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Marshall Morgan, as President of Baby Diaper Service, Inc.

Date: June 9, 2008


Notary Public: Jane A. Harris
(Notary Public's printed name)

My Commission Expires: 07/09/10

THIS DEED, Made this the 30th day of January, 1957, by
AMALGAMATED CHEMICAL CORPORATION, a corporation duly organized
under the laws of the State of Pennsylvania, with its principal
office in Philadelphia, Pennsylvania, party of the first part,
to M. G. MORGAN and wife, JUANITA W. MORGAN, parties of the
second part,

W I T N E S S E T H:

That said party of the first part in consideration of Ten
Dollars (\$10.00) and other valuable considerations to it paid
by the parties of the second part, the receipt of which is
hereby acknowledged, has bargained and sold and by these presents
does bargain, sell and convey to the parties of the second part
and their heirs, a tract or parcel of land in the County of
Gulford, State of North Carolina, in Morehead Township in the
City of Greensboro, bounded and described as follows:

BEGINNING at a stake at the present southeast
corner of the intersection of Spring Garden and
Jenkins Streets, running thence South 293° West
313.75 feet to an iron stake; thence South 87°
44' East 100 feet to an iron stake; thence North
293° East 314.2 feet to a stake in the southern
margin of Spring Garden Street; thence North
88° 31' West along the southern margin of Spring
Garden Street, 100 feet to the point of beginning,
subject to and together with the alley-way rights
and easements set out in deed from E. J. Irving
and wife to Sedgefield Mills, Incorporated, in
Book 1143, at Page 82, in the office of the Register
of Deeds of Gulford County, N.C.

The alley-way rights and easements referred to
above and set out in the deed from Irving and wife
to Sedgefield Mills, Incorporated, are described
as follows:

The grantors herein, for themselves, their heirs
and assigns, reserve from the above-described

EXHIBIT

tabbles

A

1709-545

tract of land the following described tract of land as an easement for the use and benefit of the grantors, their heirs and assigns, and the grantee, its successors and assigns, forever, for the purpose of ingress, egress and regress, to-wit;

BEGINNING at the southeastern corner of the above-described tract of land, running thence North 29 1/2° East 40 feet to a stake; thence in a southwestern direction 44.72 feet to a stake in the southern line of the above-described tract; thence South 87° 1/2° East 20 feet to the point of beginning.

Said property was conveyed to the grantor herein by deed recorded in Book 1607 at page 106 in the office of the Register of Deeds of Guilford County, North Carolina.

TO HAVE AND TO HOLD said tract or parcel of land and all privileges and appurtenances thereunto belonging or in any wise appertaining unto M. G. Morgan and wife, Juanita W. Morgan, the said parties of the second part, and their heirs and assigns forever.

And said party of the first part doth covenant that it is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from incumbrances, and that it will warrant and defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said party of the first part has caused this deed to be signed in its corporate name by its President and attested by its Secretary, and sealed with its common corporate seal, on the day and year first above written.

AMALGAMATED CHEMICAL CORPORATION



William B. Shelby
Secretary

By *Harold B. D. Jones*
President

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

This 31 day of January, 1957, personally came before me,

Maurice L. Van Zandt, A Notary Public of said County and State, Arthur W. Boesler, Jr., who being by me duly sworn, says that he knows the common seal of Amalgamated Chemical Corporation and is acquainted with Harold B. Dohner, who is President of said corporation and that he, the said Arthur W. Boesler, Jr., is the Secretary of the said corporation, and saw the said President sign the foregoing instrument, and that he, the said Arthur W. Boesler, Jr., Secretary as aforesaid, affixed said seal to said instrument, and that he, the said Arthur W. Boesler, Jr., signed his name in attestation of the execution of said instrument in the presence of said President of said corporation. Let the said deed and this certificate be registered.

Witness my hand and official seal, this the 31 day of January, 1957.

NOTARY PUBLIC

Arthur W. Boesler, Jr.
Notary Public



My commission expires: JAN 21 1957

700 E. Allegheny Ave., Union, PA.
Commission Expires April 13, 1967

NORTH CAROLINA
GUILFORD COUNTY

The foregoing certificate of Maurice L. Van Zandt, a Notary Public of Philadelphia County, Pennsylvania, is adjudged to be correct. Let the said deed and this certificate be registered.

Witness by hand and seal, this the 4th day of February, 1957.

Rubin S. Spivey, Jr.
Clerk of Superior Court

Filed for registration on the 4 day of FEB 4 - 1957, 1957, at 12:25 o'clock P. M., and duly recorded in the office of the Register of Deeds in Guilford County, North Carolina, in Book Page , Etc.

JOHN H. McADOO, Register of Deeds
Guilford County, North Carolina

By J. B. Carpenter
Assistant Register of Deeds

CLERK'S FEE 25 PAID

RECORD FEE 2.50 PAID

ID-1 Form Approved 1953, High Point Bar Association

This Deed, Made this 20 day of February, 1960, by and between M. G. MORGAN and JUANITA MORGAN of Guilford County and State of North Carolina, hereinafter called Grantor, and BABY DIAPER SERVICE, INC.

of Guilford County and State of North Carolina, hereinafter called Grantee. WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has given, granted, bargained, sold and conveyed, and by these presents does give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and/or successors and assigns, premises in Morehead Township, Guilford County, North Carolina, described as follows:

BEGINNING at a stake in the present southeast corner of the intersection of Spring Garden & Jenkins Sts.; running thence south 2 deg.3 min. west 313.75 ft. to an iron stake; thence south 87 deg.44 min. east 100 ft. to an iron stake; thence south 2 deg.3 min. east 314.2 ft. to a stake in the southern margin of Spring Garden St.; thence north 88 deg.03 min. west along the southern margin of Spring Garden St. 100 ft. to the point of BEGINNING, subject to & together with the alleyway rights & easements set out in deed from E.J. Irving & wife to Sedgfield Mills, Inc., in Book 1143, Page 82, Office of Register of Deeds of Guilford County, N. C.

The alleyway rights & easements referred to above & set out in the deed from Irving & wife to Sedgfield Mills, Inc., are described as follows:

The grantors herein for themselves, their heirs & assigns, reserve from the above described tract of land the following described tract of land as an easement for the use & benefit of the grantors, their heirs & assigns & the grantee, its successors & assigns, forever, for the purpose of ingress, egress & regress, to wit:

BEGINNING at the southeastern corner of the above described tract of land, running thence north 2 deg.3 min. east 40 ft. to a stake; thence in a southwestern direction 44.72 ft. to a stake in the southern line of the above described tract; thence south 87 deg.44 min. east 20 ft. to the point of BEGINNING.

Said property was conveyed to parties of the first part herein by deeds recorded in Book 1211, Page 76 & Book 1045, Page 548, Office of Register of Deeds, Guilford County, N. C.

The grantee herein assumes the loan existing against this property payable to Sec. Life & Trust Co., payments made monthly in the amount of \$296.82. Debt outstanding Jan. 1, 1960, amounts to \$16,375.86.

The above land was conveyed to Grantor by See Book No. 1211, Page 76

TO HAVE AND TO HOLD The above described premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantee, his heirs and/or successors and assigns forever.

And the Grantor covenants that he is seized of said premises in fee, and has the right to convey the same in fee simple; that said premises are free from encumbrances (with the exceptions above stated, if any); and that he will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

When reference is made to the Grantor or Grantee, the singular shall include the plural and the masculine shall include the feminine or the neuter.

IN WITNESS WHEREOF, The Grantor has hereunto set his hand and seal, the day and year first above written.

M.G. Morgan (SEAL) Juanita Morgan (SEAL)

STATE OF NORTH CAROLINA - GUILFORD COUNTY

I, Rose H. Ridge, a Notary Public of said County, do hereby certify that M. G. Morgan and Juanita Morgan

Grantor, personally appeared before me this day and acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal, this the 20 day of February

My Commission Expires: Jan 19, 1961. Rose H. Ridge, Notary Public

STATE OF NORTH CAROLINA - GUILFORD COUNTY



STATE OF NORTH CAROLINA - GUILFORD COUNTY

The foregoing certificate(s) of Rose H. Ridge, a Notary Public (Notary Public) of Guilford County, North Carolina,

is (are) adjudged to be correct. Let said deed and the certificate be registered.

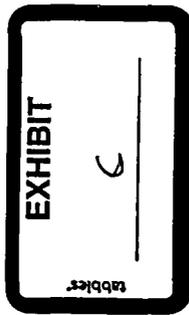
This the FEB 24 1960 day of February, 1960, at 2:37 o'clock P.M.

Deputy Clerk of Superior Court, Guilford County, N. C.

Filed for registration on the FEB 24 1960 day of February, 1960, at 2:37 o'clock P.M. and duly recorded in the Office of the Register of Deeds of Guilford County, N. C., in Book Page

J. J. CARPENTER, Register of Deeds, Guilford County, N. C.

By J. J. Carpenter, Assistant Register of Deeds



K52308-R3074

SAFETY-KLEEN SYSTEMS, INC.

RUN DATE: 05/09/08

SVC FROM: 01/01/96
SVC THRU: 12/31/05

GENERATOR WASTE REPORT
CUSTOMER #: 0000854275
DO NOT USE AS SOLE SOURCE FOR REPORTING PURPOSES
ONLY WASTE RECEIVED BY S-K IS IN THIS REPORT

SELECT ID:
REP EMP NUM:
SEND/PRT LOC:
REQ BY:

GENERATOR: 0000854275 BABY DIAPER SVC 1819 SPRING GARDEN ST GREENSBORO

DESIGNATED FACILITY NAME/ADDRESS BK LOC/FED EPA ID/STATE EPA ID
SAFETY-KLEEN SYSTEMS, INC. 3-064-01
5182 OLD MENDENHALL ROAD NCD077840148
ARCHDALE NC 27263

SVC DATE	SVC DOC / MANIFEST DOC	TRANSPRTR ID	# OF U CN M	QUANTITY	MM CD	SK-DOT / SAMPLE	USDOT SHIPPING DESCRIPTION
03/06/98	743670	ILD984908202	TT 1 G	100.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:
08/06/98	304422	ILD984908202	TT 1 G	150.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:
05/12/99	0000210998	ILD984908202	TT 1 G	250.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:
09/13/99	0000812768	ILD984908202	TT 1 G	100.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:
12/10/99	0000867488	ILD984908202	TT 1 G	100.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:
07/24/00	M000420274	SCR000075150	TT 1 G	165.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:
05/14/01	M000785882	SCR000075150	TT 1 G	110.0000		0000850 N/A	USED OIL (NOT USDOT HAZARDOUS MATERIA FRM: HNDL CD: FED WST CD: NONE ST WST CD:

452309-R3076
SVC FROM: 01/01/94
SVC THRU: 12/31/05

SAFETY-KLEEN SYSTEMS, INC.

RUN DATE: 05/09/0

GENERATOR WASTE REPORT
CUSTOMER #: 0000854275
DO NOT USE AS SOLE SOURCE FOR REPORTING PURPOSES
ONLY WASTE RECEIVED BY S-K IS IN THIS REPORT

SELECT ID
REP EMP NUM
SEND/PRT LOC
REQ BY

GENERATOR: 0000854275 BABY DIAPER SVC 1819 SPRING GARDEN ST

GREENSB

SVC DATE	SVC DOC / MANIFEST DOC	TRANSPTR ID	CN	# OF U CN M	QUANTITY	MM CD	SK-DDT / SAMPLE	USDDT SHIPPING DESCRIPTION
07/31/02	MOD1334276	SCR000075150	TT	1 0	165.0000		0000850 N/A	USED OIL (NOT USDDOT HAZARDOUS MATERIAL) FRM: HNDL CD: FED WST CD: NONE ST WST CD:
04/15/04	0026051209	TXR000050930	TT	1 0	125.0000		0000850 N/A	USED OIL (NOT USDDOT HAZARDOUS MATERIAL) FRM: HNDL CD: FED WST CD: NONE ST WST CD:
FACILITY SUMMARY =		WCN	WSTE	UM	QUANTITY		SK-DDT	SMPL NBR SEQ USDDT SHI
			NONE	0	1,265.0000		0000850	N/A USED OIL
					1,265.0000			
GENERATOR SUMMARY =		WCN	WSTE	UM	QUANTITY		SK-DDT	SMPL NBR SEQ USDDT SHI
			NONE	0	1,265.0000		0000850	N/A USED OIL
					1,265.0000			
GRAND TOTAL =			NONE	0	1,265.0000		0000850	USED OIL
					1,265.0000			

Exhibit D
Baby Diaper Service, Inc. - Material Safety Data Sheets
As Provided by Gurtler Industries, Inc.

#	Chemical	General Use	Ingredients
1	NDT Super-Sil #100	Liquid Laundry Alkali	Sodium Hydroxide, Potassium Hydroxide
2	NDT LFS-1	Laundry Detergent	Alkyl Phenol Ethoxylate, 2-Butoxyethanol, Ethylene Glycol Monobutyl Ether
3	NDT Sling	Liquid Laundry Alkali	Sodium Hydroxide, Silicic Acid, Disodium Salt, Potassium Hydroxide
4	NDT Whirl	Laundry Detergent	Alkyl Phenol Ethoxylate, Dipropylene Glycol Methyl Ether, Glycol Ethers
5	NDT Conditioner	Water Conditioner	Sodium Hexemeta Phosphate
6	NDT Pitch	Detergent Builder	Tetrapotassium Pyrophosphate
7	NDT Neutra-Clor	-	Sodium Thiosulfate
8	NDT Stain Out	Acid Stain Remover	Phosphoric Acid, Nonylphoxypolyethoxyethanol
9	NDT Sour/Iron	Liquid Laundry Sour	Hydrofluosilicic Acid
10	NDT Softener	NDT Softener	Methyl Bis (Alkyl Amidoethyl) 2, Hydroxyethyl Ammonium Methyl Sulfate, Isopropanol
11	BWT-500	Boiler Water Treatment	Sodium Sulfite, Diethyleneimide Oxide, Sodium Hydroxide
12	Control Plus	Laundry Sour	Sodium Silicofluoride, Oxalic Acid
13	Liquid Guardian	Liquid Disinfectant	Dialkyl Dimethyl Ammonium Chloride, Ethyl Alcohol, 1-Methyl-2-Heptadecenyl-3-Olayl Amido, Ethyl Imidazolium Methosulfate, Isopropanol
14	NDT Condet	Laundry Detergent	Alkyl Phenol Ethoxylate, 1-T-Butoxy-2-Propanol, Ethylene Glycol Monobutyl Ether
15	NDT Meta-Sil	Liquid Laundry Alkali	Sodium Hydroxide, Silicic Acid, Disodium Salt



NDT SUPER-SIL #100

Gurtler Industries Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 5/01/2007
PREPARED BY: Jessica Milchak
TRADE NAME: NDT Super-Sil #100
GENERAL USE: Liquid Laundry Alkali

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Sodium Hydroxide	1310-73-2	2 mg/m ³ (ceiling)	2 mg/m ³ (ceiling)	25-30
Potassium Hydroxide	1310-58-3	2 mg/m ³ (ceiling)	2 mg/m ³ (ceiling)	5-10

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1988 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute)	3		
HMIS Reactivity	2		
	HMIS Flammability		
	0		

Health	3
Flammability	0
Reactivity	2

EMERGENCY OVERVIEW

Appearance/Odor..... A clear iridescent yellow liquid with no noticeable odor.

EFFECTS OF ACUTE OVEREXPOSURE

Ingestion Ingestion of this product can cause severe burning and pain in lips, mouth, tongue, throat and stomach. Severe scarring of the throat can occur after swallowing. Death can result from Ingestion.

Skin..... Major potential hazard – contact with the skin can cause sever burns with deep ulcerations. Contact with solution or mist can cause multiple burns with temporary loss of hair at burn site. Solution of 4% may not cause irritation and burning for several hours, while concentrated solutions can cause these effects in less than 3 minutes.

Inhalation Solution mist can cause mild irritation at 2 mg/m³. More severe burns and tissue damage at the upper respiratory tract can occur at higher concentrations. Pneumonitis can result from severe exposures.

Eyes..... Major potential hazard – liquid in the eye can cause severe destruction

**NDT SUPER-SIL #100****Material Safety Data Sheet**

Page 2 of 3

Print Date 2/8/2008

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Wash eyes immediately with large amounts of water (preferably eye wash fountain), lifting the upper and lower eyelids and rotating eyeball. Continue washing for a minimum of 15 minutes. Get medical attention immediately.

IN CASE OF SKIN CONTACT: Remove contaminated clothing immediately and wash skin thoroughly for a minimum of 15 minutes with large quantities of water (preferably a safety shower). Get medical attention immediately.

IF INHALED: Move person to fresh air. If breathing stops, administer artificial respiration. Get medical attention immediately.

IF INGESTED: If person is conscious, give large quantities of water to dilute caustic. Do not induce vomiting. Get medical attention immediately.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... Non-flammable

Lower Flame Limit..... N/A

Higher Flame Limit..... N/A

Extinguish Media..... Product is not combustible. Water spray, foam, CO₂ or dry chemical may be used where product is stored.

Special Procedures..... Wear full protective clothing. Avoid direct contact of this product with water as heat is generated when water is contacted with this product.

Unusual Fire Hazard See reactivity data.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Clean-up personnel must wear protective equipment (see Section 8 below). Completely contain spill material with dikes, sandbags, etc. and prevent run-off into ground or surface water or sewers. Recover as much material as possible into containers for disposal. Remaining material may be diluted with water and neutralized with dilute inorganic acid. Neutralization products, both liquid or solid, must be recovered for disposal.

Waste Disposal Method..... Recovered solids or liquids may be sent to a licensed reclaimer and disposed of in a permitted waste management facility. Consult federal, state or local disposal authorities for approved procedures.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Follow protective controls set forth in Section 8 below. Store unused product in closed property, labeled containers. Do not remove or deface labels or tags. If diluting, add product slowly to water. Never add water to product as spattering may occur. Wear protective clothing when handling product.

Other Precautions..... Contact of caustic products with food, beverage products (in enclosed vessels or spaces) can produce lethal concentrations of carbon monoxide gas.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection Where concentrations exceed 2 mg/m³, use high efficiency particulate filter with full face piece or self-contained breathing apparatus.

Ventilation Local exhaust - Not normally required. Mechanical - As required to maintain concentrations in air below 2 mg/m³ at all times.

Protective Gloves..... Neoprene, PVC or rubber gloves

Eye Protection..... Chemical goggles which are splash proof and face shield.

Other Protective Equipment..... Impervious protective clothing and chemically resistant safety shoes to minimize contact.

Work/Hygiene Practices..... Showers and eye wash facilities should be accessible.

**NDT SUPER-SIL #100****Material Safety Data Sheet**

Page 3 of 3

Print Date 2/8/2008

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	>212°	Freezing Point (F)	N.E.
Volatility/Vol (%).....	N.E.	Melting Point	N.E.
Evaporation Rate	N/A		
Vapor Density (Air=1)	N/A		
Solubility in H ₂ O	Complete		
Specific Gravity (H ₂ O=1).....	1.41		
pH (of 1% solution)	12.4		

SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability	Stable
Conditions to Avoid	Direct contact with incompatible material in confined spaces which will produce excessive heat or hazardous by-products.
Incompatible Materials	Direct contact with water (heat is generated), aluminum, tin, zinc, alloys containing these metals. Do not mix with strong acids without dilution and agitation. Contact with leather, organic halogen compounds, acid, wool, organic nitro compounds.
Decomposition Products	Product will not decompose. Flammable hydrogen gas may be produced when contacted with above metals.
Hazardous Polymerization	Will not occur
Polymerization Avoid	None

SECTION 11 - OTHER INFORMATION

Foot Notes: For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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Material Safety Data Sheet

Eye Contact Causes severe irritation and pain, seen as excess tearing and blinking with marked excess redness and swelling of the conjunctiva.
Medical Conditions Aggravated
By Overexposure May aggravate and existing dermatitis.

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Immediately flush eyes thoroughly for 15 minutes with water. Get medical attention.
IN CASE OF SKIN CONTACT: Remove contaminated clothing and flush skin with water.
IF INHALED: Remove to fresh air.
IF INGESTED: If patient is conscious and has a gag reflex, give two glasses of water. Induce vomiting. Obtain medical attention.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... >200°F (TCC)
Flammable Limits..... N/A
Lower Flame Limit..... N/A
Higher Flame Limit..... N/A
Extinguish Media..... Dry chemical, carbon dioxide, water, alcohol or all purpose type foams.
Special Procedures..... Do not enter confined fire space without full protective gear and self-contained breathing apparatus. Water or foam may cause frothing. Use water to cool fire exposed containers.
Unusual Fire Hazards None

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Wear suitable protective equipment. Absorb with dry absorbent and place in non-leaking containers. Flush residual product with copious amounts of water.
Waste Disposal Method..... Place in disposal facility approved under RCRA conditions. Dispose of in accordance with all local, state and federal laws and regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Wear protective goggles to prevent splashes into eyes. Wear protective clothing to prevent direct skin contact.
Other Precautions Avoid prolonged inhalation.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection Self-contained breathing apparatus in high vapor concentrations. Not needed under normal conditions of handling.
Ventilation..... Local Exhaust: Only to keep mists below the TLV level. Mechanical: Normally adequate.
Protective Gloves..... Chemically resistant (Butyl Rubber).
Eye Protection..... Chemical goggles
Other Protective Equipment..... Chemically resistant apron and footwear.
Work/Hygienic Practices..... Safety shower, eye bath and washing facilities should be available.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point..... >212°
Volatility/Vol (%)..... N/A
Evaporation Rate..... N.E.
Solubility in H2O..... Complete
pH (neat)..... 11.0
Freezing Point (F) N/A
Melting Point N.E.
Vapor Density (Air=1)..... N.E.
Specific Gravity (H2O=1)..... 1.032



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Material Safety Data Sheet

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SECTION 10 - STABILITY AND PHYSICAL HAZARD

Chemical Stability Stable
Conditions to Avoid Excessive heat
Incompatible Materials Strong oxidizing agents, strong alkalies, strong reducing agents.
Decomposition Products CO, aldehydes, acids, and ketones by thermal decomposition, oxides of sulfur.
Hazardous Polymerization Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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SECTION 12 - REGULATORY INFORMATION

Federal Regulations:

Superfund Amendments and Reauthorization Act (SARA) of 1986 Title III (Emergency Planning and Right to Know Act.)

This product contains the following substances subject to the reporting requirements of Section 313:

Components	CAS Number	Concentration
Ethylene glycol monobutyl ether	111-76-2	<5%



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Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

NDT SLING

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473

PHONE NUMBER: 708-331-2550

EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday

EFFECTIVE DATE: 8/14/01

PREPARED BY: Justin Yohn

TRADE NAME: NDT Sling

GENERAL USE: Liquid Laundry Alkali

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Sodium Hydroxide	1310-73-2	2 mg/m ³ (ceiling)	2 mg/m ³ (ceiling)	
Silicic Acid, Disodium Salt	1344-09-8	N.E.	N.E.	
Potassium Hydroxide	1310-58-3	2 mg/m ³ (ceiling)	2 mg/m ³ (ceiling)	

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate	
	3-Serious	4-Severe		
HMIS Health (Acute).....	3		HMIS Flammability.....	0
HMIS Reactivity.....	2			

Health	3
Flammability	0
Reactivity	2

EMERGENCY OVERVIEW

Appearance/Odor..... A clear iridescent yellow liquid with no noticeable odor.

EFFECTS OF ACUTE OVEREXPOSURE

Ingestion Ingestion of this product can cause severe burning and pain in lips, mouth, tongue, throat and stomach. Severe scarring of the throat can occur after swallowing. Death can result from ingestion.

Skin..... Major potential hazard – contact with the skin can cause severe burns with deep ulcerations. Contact with solution or mist can cause multiple burns with temporary loss of hair at burn site. Solution of 4% may not cause irritation and burning for several hours, while concentrated solutions can cause these effects in less than 3 minutes.

Inhalation Solution mist can cause mild irritation at 2 mg/m³. More severe burns and tissue damage at the upper respiratory tract can occur at higher concentrations. Pneumonitis can result from severe exposures.

Eyes Major potential hazard – liquid in the eye can cause severe destruction

SECTION 4 - FIRST AID MEASURES



GURTLE
INDUSTRIES, INC.

NDT SLING

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IN CASE OF EYE CONTACT: Wash eyes immediately with large amounts of water (preferably eye wash fountain), lifting the upper and lower eyelids and rotating eyeball. Continue washing for a minimum of 15 minutes. Get medical attention immediately.

IN CASE OF SKIN CONTACT: Remove contaminated clothing immediately and wash skin thoroughly for a minimum of 15 minutes with large quantities of water (preferably a safety shower). Get medical attention immediately.

IF INHALED: Move person to fresh air. If breathing stops, administer artificial respiration. Get medical attention immediately.

IF INGESTED: If person is conscious, give large quantities of water to dilute caustic. Do not induce vomiting. Get medical attention immediately.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... Non-flammable
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Extinguish Media..... Product is not combustible. Water spray, foam, CO₂ or dry chemical may be used where product is stored.
 Special Procedures..... Wear full protective clothing. Avoid direct contact of this product with water as heat is generated when water is contacted with this product.
 Unusual Fire Hazard..... See reactivity data.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Clean-up personnel must wear protective equipment (see Section 8 below). Completely contain spill material with dikes, sandbags, etc. and prevent run-off into ground or surface water or sewers. Recover as much material as possible into containers for disposal. Remaining material may be diluted with water and neutralized with dilute inorganic acid. Neutralization products, both liquid or solid, must be recovered for disposal.
 Waste Disposal Method..... Recovered solids or liquids may be sent to a licensed reclaimer and disposed of in a permitted waste management facility. Consult federal, state or local disposal authorities for approved procedures.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Follow protective controls set forth in Section 8 below. Store unused product in closed properly, labeled containers. Do not remove or deface labels or tags. If diluting, add product slowly to water. Never add water to product as spattering may occur. Wear protective clothing when handling product.
 Other Precautions..... Contact of caustic products with food, beverage products (in enclosed vessels or spaces) can produce lethal concentrations of carbon monoxide gas.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection..... Where concentrations exceed 2 mg/m³, use high efficiency particulate filter with full face piece or self-contained breathing apparatus.
 Ventilation..... Local exhaust - Not normally required. Mechanical - As required to maintain concentrations in air below 2 mg/m³ at all times.
 Protective Gloves..... Neoprene, PVC or rubber gloves
 Eye Protection..... Chemical goggles which are splash proof and face shield.
 Other Protective Equipment..... Impervious protective clothing and chemically resistant safety shoes to minimize contact.
 Work/Hygienic Practices..... Showers and eye wash facilities should be accessible.



NDT SLING

Material Safety Data Sheet

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	>212°	Freezing Point (F)	N.E.
Volatility/Vol (%).....	N.E.	Melting Point	N.E.
Evaporation Rate	N/A		
Vapor Density (Air=1)	N/A		
Solubility in H ₂ O.....	Complete		
Specific Gravity (H ₂ O=1).....	1.41		
pH (of 1% solution)	12.4		

SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability	Stable
Conditions to Avoid	Direct contact with incompatible material in confined spaces which will produce excessive heat or hazardous by-products.
Incompatible Materials	Direct contact with water (heat is generated), aluminum, tin, zinc, alloys containing these metals. Do not mix with strong acids without dilution and agitation. Contact with leather, organic halogen compounds, acid, wool, organic nitro compounds.
Decomposition Products	Product will not decompose. Flammable hydrogen gas may be produced when contacted with above metals.
Hazardous Polymerization	Will not occur
Polymerization Avoid	None

SECTION 11 - OTHER INFORMATION

Foot Notes: For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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Material Safety Data Sheet

NDT WHIRL

Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 2/28/06
PREPARED BY: Jessica Milchak
TRADE NAME: NDT Whirl
GENERAL USE: Laundry Detergent

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Alkyl phenol-ethoxylate	9016-45-9	N.E.	N.E.	Eye irritant
Dipropylene glycol methyl ether	34590-94-8	100 ppm	100 ppm	
Glycol Ethers ¹	None	N/A	N/A	<10%

¹ Note: This component is subject to the toxic chemical reporting requirement of the Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMS Health (Acute)	2	HMS Flammability	1
HMS Physical Hazard	1		

EMERGENCY OVERVIEW

Appearance/Odor..... Clear blue liquid with characteristic odor.
Over Exposure Effects..... No evidence of adverse effects.

EFFECTS OF ACUTE OVEREXPOSURE

Ingestion This material is slightly toxic. It may be a slight health hazard if ingested in large quantities, may cause abdominal discomfort, nausea and diarrhea.
Skin Absorption..... Penetrates skin readily. Frequent or widespread contact may result in the absorption of significant quantities of this material. Signs and symptoms of toxicity are similar to those of ingestion.
Inhalation High concentrations are irritating to the eyes and respiratory tract. Prolonged overexposure may cause coughing, shortness of breath, dizziness and intoxication.



GURTLER INDUSTRIES, INC.

NDT WHIRL

Material Safety Data Sheet

Skin Contact Brief contact with undiluted material may cause slight reddening. More prolonged and widespread contact, as from clothing wetted with the undiluted material, may cause moderate reddening and possible swelling.

Eye Contact Causes severe irritation and pain, seen as excess tearing and blinking with marked excess redness and swelling of the conjunctiva.

Effects of Repeated Overexposure No evidence of adverse effects from available information.

Medical Conditions Aggravated By Overexposure May aggravate an existing dermatitis.

SECTION 4 - FIRST AID MEASURES

Ingestion If patient is conscious and has a gag reflex, give two glasses of water. Induce vomiting. Obtain medical attention.

Skin Remove contaminated clothing. Flush skin with water.

Inhalation Remove to fresh air.

Eyes Immediately flush eyes thoroughly with clean water and continue washing for 15 minutes. Obtain medical attention.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point >200°F (TCC)

Lower Flame Limit N/A

Higher Flame Limit N/A

Extinguish Media Dry chemical, carbon dioxide, water, alcohol or all purpose type foams.

Special Procedures Do not enter confined fire space without full protective gear and self contained breathing apparatus. Water or foam may cause frothing. Use water to cool fire exposed containers.

Unusual Fire Hazard None

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill Wear suitable protective equipment. Absorb with dry absorbent and placed in non-leaking containers. Flush residual product with copious amounts of water.

Waste Disposal Method Place in disposal facility approved under RCRA conditions. Dispose of in accordance with all local, state, and federal laws and regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage Wear protective goggles to prevent splashes into eyes. Wear protective clothing to prevent direct skin contact.

Other Precautions Avoid prolonged inhalation.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection Self contained breathing apparatus in high vapor concentrations. Not needed under normal conditions of handling.

Ventilation Only to keep mists below the TLV level.

Protective Gloves Chemically resistant (Butyl rubber)

Eye Protection Chemical goggles

Other Protective Equipment Chemically resistant apron and footwear.

Work/Hygienic Practices Safety shower, eye bath, and washing facilities should be available.



NDT WHIRL

Material Safety Data Sheet

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Print Date 9/13/2006

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	>212°	Freezing Point (F)	N.E.
Volatility/Vol (%).....	N.E.	Melting Point	N.E.
Evaporation Rate	N/A	pH (Neat).....	6.5-7.5
Vapor Density (Air=1)	N/A		
Solubility in H ₂ O	Complete		
Specific Gravity (H ₂ O=1).....	1.049		

SECTION 10 - STABILITY AND PHYSICAL HAZARD

Chemical Stability	Stable
Conditions to Avoid.....	Excessive heat
Incompatible Materials.....	Strong oxidizing agents, strong alkalis, strong reducing agents.
Decomposition Products	CO, aldehydes, acids and ketones by thermal decomposition, oxides of sulfur.
Hazardous Polymerization	Will not occur
Polymerization Avoid	None

SECTION 11 - OTHER INFORMATION

Foot Notes: For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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Material Safety Data Sheet

NDT CONDITIONER

Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 8/29/06
PREPARED BY: Jessica Milchak
TRADE NAME: NDT Conditioner
GENERAL USE: Water Conditioner

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)
Sodium Hexameta Phosphate	68915-31-1	N.E.	N.E.

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute).....	1	HMIS Flammability.....	1
HMIS Physical Hazard.....	0		

EMERGENCY OVERVIEW

Appearance/Odor..... A green liquid
Over Exposure Effects..... Mild irritant
Route of Entry: (X) Inhalation Mist
(X) Skin Slight Irritation
Medical Conditions Aggravated
By Overexposure Persons with pre-existing skin and lung disorders may be more susceptible to irritating effects.

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Flush for 15 minutes with water. If irritation persists, seek medical attention.
IN CASE OF SKIN CONTACT: Wash off with water. If irritation persists, seek medical attention.
IF INHALED: Remove from exposure.
IF INGESTED: Rinse mouth with water. Give water to cause dilution in stomach. Seek medical attention.



NDT CONDITIONER

Material Safety Data Sheet

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SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... >200°F (TCC)
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Flammable Limits..... None
 Extinguish Media..... Product is water based. Use media appropriate to the surrounding fire. Water, foam, dry chemicals, CO₂ can be used.
 Special Procedures..... If product is in a fire and threat of decomposition exists, wear self-contained breathing apparatus with full face plate.
 Unusual Fire Hazard..... None

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Use protective equipment and respiratory protection stated in Section 8. Contain liquid spills using a barrier of inert material such as sand or by diking the area. Absorb spilled liquids using an inert material. Scoop or shovel absorbed material or spilled solids into containers. Avoid creating a dust during transfer of solids. Prevent spilled product or contaminated wash water from entering drinking water supplies or stream.
 Waste Disposal Method..... This product is not a federal hazardous waste according to USEPA regulations 40 CFR 261, dispose of waste product in accordance with local and state regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Minimize exposure. Store in a cool, dry area.
 Other Precautions..... As with all chemicals, keep contact with other chemicals to a minimum.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection..... In case of misting, use NIOSH approved, self-contained breathing apparatus.
 Ventilation..... Local Exhaust: No. Mechanical (General): General room ventilation.
 Protective Gloves..... Impervious gloves (PVL, rubber)
 Eye Protection..... Protective goggles
 Other Protective Equipment..... As necessary to prevent skin contact.
 Work/Hygienic Practices..... Minimize exposure when handling product. Have eyewash station easily accessible.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	>212°F	Freezing Point (F)	N/A
Volatility/Vol (%).....	N/A	Melting Point	N/A
Evaporation Rate	N/A	Vapor Density (Air=1).....	N/A
Solubility in H ₂ O	Complete	Specific Gravity (H ₂ O=1).....	1.262
pH (neat).....	6.3-7.0		

SECTION 10 - STABILITY AND PHYSICAL HAZARD

Chemical Stability..... Stable
 Conditions to Avoid..... None
 Incompatible Materials..... Strong oxidizing agents
 Decomposition Products..... Carbon dioxide, carbon monoxide, nitrogen oxides, HCl.
 Hazardous Polymerization..... Will not occur
 Polymerization Avoid..... None



NDT CONDITIONER

Material Safety Data Sheet

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Print Date 9/13/2006

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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NDT PITCH

Gurtler Industries, Inc.
 15475 South LaSalle Street
 South Holland, IL 60473
 (708) 331-2550
 (800) 638-7300

In Case Of Emergency (24 hours)
 INFOTRAC (800) 535-5053

For Information
 (708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
 15475 South LaSalle Street
 South Holland, IL 60473
 PHONE NUMBER: 708-331-2550
 EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
 EFFECTIVE DATE: 8/14/01
 PREPARED BY: Justin Yohn
 TRADE NAME: NDT Pitch
 GENERAL USE: Detergent Builder

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Tetrapotassium Pyrophosphate	7320-34-5	N.E.	N.E.	

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute).....	1		
HMIS Reactivity	0		
	HMIS Flammability	0	

EMERGENCY OVERVIEW

Appearance/Odor..... Clear pink liquid with little odor
 Effects of Overexposure Product is corrosive to skin & eyes

EFFECTS OF OVEREXPOSURE

Slight irritation to skin and eyes.

ACUTE TOXICITY

Ingestion Ingestion of this product can cause severe burning and pain in lips, mouth, tongue, throat and stomach. Severe scarring of the throat can occur after swallowing. Death can result from ingestion.

Skin..... Major potential hazard - contact with the skin can cause severe burns with deep ulcerations. Contact with solution or mist can cause multiple burns with temporary loss of hair at burn site. Solutions of 4% may not cause irritation and burning for several hours, while concentrated solutions can cause these effects in less than 3 minutes.

Inhalation Solution mist can cause mild irritation at 2 mg/m³. More severe burns and tissue damage at the upper respiratory tract can occur at higher concentrations. Pneumonitis can result from severe exposures.



NDT PITCH

Material Safety Data Sheet

Eyes major potential hazard – liquid in the eye can cause severe destruction and blindness. These effects can occur rapidly, effecting all parts of the eye. Mist or dust can cause irritation, with high concentrations causing destructive burns.
Chronic Toxicity No known chronic effects.
Carcinogenicity No studies were identified. No components of this product are listed on the IARC, NTP or OSHA carcinogen lists.

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Flush for 15 minutes with water. If irritation persists, seek medical attention.
IN CASE OF SKIN CONTACT: Wash off with water. If irritation persists, seek medical attention.
IF INHALED: Remove from exposure.
IF INGESTED: Rinse mouth with water. Give water to cause dilution in stomach. Seek medical attention.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... N/A
Flammable Limits..... Non-flammable
Lower Flame Limit..... N/A
Higher Flame Limit..... N/A
Extinguish Media..... For fires in area, use appropriate media. For example. Water spray, dry chemical, carbon dioxide, alcohol foam.
Special Procedures..... Evacuate area of unprotected personnel. Wear protective clothing, chemical safety goggles and face shield.
Unusual Fire Hazard None

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Evacuate unprotected personnel from area. Maintain adequate ventilation. Use proper Safety Equipment. Contain spill, place into drums for proper disposal. Flush remaining area with water to remove trace residue and dispose of properly. Avoid direct discharge to sewers and surface waters. Notify authorities if entry occurs.
Waste Disposal Method..... Observe all Local, State and Federal Regulations. Dispose of at approved Waste Treatment Facility. If approved, neutralize material and flush to sewer. DO NOT pressurize, cut, weld, braze, solder, drill, grind or expose empty containers to heat, flame, sparks or other sources of ignition.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Store in cool, well-ventilated area, out of direct sunlight. Keep containers tightly closed. Store away from incompatible materials. Do not store in unlabeled or mislabeled containers. Aluminum equipment should not be used for storage and/or transfer.
Other Precautions..... Avoid contact with skin and eyes. Do not swallow. Avoid dust or mist formation. Use with adequate ventilation. Avoid breathing mists or dusts. Wash thoroughly after handling. Do not eat, drink or smoke in work area.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection Where mist or spray is present wear: NIOSH – approved respirator. Do not exceed limits established by the respirator manufacturer. Respiratory protection programs must comply with 29 CFR 1910.134.
Ventilation Maintain adequate ventilation. Do not use in closed or confined space. Local exhaust: no mechanical (general); General room ventilation.
Protective Gloves..... Impervious gloves (PVL, rubber)
Eye Protection..... Chemical Safety Goggles. Do not wear contact lenses.

Other Protective Equipment..... Eye-wash station. Safety shower. Rubber apron. Chemical safety shoes. Protective clothing.



NDT PITCH

Material Safety Data SheetPage 3 of 3
Print Date 9/13/2006**SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES**

Boiling Point.....	>230°F	Freezing Point (F)	< -58°F
Vapor Pressure (mm hg):.....	N.E.	Melting Point	N.E.
Evaporation Rate	N/A	Solubility in Water	Complete
Vapor Density (Air=1)	N.E.	Specific Gravity	1.363 @ 25°C
% Volatile by Volume %	N.E.	Evaporation Rate	N.E.

SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability Stable
 Incompatible Materials..... Corrosive to Aluminum
 Decomposition Products..... None
 Hazardous Polymerization Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

DISCLAIMER:

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HEALTH HAZARD DATA**Acute Toxicity:**

Ingestion: Ingestion of this product can cause severe burning and pain in lips, mouth, tongue, throat, and stomach. Severe scarring of the throat can occur after swallowing. Death can result from ingestion.

Skin: Major potential hazard—contact with the skin can cause severe burns with deep ulcerations. Contact with solution or mist can cause multiple burns with temporary loss of hair at burn site. Solutions of 4% may not cause irritation and burning for several hours, while concentrated solutions can cause these effects in less than 3 minutes.

Inhalation: Solution mist can cause mild irritation at 2 mg/m³. More severe burns and tissue damage at the upper respiratory tract can occur at higher concentrations. Pneumonitis can result from severe exposures.

Eyes: Major potential hazard—liquid in the eye can cause severe destruction and blindness. These effects can occur rapidly, effecting all parts of the eye. Mist or dust can cause irritation, with high concentrations causing destructive burns.

Chronic toxicity: No known chronic effects.

Carcinogenicity: No studies were identified. No components of this product are listed on the IARC, NTP, or OSHA carcinogen lists.

**Material Safety Data Sheet**

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Print Date 9/13/2006

NDT NEUTRA-CLOR

Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 2/28/06
PREPARED BY: Jessica Mllchak
TRADE NAME: NDT Neutra-Clor

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Sodium Thiosulfate	7772-98-7	N.E.	N.E.	

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA**HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS**

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute).....	1		
HMIS Physical Hazard.....	1		
		HMIS Flammability.....	1

EMERGENCY OVERVIEW

Appearance and Odor..... Clear colorless liquid with a slight sulfur odor.
Symptoms of Overexposure Irritation to all body parts in contact with the product.

EFFECTS OF ACUTE OVEREXPOSURE

Routes of Entry (X) Inhalation Irritant
X (X) Skin Irritation
(X) Ingestion
Irritation to respiratory tract, eyes, GI tract and skin from prolonged contact.
Medical Condition Generally
Aggravated by Exposure..... None established

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Flush with copious amounts of water for 15 minutes. If irritation persists, get medical attention.
IN CASE OF SKIN CONTACT: Flush skin, or wash with soap and water. Remove contaminated clothing and was before reuse.
IF INHALED: Remove to fresh air. If shortness of breath occurs, give oxygen. If symptoms persist, seek medical attention.
IF INGESTED: Drink 2-4 glasses of water immediately. Induce vomiting to conscious victim. If symptoms persist, seek medical attention.



NDT NEUTRA-CLOR

Material Safety Data Sheet

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Print Date 9/13/2006

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... 200°F, TCC
 Flammable Limits..... N/A
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Extinguish Media..... Product is not combustible. Use applicable extinguishing media to control surrounding fire. Use water spray to keep containers cool and to knock down flames.
 Special Procedures..... Use NIOSH approved self-contained breathing apparatus.
 Unusual Fire Hazards If product is evaporated to base constituents, sulfur dioxide gas and explosive sulfur residues can be found.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Contain spill. Vacuum up into approved containers. Flush excess to sewer with copious amounts of water.
 Waste Disposal Method..... Flush to sewer with plenty of water if permitted by applicable disposal regulations. Waste material may have to be disposed of by an approved contractor. Dispose of in accordance with all local, state and federal regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Store in cool areas away from acids or oxidizers.
 Other Precautions..... None

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection If misty conditions occur, use NIOSH approved mist respirator. If sulfur dioxide should be released, use a NIOSH approved respirator for this gas.
 Ventilation Local Exhaust: Not normally required. Mechanical: Usually adequate.
 Protective Gloves..... Rubber or chemical resistant gloves.
 Eye Protection..... Chemical safety goggles (do not wear contact lenses).
 Other Protective Equipment..... Wear impervious gloves and apron when handling this product.
 Work/Hygienic Practices..... Showers and eye wash facilities should be accessible.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point..... >212°F (100°C)	Freezing Point (F)	N.E.
Volatility/Vol (%)..... N.E.	Melting Point	N.E.
Evaporation Rate N.E.	Vapor Density (Air=1).....	N.E.
Solubility in H ₂ O..... Complete	Specific Gravity (H ₂ O=1).....	1.14

SECTION 10 - STABILITY AND PHYSICAL HAZARD

Chemical Stability Stable
 Conditions to Avoid High temperatures
 Incompatible Materials..... Strong oxidizers, acid
 Decomposition Products..... Sulfur dioxide, sodium sulfide
 Hazardous Polymerization..... Will not occur



NDT NEUTRA-CLOR

Material Safety Data Sheet

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Print Date 9/13/2006

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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GURTLER
INDUSTRIES, INC.

NDT STAIN OUT

Material Safety Data Sheet

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Print Date 9/13/2006

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Flush for 15 minutes with water. If irritation persists, obtain medical attention.

IN CASE OF SKIN CONTACT: Wash with water.

IF INHALED: Remove from exposure.

IF INGESTED: Rinse mouth with water. Drink large quantities of water to dilute product. DO NOT induce vomiting. Obtain medical attention.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... Non-flammable

Flammable Limits..... None

Lower Flame Limit..... N/A

Higher Flame Limit..... N/A

Extinguish Media..... N/A

Special Procedures..... Use full protective clothing and self-contained breathing apparatus.

Unusual Fire Hazards Thermal decomposition emits toxic fumes of oxides of phosphorus.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Dike and neutralize (neutralizing chemicals: lime, soda ash)

Waste Disposal Method..... Dispose according to federal, state and local regulations. After neutralization, landfill should normally be suitable.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Store in cool, dry, well-ventilated location.

Other Precautions..... Corrosive to mild steel and aluminum equipment.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection For severe vapor mist, use NIOSH certified breathing apparatus.

Ventilation Local Exhaust: Normally not required. Mechanical: Normally adequate to keep below control levels.

Protective Gloves..... Neoprene or rubber

Eye Protection..... Chemical goggles

Other Protective Equipment..... Wear contact is likely, rubber apron and boots.

Work/Hygienic Practices..... Eyewash facilities should be available.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Bolling Point..... >215°F (102°C)	Freezing Point (F)	N.E.
Volatility/Vol (%)..... N/A	Melting Point	N/A
Evaporation Rate..... N.E.	Vapor Density (Air=1).....	N.E.
Solubility in H ₂ O..... Complete	Specific Gravity (H ₂ O=1).....	1.240

SECTION 10 - STABILITY AND PHYSICAL HAZARD

Chemical Stability Stable

Conditions to Avoid None

Incompatible Materials Reactive metals (e.g. mild steel and aluminum) and strong bases.

Decomposition Products At flame temperatures, will emit toxic phosphorus oxide fumes.

Hazardous Polymerization..... Will not occur



NDT STAIN OUT

Material Safety Data Sheet

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SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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Material Safety Data Sheet

NDT SOUR/IRON

Gurtler Industries Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 3/1/06
PREPARED BY: Jessica Milchak
TRADE NAME: NDT Sour/Iron
GENERAL USE: Liquid Laundry Sour

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Hydrofluosilicic Acid	16961-83-4	2.5 mg/m ³ (as F)	2.5 mg/m ³ (as F)	20-25

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute)	3		
HMIS Reactivity	1		
	HMIS Flammability		0

EMERGENCY OVERVIEW

Appearance and Odor..... A clear pink liquid with a characteristic odor.
Symptoms of Overexposure Inhalation of vapors are irritative to nose, throat and respiratory tract. Symptoms of overexposure may include ulceration of the nose and throat, coughing, salivation, headache, nausea, shock and pulmonary edema.

EFFECTS OF ACUTE OVEREXPOSURE

Routes of Entry (X) Inhalation
(X) Skin
(X) Ingestion

Acute..... Inhalation of vapors is irritating to nose, throat and respiratory tract. Overexposure may lead to coma and death. Eye contact can cause ulceration and severe eye damage. Liquid is corrosive to skin tissue causing burning sensation and blistering. Ingestion causes tissue destruction, possibly leading to shock, convulsion and death.

Chronic Chronic overexposure may lead to the development of fluorosis.

Medical Conditions Generally Aggravated by Exposure..... Unknown

**NDT SOUR/IRON****Material Safety Data Sheet**Page 2 of 3
Print Date 9/13/2006**SECTION 4 - FIRST AID MEASURES****IN CASE OF EYE CONTACT:** Flush with copious amounts of water for 15 minutes. Seek medical attention.**IN CASE OF SKIN CONTACT:** Remove contaminated clothing, flush affected area with running water.**IF INHALED:** Remove to fresh air.**IF INGESTED:** Dilute with large quantities of water or milk. DO NOT induce vomiting. Seek prompt medical assistance for further treatment, observation and support.**SECTION 5 - FIREFIGHTING MEASURES**

Flash Point..... Non flammable
 Flammable Limits..... None
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Extinguish Media..... Select extinguishing media suitable for surrounding fire.
 Special Procedures..... Fire fighters should wear MSHA/NIOSH approved positive pressure, self-contained breathing apparatus and full protective clothing.
 Unusual Fire Hazards..... Material is non-flammable and non-explosive. When involved with a fire situation, toxic and corrosive fumes of hydrogen fluoride can be generated.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Keep material out of water sources and sewers. Provide adequate ventilation and remove sources of ignition because hydrogen gas may be generated on contact with certain metals. Clean-up personnel must use protective equipment. Build dikes to contain material as necessary. Neutralize with hydrated lime.
 Waste Disposal Method..... Bury neutralized waste (CaF₂ precipitant) in an approved secure landfill. Follow federal, state and local regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Store in closed containers in a cool, dry, well ventilated area away from incompatible materials. DO NOT inhale vapors. Prevent skin contact.
 Other Precautions..... Use full protective clothing for acids.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection..... Wear NSHA/NIOSH approved air purifying canister respirator with full face piece as appropriate for protection.
 Ventilation..... Mechanical: Sufficient to maintain vapors below 2.5 mg/m³.
 Protective Gloves..... Neoprene or rubber to avoid skin contact.
 Eye Protection..... Chemical safety goggles and full face shield to protect against splashing.
 Other Protective Equipment..... Eyewash facility and emergency shower in close proximity to use areas.
 Work/Hygienic Practices..... Avoid direct contact with this and all chemicals when possible.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	105°C (221°F)	Freezing Point (F)	N/A
Volatility/Vol (%).....	N/A	Melting Point	N/A
Evaporation Rate	N/A	Vapor Density (Air=1).....	N/A
Solubility in H ₂ O	Complete	Specific Gravity (H ₂ O=1).....	1.210

**NDT SOUR/IRON****Material Safety Data Sheet**

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SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability Stable
Conditions to Avoid Avoid temperatures above 194°F (90°C). Always add acid to water, never water to acid. Heat is generated upon dilution.
Incompatible Materials May react with certain metals to produce hydrogen gas. Strong alkalies, chlorites, combustible solids, and organic peroxides are incompatible. Attacks glass and stoneware.
Decomposition Products Thermal – oxidative degradation may produce toxic and corrosive fumes of fluorides.
Hazardous Polymerization Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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NDT SOFTENER

Material Safety Data Sheet

Page 2 of 3

Print Date 9/13/2006

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Immediately flush with large amounts of water for 15 minutes. Seek medical attention.
IN CASE OF SKIN CONTACT: Thoroughly wash exposed area with soap and water. Remove contaminated clothing and launder before re-use.
IF INHALED: Remove to fresh air. If breathing is difficult, administer oxygen and seek medical attention.
IF INGESTED: Immediately drink two (2) large glasses of water. Call a physician.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... >200°F (TCC)
 Flammable Limits..... None
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Extinguish Media..... Dry chemical, water fog, alcohol type foam.
 Special Procedures..... Use equipment suitable for ordinary combustible materials. Combustion products may include sulfur and nitrogen compounds. Water or foam may cause frothing which can be violent, especially if sprayed into containers of hot burning liquids.
 Unusual Fire Hazards None

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Stop spill at source. Dike area of spill to prevent spreading. Pump liquid into salvage tank. Absorb liquid with absorbent material and shovel into approved containers. This product is toxic to fish. Prevent run-off to sewers, streams or other bodies of water.
 Waste Disposal Method..... Incineration is the recommended disposal method for all chemical waste. Material collected on absorbent material may be land filled in accordance with all applicable local, state and federal laws and regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Eye wash station and safety shower should be near work area.
 Other Precautions..... Spilled material is slippery. Wash thoroughly after handling.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection If exposure limit for Isopropyl Alcohol is exceeded, a NIOSH/MSHA approved respirator is advised.
 Ventilation Local Exhaust: Normally not required. Possible in high mist or vapor areas. Mechanical: Normally adequate to keep below control levels.
 Protective Gloves..... Neoprene or BUNA-N
 Eye Protection..... Chemical splash goggles are recommended.
 Other Protective Equipment..... Wear protective clothing to prevent repeated and prolonged contact.
 Work/Hygienic Practices..... As with all chemicals, keep direct contact with the product to a minimum.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point..... >212° (100°C)	Freezing Point (F) N/A
Volatility/Vol (%)..... N.E.	Melting Point N.E.
Evaporation Rate N.E.	Vapor Density (Air=1)..... N.E.
Solubility in H ₂ O..... Dispersible	Specific Gravity (H ₂ O=1)..... 1.00



NDT SOFTENER

Material Safety Data Sheet

SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability Stable
 Conditions to Avoid..... Avoid excessive heat
 Incompatible Materials..... Strong oxidizing agents
 Decomposition Products..... Combustion may cause formation of sulfur and nitrogen compounds, carbon monoxide.
 Hazardous Polymerization..... Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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SECTION 12 - REGULATORY INFORMATION

Federal Regulations:

Superfund Amendments and Reauthorization Act (SARA) of 1986 Title III (Emergency Planning and Right to Know Act.)

This product contains the following substances subject to the reporting regulations of Section 313:

Components	CAS Number	Concentration
Isopropanol	67-63-0	<5%



GURTLE
INDUSTRIES, INC.

Material Safety Data Sheet

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Print Date 9/13/2006

BWT-500

Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 8/10/01
PREPARED BY: Justin Yohn
TRADE NAME: BWT-500
GENERAL USE: Boiler Water Treatment

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	OSHA PEL	TLV (Units)	HAZARDOUS %
Sodium Sulfite	007757-83-7		5 mg/m ² -Industry Recommendation	
Dietyleneimide oxide	110-91-8	20 ppm (skin)	N.E.	STEL 30 ppm
Sodium Hydroxide	1310-73-2	2 mg/m ³	2 mg/m ³	

Note: This component is not subject to the reporting requirements of Section 313 of Title III of the 1986 Superfund Amendments and Reauthorization Act (SARA) and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	HAZARD RATINGS			
	0-None	1-Slight	2-Moderate	3-Serious
HMIS Health (Acute).....	2			
HMIS Reactivity	1			
		HMIS Flammability	1	

EMERGENCY OVERVIEW

Appearance/Odor..... Clear liquid with little odor.

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Flush material out immediately with copious amounts of water for 15 minutes and seek medical attention.

IN CASE OF SKIN CONTACT: Immediately wash contamination with copious amounts of water. Remove contaminated clothing and wash before reuse.

IF INHALED: Remove to fresh air.

IF INGESTED: Give large quantities of water, do not induce vomiting. Seek medical attention immediately.

**BWT-500****Material Safety Data Sheet**Page 2 of 3
Print Date 9/13/2006**SECTION 5 - FIREFIGHTING MEASURES**

Flash Point..... >200°F (TCC)
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Flammable Limits..... None
 Extinguish Media..... This product is not combustible. Water spray, foam, carbon dioxide or dry chemical may be used where this product is stored.
 Special Procedures..... Wear full protective clothing. Wear NIOSH approved self-contained breathing apparatus. Use water spray to keep containers cool.
 Unusual Fire Hazard When the product is heated to decomposition temperatures, oxides of sulfur are released. Sodium Sulfide residue, after decomposition, is a serious fire risk.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Leaks should be stopped, spills contained and cleaned up immediately. Neutralize remaining traces with any dilute inorganic acid. Spill area should then be flushed with water, followed by coating with sodium bicarbonate. All clean-up material should be removed and placed in appropriate containers, labeled and stored in a safe place to await proper treatment or disposal.
 Waste Disposal Method..... Package, store and dispose of all clean-up materials and any contaminated equipment in accordance with all applicable federal, state and local health and environmental regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Do not get into eyes, skin or clothing. Do not store in aluminum containers as flammable hydrogen gas can be generated. Do not use aluminum fittings or transfer lines.
 Other Precautions Contact with acids will cause gelling and evolution of some heat.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection Use a NIOSH/MSHA approved respirator following manufacturer's recommendations where mist or spray may be generated.
 Ventilation Local Exhaust : Where mist or spray may be generated, use adequate local exhaust ventilation. Mechanical (General): To keep below control level.
 Protective Gloves..... Rubber gloves should be worn.
 Eye Protection..... Face shield or chemical goggles should be worn.
 Other Protective Equipment..... Standard work clothing. Standard work shoes. Wash soiled clothing and dry before re-use.
 Work/Hygienic Practices..... Shower and eye wash facilities should be accessible.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point..... >212°F (100°C) Freezing Point (F) N/A
 Volatility/Vol (%)..... N/A Melting Point N/A
 Evaporation Rate N/A
 Vapor Density (Air=1) N/A
 Solubility in H₂O 100% in water
 Specific Gravity (H₂O=1)..... 1.14



BWT-500

Material Safety Data SheetPage 3 of 3
Print Date 9/13/2006**SECTION 10 - STABILITY AND REACTIVITY**

Chemical Stability Stable
 Conditions to Avoid See incompatibilities
 Incompatible Materials Strong oxidizers, acids
 Decomposition Products Sulfur dioxide, CO₂, CO Sodium Sulfide, Hydrogen gas, oxides of sulfur, phosphines
 Hazardous Polymerization Will not occur
 Polymerization Avoid None

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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EMERGENCY FIRST AID**Routes of Entry:**

Inhalation?	Airborne conc. Of mists or spray may cause damage to upper respiratory track, possibly lung tissue.
Skin?	Destructive to tissue contacted and produces severe burns. A latent period may exist between exposure and sense of irritation.
Ingestion?	This product can cause severe burns and complete tissue perforation of mucous membranes of the mouth, throat, esophagus and stomach.

Acute: Corrosive to all body tissues with which it comes in contact.

Chronic: Local effect: Multiple areas of superficial destruction of skin or of primary irritant dermatitis. Respiratory: Varying degrees of irritation or damage to the respiratory tract tissue and an increase susceptibility to respiratory illness.

Carcinogenicity:

NTP?	No
IARC Monographs?	No
OSHA Regulated?	No

Signs and Symptoms of Exposure: Regardless of concentration, the severity of damage and extent of its irreversibility increases with length of contact time. Prolonged contact with even dilute solutions can cause a high degree of tissue destruction. The latent period following skin contact during which no sensation or irritation occurs also varies with concentration.

Medical Conditions Generally Aggravated by Exposure: Not available.



GURTLER INDUSTRIES, INC.

Material Safety Data Sheet

CONTROL PLUS

Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 5/12/06
PREPARED BY: Jessica Milchak
TRADE NAME: Control Plus
GENERAL USE: Laundry Sour

SECTION 2 - INGREDIENT INFORMATION

Table with 5 columns: OSHA HAZARDOUS COMPONENTS (29CFR1910.1200), CAS REGISTRY NO., PEL (OSHA), TLV (ACGIH) (Units), HAZARDOUS %. Rows include Sodium Silicofluoride and Oxalic Acid.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale: 0-None, 1-Slight, 2-Moderate, 3-Serious, 4-Severe.
HMIS Health (Acute)..... 2
HMIS Physical Hazard..... 1
HMIS Flammability..... 0

OSHA HEALTH HAZARD CLASSIFICATION: TOXIC

EMERGENCY OVERVIEW

Appearance and Odor..... White crystalline powder, odorless.

EFFECTS OF ACUTE OVEREXPOSURE

Inhalation..... May cause irritation to the nose, throat, mucous membranes and lungs. Coughing and difficult breathing may occur. Repeated or prolonged exposure to excessive concentrations of fluoride compounds may cause fluoride poisoning.
Skin..... Contact may cause irritation and burning sensation.
Eye..... Contact may cause severe irritation with redness and pain.
Ingestion..... Causes gastrointestinal irritation with nausea and vomiting.
Medical Conditions Generally
Aggravated by Exposure..... Repeated exposure above PEL and TLV to fluoride dust may cause excessive calcification of ligaments of the ribs, pelvis and spinal column. Stiffness and limitation of motion may result.



CONTROL PLUS

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OXALIC ACID

Acute oxalic poisoning results from ingestion of solution of the acid. There is marked corrosion of the mouth, esophagus, and stomach with symptoms of vomiting, burning and abdominal pain, collapse and sometimes convulsion. Death may follow quickly. The systemic effects are attributed to the removal by the oxalic acid of the calcium in the blood.

The renal tubules become obstructed by the insoluble calcium oxalate and there is profound kidney disturbance. The inhalation of the dust or vapor may cause chronic symptoms of irritation of the upper respiratory tract, gastrointestinal disturbances, albuminuria, gradual loss of weight, increasing weakness, and nervous system complaints. Oxalic acid has a caustic action on the skin and may cause dermatitis; a case of early gangrene of the fingers resembling that caused by phenol has been described.

The chief effects of inhalation of the dusts or vapor are irritation of the eye and upper respiratory tract, ulceration of the mucous membrane of the nose and throat, epistaxis, headache, irritation, and nervousness. More severe cases may show albuminuria, chronic cough, pain the back and gradual emaciation and weakness. The skin lesions are characterized by cracking and fissuring of the skin and the development of slow-healing ulcers. The skin may be bluish in color, and the nails brittle and yellow.

SECTION 4 - FIRST AID MEASURES

In Case of Eye Contact Flush with water for 15 minutes. Get medical attention.
 In Case of Skin Contact Remove contaminated clothing and shoes. Wash exposed areas with soap and water.
 If Inhaled Remove from exposure. If breathing has stopped, give artificial respiration. Get medical attention.
 If Ingested If conscious, give large quantities of water to drink. Do not induce vomiting. Get medical attention immediately.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... Non-flammable
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Extinguish Media..... Product is non-flammable. Use extinguishing media required to control surrounding fire.
 Special Procedures..... Fire fighters should be equipped with appropriate apparel and NIOSH approved respirators.
 Unusual Fire Hazards May emit vapors of hydrogen fluoride, sodium oxide or silicon tetrafluoride if heated to decomposition.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Keep unnecessary people away. Isolate hazard area and deny entry. Avoid breathing. With clean shovel, place material into clean, dry container and cover. Move containers from spill site.
 Waste Disposal Method..... Dispose of in accordance with all Federal, State, and Local laws and regulations. NOTE: WASTE IS TOXIC!

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Wear recommended personal protective equipment as required by nature of work. Store in original container. Do not store near food or feed since appearance is similar to salt and sugar.
 Other Precautions Segregate from strong alkalis.

**CONTROL PLUS****Material Safety Data Sheet**

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SECTION 8 - PERSONAL PROTECTION

Respiratory Protection 2.5 mg/m³ or less: A single-use dust respirator. 2.5 mg/m³ or less: Any dust respirator (except single use or ¼ mask respirator), any supplied air respirator or self-contained breathing apparatus. All respirators should be NIOSH/MSHA approved.

Ventilation Local Exhaust: As required to keep levels below TLV. Mechanical: Normally adequate.

Protective Gloves Rubber gloves

Eye Protection Chemical goggles

Other Protective Equipment Rubber aprons

Work/Hygienic Practices As with all chemicals, direct contact should be kept to a minimum.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	N/A	Freezing Point (F)	N/A
Volatility/Vol (%).....	N/A	Melting Point	N/A
Evaporation Rate	N/A	Vapor Density (Air=1).....	N/A
Solubility in H ₂ O	Negligible	Specific Gravity (H ₂ O=1).....	N/A

SECTION 10 - STABILITY AND PHYSICAL HAZARD

Chemical Stability Stable

Conditions to Avoid Extreme heat

Incompatible Materials Alkalis, cyanides, active metals (aluminum, magnesium), bleaches, furfuryl alcohol, silver.

Decomposition Products Hydrogen fluoride gas. Hydrogen gas is produced from reaction with above metals. Formic acid, carbon monoxide and carbon dioxide.

Hazardous Polymerization Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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GURTLE
INDUSTRIES, INC.

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Material Safety Data Sheet

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LIQUID GUARDIAN

Gurtler Industries Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries Inc.
15475 South LaSalle Street
South Holland, IL 60473
708-331-2550

PHONE NUMBER: 708-331-2550

EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday

EFFECTIVE DATE: 8/28/01

PREPARED BY: Justin Yohn

TRADE NAME: Liquid Guardian

GENERAL USE: Liquid Disinfectant

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Dialkyl dimethyl ammonium chloride	68424-95-3	N.E.	N.E.	
Ethyl alcohol	64-17-5	1000 ppm	1000 ppm	
1-Methyl-2-heptadecenyl-3-olyl amido ethyl imidazolinium methosulfate	72749-55-4	N.E.	N.E.	
Isopropanol	67-63-0	400 ppm	400 ppm	

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATAHAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute).....	3		HMIS Flammability.....
HMIS Reactivity.....	0		2

EMERGENCY OVERVIEW

Appearance and Odor..... Yellow liquid

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Flush eyes with large amounts of running water for at least 15 minutes. Hold eyelids apart to ensure rinsing of the entire surface of the eye and lids with water. If physician is not available, flush for additional 15 minutes. Get immediate medical attention

IN CASE OF SKIN CONTACT: Wash with large amounts of running water, and soap if available, for 15 minutes. Remove contaminated clothing and shoes. Get immediate medical attention. Wash clothing and decontaminate shoes before reuse.

IF INHALED: Remove from area to fresh air. If not breathing, clear airway and start mouth-to-mouth artificial respiration or use a bag-mask respirator. Get immediate medical attention. If victim is having trouble breathing, transport to medical care and, if available, give supplemental oxygen.



GURTLE
INDUSTRIES, INC.

LIQUID GUARDIAN

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IF INGESTED: If swallowed, immediately give 3-4 glasses of milk (if unavailable, give water). DO NOT induce vomiting. If vomiting occurs, give fluids again. Have physician determine if patient's condition allows for induction of vomiting or evacuation of the stomach. Do not give anything by mouth to a convulsing or unconscious person. Get immediate medical attention.

NOTE TO PHYSICIAN: Probably mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, as well as oxygen and measures to support breathing manually or mechanically may be needed. If persistent, convulsions may be controlled by the cautious intravenous injection of a short acting barbiturate drug.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... 116°F
 Flammable Limits..... Not available
 Lower Flame Limit..... Not available
 Higher Flame Limit..... Not available
 Extinguish Media..... Foam, Alcohol Foam, CO₂, Dry Chemical, Water Fog
 Special Procedures..... Must wear MSHA/NIOSH approved self-contained breathing apparatus and protective clothing. Cool fire-exposed containers with water spray.
 Unusual Fire Hazards Thermal decomposition may produce toxic fumes of ammonia and hydrogen chloride and oxides of carbon, nitrogen and sulfur.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Warning! Product is combustible. Remove all sources of ignition and ground all equipment before use. Floors may become slippery. Wear appropriate protective equipment and MSHA/NIOSH approved respirator, where mist or vapors of unknown concentrations may be generated (self-contained breathing apparatus preferred)
 Dike and contain spill with inert material (sand, earth, etc.) and transfer the liquid and solid separately to containers for recovery or disposal. Keep spill out of sewers and open bodies of water.
 Waste Disposal Method..... Dispose of in compliance with all Federal, State and Local laws and regulations. Incineration is the preferred method.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Keep containers tightly closed until used. Avoid extremes in temperature.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection A NIOSH/MSHA jointly approved respirator is advised in the absence of proper environmental controls or if TLV for is exceeded.
 Ventilation In processes where TLV for ethyl alcohol may be exceeded, or mists and/or vapors may be generated, proper ventilation must be provided in accordance with good ventilation practices.
 Protective Gloves..... Rubber or neoprene, when needed, to prevent skin contact.
 Eye Protection..... Wear chemical splash goggles where there is a potential for eye contact. Use safety glasses with side shields under normal use conditions.
 Other Protective Equipment..... Eye wash; safety shower; protective clothing (long sleeves, coveralls or other, as appropriate), when needed to prevent skin contact.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point.....	Not known	Freezing Point (F)	Unknown
Volatility/Vol (%).....	Approx. 40	Melting Point	Unknown
Evaporation Rate	Not known	Vapor Density (Air=1).....	Unknown
pH (5% solution)	6.5 to 8.0	Specific Gravity (H ₂ O=1).....	0.953
Viscosity.....	Not known		



LIQUID GUARDIAN

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SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability Stable
 Conditions to Avoid None known
 Decomposition Products Thermal decomposition may produce toxic of ammonia and hydrogen chloride and oxides of carbon, nitrogen and sulfur.
 Hazardous Polymerization Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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HEALTH HAZARD DATA

EFFECTS OF OVEREXPOSURE

Routes of Entry: (X) Inhalation
 (X) Skin
 (X) Eye

Effects of Overexposure: Warning! Severe skin, eye and respiratory irritant. Direct contact with eyes can cause severe eye burns and/or damage. Skin contact can cause skin irritation which may be severe if contact is prolonged. Product contains ethyl alcohol and Isopropyl alcohol which are irritating to eyes and mucous membranes. At high exposure concentrations the alcohols can cause mild narcosis.

Inhalation: Remove from area to fresh air. If not breathing, clear airway and start mouth-to-mouth artificial respiration or use a bag-mask respirator. Get immediate medical attention. If victim is having trouble breathing, transport to medical care and, if available, give supplemental oxygen. (See "Note to Physician" below.)

Eye Contact: Flush eyes with large amounts of running water for at least 15 minutes. Hold eyelids apart to ensure rinsing of the entire surface of the eye and lids with water. If physician not available, flush for additional 15 minutes. Get immediate medical attention.

Skin Contact: Wash with large amounts of running water, and soap if available, for 15 minutes. Remove contaminated clothing and shoes. Get immediate medical attention. Wash clothing and decontaminate shoes before reuse.

Ingestion: If swallowed, immediately give 3-4 glasses of milk (if none, give water). DO NOT induce vomiting. If vomiting occurs, give fluids again. Have physician determine if patient's condition allows for induction of vomiting or evacuation of the stomach. Do not give anything by mouth to a convulsing or unconscious person. Get immediate medical attention.

Medical Conditions Generally Aggravated by Exposure: None known

Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock as well as oxygen and measures to support breathing manually or mechanically may be needed. If persistent, convulsions may be controlled by the cautious intravenous injection of a short acting barbiturate drug.



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INDUSTRIES, INC.

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IN CASE OF SKIN CONTACT: Remove contaminated clothing. Flush skin with water.

IF INHALED: Remove to fresh air.

IF INGESTED: If patient is conscious and has a gag reflex, give two glasses of water. Induce vomiting. Obtain medical attention.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... >200°F (TCC)
 Lower Flame Limit..... N/A
 Higher Flame Limit..... N/A
 Flammable Limits..... None
 Extinguish Media..... Dry chemical, carbon dioxide, water, alcohol or all purpose type foam.
 Special Procedures..... Do not enter confined fire space without full protective gear and self-contained breathing apparatus. Water or foam may cause frothing. Use water to cool fire exposed containers.
 Unusual Fire Hazard..... None

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Wear suitable protective equipment. Absorb with dry absorbent and place in non-leaking containers. Flush residual product with copious amounts of water.
 Waste Disposal Method..... Place in disposal facility approved under RCRA conditions. Dispose of in accordance with all local, state and federal laws and regulations.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Wear protective goggles to prevent splashes into eyes. Wear protective clothing to prevent direct skin contact.
 Other Precautions..... Avoid prolonged inhalation.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection..... Self-contained breathing apparatus in high vapor concentrations. Not needed under normal conditions of handling.
 Ventilation..... Local Exhaust: Only to keep mists below the TLV level. Mechanical (General): Normally adequate.
 Protective Gloves..... Chemically resistant (Butyl Rubber).
 Eye Protection..... Chemical goggles.
 Other Protective Equipment..... Chemically resistant apron and footwear.
 Work/Hygienic Practices..... Safety shower, eye bath, and washing facilities should be available.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point..... >212°F	Freezing Point (F)..... N.E.
Volatility/Vol (%)..... N.E.	Melting Point..... N/A
Evaporation Rate..... N/A	Vapor Density (Air=1)..... N/A
Solubility in H ₂ O..... Complete	Specific Gravity (H ₂ O=1)..... 1.036
pH (neat)..... 7.0 - 8.0	

SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability..... Stable
 Conditions to Avoid..... Excessive heat
 Incompatible Materials..... Strong oxidizing agents, strong alkalies, strong reducing agents.
 Decomposition Products..... CO, aldehydes, acids, and ketones by thermal decomposition, oxides of sulfur.

Hazardous Polymerization..... Will not occur
 Polymerization Avoid..... None



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SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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SECTION 12 - REGULATORY INFORMATION

Federal Regulations:

Superfund Amendments and Reauthorization Act (SARA) of 1986 Title III (Emergency Planning and Right to Know Act.)

This product contains the following substances subject to the reporting requirements of Section 313:

Components	CAS Number	Concentration
Ethylene glycol monobutyl ether	111-76-2	1-8%



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NDT META-SIL

Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
(708) 331-2550
(800) 638-7300

In Case Of Emergency (24 hours)
INFOTRAC (800) 535-5053

For Information
(708) 331-2550

SECTION 1 - IDENTIFICATION

COMPANY NAME: Gurtler Industries, Inc.
15475 South LaSalle Street
South Holland, IL 60473
PHONE NUMBER: 708-331-2550
EMERGENCY NUMBER: INFOTRAC (800) 535-5053 - 24 Hours Everyday
EFFECTIVE DATE: 8/14/01
PREPARED BY: Justin Yohn
TRADE NAME: NDT Meta-Sil
GENERAL USE: Liquid Laundry Alkali

SECTION 2 - INGREDIENT INFORMATION

OSHA HAZARDOUS COMPONENTS (29CFR1910.1200)	CAS REGISTRY NO.	PEL (OSHA)	TLV (ACGIH) (Units)	HAZARDOUS %
Sodium Hydroxide	1310-73-2	2 mg/m ³	2 mg/m ³ (ceiling value)	
Silicic Acid, Disodium Salt	1344-09-8	N.E.	N.E.	

This product is not subject to the toxic chemical reporting requirements of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and 40 CFR Part 372.

SECTION 3 - HEALTH HAZARD DATA

HAZARDOUS MATERIAL IDENTIFICATION SYSTEM (H.M.I.S.) HAZARD RATINGS

Hazard Rating Scale	0-None	1-Slight	2-Moderate
	3-Serious	4-Severe	
HMIS Health (Acute).....	3	HMIS Flammability	0
HMIS Reactivity	2		

EMERGENCY OVERVIEW

Appearance and Odor..... A clear, red liquid with no noticeable odor.

EFFECTS OF ACUTE OVEREXPOSURE

Routes of Entry (X) Inhalation (X) Skin

Inhalation Mist can cause mild irritation of 2 mg/me. More severe burns and tissue damage at the upper respiratory tract can occur at higher concentrations. Pneumonitis can result from severe exposures.

Skin..... Major potential hazard – contact with the skin can cause severe burns with deep ulcerations. Contact with solution or mist can cause multiple burns with temporary loss of hair at burn site. Solutions of 4% may not cause irritation and burning for several hours, while concentrated solutions can cause these effects in less than 3 minutes.

Eyes..... Major potential hazard – liquid in the eye can cause severe destruction and blindness. These effects can occur rapidly, effecting all parts of the eye. Mist or dust can cause irritation, with high concentrations causing destructive burns.



NDT META-SIL

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Ingestion Ingestion of this product can cause severe burning and pain in lips, mouth, tongue, throat and stomach. Severe scarring of the throat can occur after swallowing. Death can result from ingestion.

SECTION 4 - FIRST AID MEASURES

IN CASE OF EYE CONTACT: Wash eyes immediately with large amounts of water (preferably eye wash fountain), lifting the upper and lower eyelids and rotating eyeball. Continue washing for a minimum of 15 minutes. Get medical attention immediately.

IN CASE OF SKIN CONTACT: Remove contaminated clothing immediately and wash skin thoroughly for minimum of 15 minutes with large quantities of water (preferably a safety shower). Get medical attention immediately.

IF INHALED: Move person to fresh air. If breathing stops, administer artificial respiration. Get medical attention immediately.

IF INGESTED: If person is conscious, give large quantities of water to dilute caustic. Do not induce vomiting. Get medical attention immediately.

SECTION 5 - FIREFIGHTING MEASURES

Flash Point..... Non-flammable

Flammable Limits..... N/A

Lower Flame Limit..... N/A

Higher Flame Limit..... N/A

Extinguish Media..... Product is not combustible. Water spray, foam CO₂, or dry chemical may be used where product is stored.

Special Procedures..... Wear full protective clothing. Avoid direct contact of this product with water as heat is generated when water is contacted with this product.

Unusual Fire Hazards See reactivity data.

SECTION 6 - ACCIDENTAL RELEASE MEASURES

For Spill..... Clean-up personnel must wear protective equipment. Completely contain spill material with dikes, sandbags, etc. and prevent run-off into ground or surface water or sewers. Recover as much material as possible into containers for disposal. Remaining material may be diluted with water and neutralized with dilute inorganic acid. Neutralization products, both liquid or solid, must be recovered for disposal.

Waste Disposal Method Recovered solids or liquids may be sent to a licensed reclaimer or disposed of in a permitted waste management facility. Consult federal, state or local disposal authorities for approved procedures.

SECTION 7 - HANDLING AND STORAGE

Handling & Storage..... Follow protective controls set forth in Section 8 below. Store unused product in closed properly labeled containers. Do not remove or deface labels or tags. If diluting, add product slowly to water. Never add water to product as spattering may occur. Wear protective clothing when handling product.

Other Precautions..... Contact of caustic products with food, beverage products (in enclosed vessels or spaces) can produce lethal concentrations of carbon monoxide gas.

SECTION 8 - PERSONAL PROTECTION

Respiratory Protection Where concentrations exceed 2 mg/m³, use high efficiency particulate filter with full face piece or self-contained breathing apparatus.

Ventilation Local Exhaust: Not normally required. Mechanical: As required to maintain concentrations in air below 2 mg/m³ at all times.

Protective Gloves..... Neoprene, PVC, or rubber gloves

Eye Protection..... Chemical goggles which are splash proof and face shield.

Other Protective Equipment..... Impervious protective clothing and chemically resistant safety shoes to minimize contact.

Work/Hygenic Practices..... Showers and eye wash facilities should be accessible.

SECTION 9 - PHYSICAL AND CHEMICAL PROPERTIES

Boiling Point..... >212°F (100°C) Freezing Point (F) N/A

Volatility/Vol (%)..... N.E. Melting Point N.E.



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INDUSTRIES, INC.

NDT META-SIL

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Evaporation Rate	N.E.	Vapor Density (Air=1)	N.E.
Solubility in H ₂ O	Complete	Specific Gravity (H ₂ O=1)	1.425
pH (conc.)	>12		

SECTION 10 - STABILITY AND REACTIVITY

Chemical Stability Stable

Conditions to Avoid Direct contact with incompatible material in confined spaces which will produce excessive heat or hazardous by-products.

Incompatible Materials Direct contact with water (heat is generated), aluminum, tin, zinc, alloys containing these metals. Do not mix with strong acids without dilution and agitation. Do not contact with leather, organic halogen compounds, acid, wool, organic nitro compounds.

Decomposition Products Product will not decompose. Flammable hydrogen gas may be produced when contacted with above metals.

Hazardous Polymerization Will not occur

SECTION 11 - OTHER INFORMATION

For help in a chemical transportation emergency, call INFOTRAC: 1-800-535-5053

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Mindy Lepard

From: Rick Sawyer [rsawyer@wehwlaw.com]
Sent: Friday, April 25, 2008 5:20 PM
To: John Walch
Cc: Mindy Lepard; Marshall Morgan; Wayne Watterson
Subject: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site")

John: This confirms our conference call of April 24, 2008.

Per our earlier conversation with Mindy Lepard, who is handling this matter for Guilford County/DENR, we had indicated that prior to providing comments to the draft Administrative Agreement (AA) proposed by DENR, our client, Baby Diaper Service, Inc. (BDS) had requested the opportunity to do some limited sampling at the Site. The purpose was to see if we could find an obvious off-site source for the TCE. As noted previously, the preliminary sampling did not reveal an obvious off-site source.

You had originally extended our time frame for filing responses to the draft AA until April 25, 2008. As we discussed yesterday, however, BDS would like the opportunity to provide evidence to DENR that BDS is not the "responsible party" (RP) at the Site. You agreed to consider whatever information BDS could provide in that regard. We further agreed to postpone negotiation of the AA until DENR determines whether BDS is, in fact, the RP for the Site.

We will provide the above-referenced information soon. Thanks for your consideration in this matter.

Rick

Frederick G. (Rick) Sawyer
WYATT EARLY HARRIS WHEELER, LLP
P.O. Drawer 2086
High Point, NC 27261-2086
Direct Telephone: (336)819-6003
Direct Facsimile: (336)819-6063

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From: John Walch [mailto:John.Walch@ncmail.net]
Sent: Tuesday, January 29, 2008 3:22 PM
To: Rick Sawyer
Cc: Mindy Lepard; KEITH SNAVELY
Subject: Re: FW: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site") (Corrected Address For Site)

Rick-

4/28/2008

I cannot provide you with an electronic copy at the moment. I do not have an electronic copy of the draft AA that was prepared for this site and Keith Snavelly is on vacation this week. As you may know, staff from the Guilford County Health Dept. will be providing oversight for Inactive Hazardous Sites Branch sites in Guilford County. I am checking to see if Keith sent an electronic copy to their office.

I will send a copy as soon as possible.

John Walch

Rick Sawyer wrote:

John: In my e-mail below, I incorrectly referred to the address of the subject Site as "1814 Spring Garden. I had taken this address from Section III A in DENR's draft Administrative Agreement. ." In fact, the correct address is "1819 Spring Garden Street." You might go ahead and make this correction in DENR's draft document.

Also, it would be helpful if you can send us an MS Word version of the draft Administrative Agreement so that we might work from that document in suggesting revisions.

Thanks.

Rick

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From: Rick Sawyer
Sent: Tuesday, January 29, 2008 1:37 PM
To: 'john.walch@ncmail.net'
Cc: 'Wayne Watterson'; 'Marshall Morgan'; 'keith.snavelly@ncmail.net'
Subject: Baby Diaper Service, Inc./1814 Spring Garden Street, Greensboro, NC ("Site")

John: This confirms our telephone conversation of January 28, 2008, in which we discussed the referenced Site. Our firm represents Baby Diaper Service, Inc. (BDS), the owner of the referenced Site. BDS provided us a copy of the December 17, 2007, letter from Keith Snavelly of DENR concerning the Site (DENR Letter). The DENR Letter included a draft Administrative Agreement for State-Directed Assessment and Remedial Action (Administrative Agreement) between DENR and BDS.

As discussed, in order to properly advise BDS, we need more time to review the draft Administrative Agreement, to talk with BDS' environmental consultants and then to provide comments to the draft. You agreed to find out the date BDS actually received the DENR Letter, and to provide that information to me. Given that BDS comments were requested within 45 days of their receipt of the DENR Letter, and that time limit is probably not too far off, *you agreed to an extension of 30 from the original due date for us to provide comments and proposed revisions.*

Please review DENR's file and advise of the following: (1) the date BDS received the DENR Letter; (2) the

4/28/2008

original date when BDS comments to the DENR Letter were due; and (3) the new date for the extension when BDS comments are due.

Thanks for your consideration. I look forward to working with you on this matter.

Rick

Frederick G. (Rick) Sawyer
WYATT EARLY HARRIS WHEELER, LLP
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Direct Telephone: (336)819-6003
Direct Facsimile: (336)819-6063

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--

John W. Walch
Eastern Unit Supervisor
NC Division of Waste Management
Superfund Section
(919) 508-8485
email: John.Walch@ncmail.net

4/28/2008

Mindy Lepard

From: Rick Sawyer [rsawyer@wehwlaw.com]
Sent: Thursday, March 13, 2008 3:27 PM
To: John Walch
Cc: Mindy Lepard; Marshall Morgan; Wayne Watterson
Subject: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site") (Corrected Address For Site)

John: This confirms our telephone conference today in which we discussed the referenced Site.

Per our earlier conversation with Mindy Lepard, who is handling this matter for Guilford County/DENR, we had indicated that prior to providing comments to the draft Administrative Agreement (AA) proposed by DENR, our client, Baby Diaper Service, Inc. (BDS) had requested the opportunity to do some limited sampling at the Site. The purpose was to see if we could find an obvious off-site source for the TCE. BDS' consultants, S&ME, have completed the sampling but we do not yet have their formal report. We should have the report next week, but preliminary results were inconclusive on showing an obvious off-site source. Therefore, it appears BDS may need to do additional assessment work, and they would prefer to do so under the AA.

You had originally extended our time frame for filing responses to the draft AA until March 14, 2008. From our conversation today, I understand you have extended the time through April 25, 2008, to provide our comments. This will provide time for BDS to get the S&ME Report and provide a copy to you. We can then turn our attention to working out the details of the AA.

Thanks for your consideration in this matter.

Rick

Frederick G. (Rick) Sawyer
WYATT EARLY HARRIS WHEELER, LLP
P.O. Drawer 2086
High Point, NC 27261-2086
Direct Telephone: (336)819-6003
Direct Facsimile: (336)819-6063

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From: John Walch [mailto:John.Walch@ncmail.net]
Sent: Tuesday, January 29, 2008 3:22 PM
To: Rick Sawyer
Cc: Mindy Lepard; KEITH SNAVELY
Subject: Re: FW: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site") (Corrected Address For Site)

3/13/2008

Mindy Lepard

From: John Walch [John.Walch@ncmail.net]
Sent: Thursday, February 07, 2008 10:17 AM
To: Mindy Lepard
Cc: KEITH SNAVELY
Subject: Re: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site) (Corrected Address)

Mindy-

The AA is a voluntary agreement so if the RP wants our approval he needs to sign the AA as is. We can certainly allow them to conduct work in Phases and they can propose this in their RI Workplan that they submit for your review after the AA is signed. We will not become involved in their access dispute unless they are under an AA or we have issued an Order to them. After they sign the AA, we are not going to get involved with site access issues unless they can first demonstrate they have made attempts to gain access on their own.

Finally, I agree with you that since they are trying to prove that contaminants are coming from off-site, I think should just collect a sufficient number of groundwater and/or soil samples from their own property to try to demonstrate the source if off-site without signing an AA. By doing this, they can avoid the off-site access issue They can collect data and submit for our review and if we agree we can pursue source property.

While they may be able to demonstrate they are not the responsible party and the site name may change, we will not give a No Further Action for their portion of the Site (whatever the site is) until it meets remedial goals.

John

Mindy Lepard wrote:

Keith and John,
Since this is one of the first two Administrative Agreements that I have seen I do not know if a less extensive site assessment can be included. The Time Warner Cable property next door used to be an auto shop. It seems likely that some chlorinated solvents may have come from that site. Baby Diaper Service needs to put in monitoring wells closer to the property boundary as the less extensive site assessment. Do you have advice on how, or whether, to alter the AA to include this?

Mindy Lepard
Guilford County Environmental Health
1203 Maple Street
Greensboro, NC 27405
Phone: (336) 641-5557
Fax: (336) 641-4812

From: Rick Sawyer [mailto:rsawyer@wehwlaw.com]
Sent: Wednesday, February 06, 2008 2:52 PM
To: mlepard@gheh.org

2/7/2008

Cc: Marshall Morgan; Keith Snavely; John Walch; Wayne Watterson
Subject: RE: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site")
(Corrected Address)

Mindy: Thanks for taking time to discuss the referenced Site with me this afternoon. Per our discussion, our firm represents Baby Diaper Service, Inc. (BDS), owner of the Site. I have provided below the e-mail sent to Keith Snavely at DENR yesterday so that you are now "in the loop" on the most recent correspondence.

This also confirms our discussion of a concept (first discussed with Keith Snavely yesterday) in which DENR/Guilford County might consider an initial proposal for assessment of the Site that would be less extensive (and less expensive) than that typically required under the standard Administrative Agreement (AA). The purpose of the more limited assessment is to determine whether the Site even has an on-Site source of the "VOC" contamination found in the initial testing. If not, this could save BDS a great deal of time and money by having DENR/GC focus on the appropriate off-Site sources (if any).

The question you and I could not resolve is whether to simply let DENR/GC approve the limited initial assessment prior to executing the AA or, in the alternative, whether to include it in the AA. We understand that unless the AA is signed, neither DENR nor GC will order adjoining property owners to allow BDS' consultants access for taking groundwater samples. Therefore, as a practical matter, unless we can include the initial assessment protocol in the AA, BDS will not be able to perform some of the needed groundwater assessment.

As discussed, I will send you the proposed assessment protocol being prepared by BDS' consultants, S&ME. In the meantime, perhaps you and Keith can discuss the issues above and provide guidance as to how we might proceed. I understand that given the recent reorganization at DENR, this is new territory for all of us, but I am sure we can come to some type of fair resolution.

I look forward to working with you.

Rick

Frederick G. (Rick) Sawyer
WYATT EARLY HARRIS WHEELER, LLP
P.O. Drawer 2086
High Point, NC 27261-2086
Direct Telephone: (336)819-6003
Direct Facsimile: (336)819-6063

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From: Rick Sawyer

2/7/2008

Sent: Tuesday, February 05, 2008 1:11 PM
To: 'Keith Snavely'
Cc: 'Marshall Morgan'; 'Wayne Watterson'
Subject: RE: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site")
(Corrected Address)

Keith: Thanks for your courtesy in sending the document. Per the earlier e-mail exchange with John Walch below, we will have BDS' comments to you on or before March 14, 2008.

I look forward to working with you.

Rick

Frederick G. (Rick) Sawyer
WYATT EARLY HARRIS WHEELER, LLP
P.O. Drawer 2086
High Point, NC 27261-2086
Direct Telephone: (336)819-6003
Direct Facsimile: (336)819-6063

-----Original Message-----

From: Keith Snavely [<mailto:Keith.Snavely@ncmail.net>]
Sent: Tuesday, February 05, 2008 12:05 PM
To: Rick Sawyer
Subject: Re: Baby Diaper Service, Inc./1819 Spring Garden Street, Greensboro, NC ("Site") (Corrected Address)

Rick,

Sorry for the delay of the getting this file to you, I was on vacation until the 4th and my computer was down yesterday. Here is the administrative agreement for the Baby Diaper Service site.

Keith

Rick Sawyer wrote:

>
> John: Thanks for providing the information below. We will provide
> comments as soon as possible, but no later than 3/14/08. Also, we look
> forward to receiving an electronic copy when available.
>
> Again, we look forward to working with you and Keith.
>
> Rick
>
> Frederick G. (Rick) Sawyer
> *WYATT EARLY HARRIS WHEELER, LLP*
> P.O. Drawer 2086
> High Point, NC 27261-2086
> Direct Telephone: (336)819-6003
> Direct Facsimile: (336)819-6063
>
> * From: * John Walch [<mailto:John.Walch@ncmail.net>]
> *Sent:* Tuesday, January 29, 2008 3:10 PM
> *To:* Rick Sawyer
> *Subject:* Re: Baby Diaper Service, Inc./1814 Spring Garden Street ,
> Greensboro , NC ("Site")
>

> Rick,
 >
 > The certified letter and draft Agreement sent to Marshall Miller 810
 > McNair Court, High Point NC 27625 was returned to our office by the
 > USPS as "Unclaimed" on January 14, 2008. The USPS attempted delivery
 > on 12//18/07, 12/26/07 & 1/3/08. I do not know if this is the correct
 > mailing address.
 >
 > Please have comments to our office by 3/14/08.

> John W. Walch
 > Eastern Unit Supervisor
 > NC Division of Waste Management
 > Superfund Section
 > (919) 508-8485
 > email: John.Walch@ncmail.net <<mailto:John.Walch@ncmail.net>>

>
 > Rick Sawyer wrote:
 >
 > John: This confirms our telephone conversation of January 28, 2008, in
 > which we discussed the referenced Site. Our firm represents Baby
 > Diaper Service, Inc. (BDS), the owner of the referenced Site. BDS
 > provided us a copy of the December 17, 2007, letter from Keith Snavelly
 > of DENR concerning the Site (DENR Letter). The DENR Letter included a
 > draft Administrative Agreement for State-Directed Assessment and
 > Remedial Action (Administrative Agreement) between DENR and BDS.
 >
 > As discussed, in order to properly advise BDS, we need more time to
 > review the draft Administrative Agreement, to talk with BDS'
 > environmental consultants and then to provide comments to the draft.
 > You agreed to find out the date BDS actually received the DENR Letter,
 > and to provide that information to me. Given that BDS comments were
 > requested within 45 days of their receipt of the DENR Letter, and that
 > time limit is probably not too far off/, *you agreed to an extension
 > of 30 from the original due date for us to provide comments and
 > proposed revisions. */
 >
 > Please review DENR's file and advise of the following: (1) the date
 > BDS received the DENR Letter; (2) the original date when BDS comments
 > to the DENR Letter were due; and (3) the new date for the extension
 > when BDS comments are due.
 >
 > Thanks for your consideration. I look forward to working with you on
 > this matter.
 >
 > Rick
 >
 > Frederick G. (Rick) Sawyer
 > *WYATT EARLY HARRIS WHEELER, LLP*
 > P.O. Drawer 2086
 > High Point, NC 27261-2086
 > Direct Telephone: (336)819-6003
 > Direct Facsimile: (336)819-6063
 >

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Thank you

--

John W. Walch
Eastern Unit Supervisor
NC Division of Waste Management
Superfund Section
(919) 508-8485
email: John.Walch@ncmail.net

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AND COUNSELLORS AT LAW

FOUNDED 1897

2000 RENAISSANCE PLAZA

230 NORTH ELM STREET (27401)

POST OFFICE BOX 26000 (27420)

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GREENSBORO AND RALEIGH
NORTH CAROLINA

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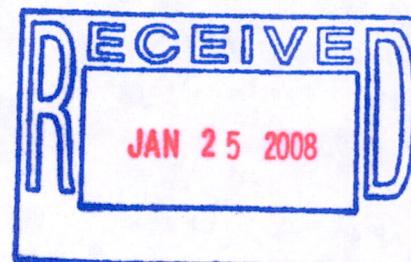
DIRECT PHONE (336) 271-3110

DIRECT FAX (336) 232-9110

rking@brookspierce.com

January 24, 2008

Wayne Watterson, PE
Lyndal Butler
S&ME
3718 Old Battleground Rd
Greensboro, NC 27410



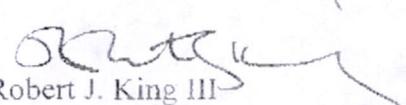
Re: Baby Diaper Service, Inc.

Dear Mr. Watterson and Ms. Butler:

I am in receipt of your letter of January 21, 2008 in which you request, on behalf of Baby Diaper Service, Inc., access to the Time Warner Cable property on Spring Garden Street. Specifically, your client desires to drill a monitoring well on the Time Warner property as part of your investigation of "a release of hazardous substances to the groundwater at the Baby Diaper Service property".

As previously communicated to your client, Time Warner Cable will not allow access to its property for the drilling of any wells. Among other things, the Time Warner property contains extensive – and expensive – cables that are integral to the provision of cable television services in the Greensboro area. Damage to such cables could result in extremely large property damage claims. Given these concerns, among other considerations, Time Warner will not allow access to its property for the installation of any wells.

Sincerely,


Robert J. King IIIcc: Jim Myers
Alex Harrill

Fax Transmittal



www.smeinc.com

Date:	1/25/08		
To:	Mindy Lepard	From:	Wattersom
Phone:			
Fax:	641 4812	Fax:	1-336-288-8980
Re:		Email:	
		# Pages:	2 including cover sheet

Comments:

Jan. 24 letter from Bob King
 re: Time Warner Cable access

3718 Old Battleground Road
 Greensboro, NC 27410
 (336) 288-7180
 (336) 288-8980 fax

This cover sheet and the documents accompanying this fax transmission contain information from S&ME, Inc., which is confidential and legally privileged. The information is intended only for use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on these documents is strictly prohibited.

S&ME SFG-001
 (Rev 7/99)



CERTIFIED MAIL

Return Receipt requested

COPY

January 21, 2008

Mr. Bob King
Brooks, Pierce, McLendon, Humphrey & Leonard
P.O. Box 26000
Greensboro, North Carolina 27420

Reference: Access to Time Warner Cable property
Spring Garden Street
Greensboro, North Carolina
S&ME Project No. 1584-07-045



Dear Mr. King,

S&ME, Inc. (S&ME) is currently working with Mr. Marshall Morgan, representative for the owner of Baby Diaper Service, Inc., regarding a release of hazardous substances to the groundwater at the Baby Diaper Service property at 1819 Spring Garden Street in Greensboro, North Carolina. The release was discovered during site assessment activities related to a possible sale of the Baby Diaper Service property. The discovery of contaminants in the site groundwater delayed the possible sale of the property.

S&ME forwarded copies of its assessment reports for the Baby Diaper Service, Inc. property to the Guilford County Department of Public Health and the North Carolina Department of Environment and Natural Resources (NCDENR). The assessment data that S&ME has completed to date suggests that additional investigation is needed to the east of the Baby Diaper Service property, to define the source and extent of contaminants in the groundwater. Time Warner Cable adjoins the Baby Diaper Service property to the east.

On October 9, 2007, Lyndal Butler and Jim Dees with S&ME, met with Mr. Alex Harrill of Time Warner Cable at the Time Warner Cable property to review possible sampling locations on the Time Warner Cable property. You spoke with Mr. Jim Dees by telephone on October 11, 2007, to inform us that Time Warner Cable had declined S&ME's request to install a monitor well on the Time Warner Cable property.

Mr. Morgan received a *draft* Administrative Agreement from the NCDENR Inactive Hazardous Sites Branch in December 2007, to conduct a voluntary cleanup action at the Baby Diaper Service site. As part of a cleanup action, the full extent of contamination must be defined.

Mr. Morgan informed S&ME that he spoke with you on January 16, 2008, regarding this matter. You requested that Mr. Morgan contact you by mail regarding access to the Time Warner Cable property. By way of this letter, S&ME requests, on behalf of Baby Diaper Service, Inc., that Time Warner Cable allow Baby Diaper Service, Inc. and S&ME access to the Time Warner Cable property in order to install one or more groundwater monitor wells. Groundwater samples will be collected from the well(s) and analyzed in the laboratory for volatile organic compounds. Also, the monitor well location(s) will be surveyed in order to calculate the local groundwater flow direction. This information will be forwarded to the Guilford County Department of Public Health for review. S&ME will provide you with copies of reports that include data obtained from the Time Warner Cable property.

Thank you for your consideration. Please call Wayne Watterson or Lyndal Butler if you need to discuss this matter further.

Sincerely,

S&ME, Inc.



Lyndal Butler
Environmental Scientist



Wayne H. Watterson, P.E.
Senior Engineer

cc: Marshall Morgan
Mindy Lepard, Guilford County Department of Public Health

whw

S:\1584\PROJECTS MASTER\Projects 2007\045 Baby
Diaper Service - II\January 21 letter to Bob King.doc

CERTIFIED MAIL
Return Receipt requested

December 17, 2007

Mr. Marshall Morgan
810 McNair Court
High Point, NC 27265

Re: Baby Diaper Service, Inc.
1819 Spring Garden Street
Greensboro, North Carolina

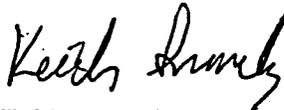
Dear Mr. Morgan:

Enclosed is a draft administrative agreement (AA) to conduct a voluntary cleanup action at the subject site ("Site"). Please review the draft AA and provide the Inactive Hazardous Sites Branch (Branch) your comments. We will review the comments and incorporate any necessary changes to the draft and provide you with a final agreement for signatory.

The review of this cleanup action will be handled under the Guilford County Department of Public Health's, Environmental Health Section, Health Risk and Assessment Group through the use of the Branch's Guidelines for Assessment and Cleanup 2007.

Please submit your comments of the AA to the Branch within 45 days of receipt of this letter. If you have any questions, I can be reached at (919) 508-8479.

Sincerely,



Keith Snavely, Hydrogeologist
Inactive Hazardous Sites Branch
Superfund Section

Enclosures

cc: John Nance, Guilford County w/enclosures
Wayne Waterson, S & ME w/enclosures

DRAFT

Docket # _____ -SF- _____

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SUPERFUND SECTION**

**IN RE: BABY DIAPER SERVICE, INC.
GREENSBORO, NORTH CAROLINA
GUILFORD COUNTY**

**ADMINISTRATIVE AGREEMENT
FOR STATE-DIRECTED ASSESSMENT
AND REMEDIAL ACTION
PURSUANT TO N.C.G.S. 130A-310.9(b)**

DOCKET NUMBER __-SF-__

The following constitutes the agreement of the parties hereto. Baby Diaper Service, Inc. (BDS) concurs with the conclusions of law contained herein solely for purposes of this Administrative Agreement (Agreement).

I. JURISDICTION

This Agreement is entered into under authority vested in the Secretary of the North Carolina Department of Environment and Natural Resources (Department) by North Carolina's Inactive Hazardous Sites Response Act of 1987 (the Act), which constitutes Part 3, Article 9 of Chapter 130A of the North Carolina General Statutes (N.C.G.S.). N.C.G.S. 130A-310 *et seq.* This authority has been delegated to the Chief of the Superfund Section of the North Carolina Division of Waste Management (Chief).

II. STATEMENT OF PURPOSE

This Agreement is entered into for the purpose of addressing the hazardous substance or waste disposal site (the Site) defined in Section III. A. of this Agreement. In entering into this Agreement, the objective of the Division of Waste Management (Division) and BDS is for BDS to implement a voluntary remedial action program approved by the Division involving: (1) preparation of a Remedial Investigation Plan to evaluate the extent of contamination; (2) implementation of the Remedial Investigation Plan; (3) preparation of a Remedial Action Plan to evaluate alternatives for meeting remediation goals; and (4) implementation of the approved Remedial Action Plan.

III. STIPULATIONS OF FACT

- A. "The Site" is the property currently owned by BDS at 1814 Spring Garden St. and any additional area which has become contaminated as a result of hazardous substances or waste disposed at that property.

DRAFT

Docket # _____ -SF- _____

- B. BDS conducted Laundry Services at the Site from 1963 through 2001.
- C. Soil sampling at the Site has revealed the presence of polyaromatic hydrocarbons.
- D. Groundwater sampling at the Site has revealed the presence of volatile organic compounds and alkaline in groundwater.

IV. CONCLUSIONS OF LAW

- A. The substances identified in Sections III. C and D are hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act/Superfund Amendments and Reauthorization Act, 42 U.S.C. Section 9601 *et seq.*, and are thus such substances for purposes of the Act pursuant to N.C.G.S. 130A-310(2).
- B. The Site is an inactive hazardous substance or waste disposal site for purposes of the Act pursuant to N.C.G.S. 130A-310(3).
- C. BDS is an owner, operator, or other responsible party in relation to the Site within the meaning of N.C.G.S. 130A-310.9, pursuant to N.C.G.S. 130A-310(4), -310(5), -310(9), and -310.7.
- D. Under N.C.G.S. 130A-310.9(b), the Secretary, and by delegation, the Chief, is authorized to enter into agreements with owners, operators, or other responsible parties for implementation of voluntary remedial action programs as to inactive hazardous substance or waste disposal sites in accordance with remedial action plans approved by the Department.

V. WORK TO BE PERFORMED

All work performed pursuant to plans approved under this Agreement shall comply with the current Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup.

- A. Within ninety (90) days after the execution of this Agreement, BDS shall submit to the Division two (2) copies of a Remedial Investigation Plan (Investigation Plan) organized in sections corresponding to the following items and including at least:
 - 1. Site location information including site street address, longitude and latitude, and site and surrounding property land use.
 - 2. A summary of all management practices employed at the Site for hazardous wastes and any wastes that may have contained hazardous substances,

- including a list of types and amounts of waste generated (with RCRA waste codes), treatment and storage methods, and ultimate disposition of wastes; a description of the facility's past and current RCRA status; the location and condition of any vessels currently or previously used to store any chemical products, hazardous substances or wastes; and a summary of the nature of all on-site hazardous substance releases, including one-time disposals or spills.
3. United States Geological Survey topographic maps sufficient to display topography within a one-mile radius of the Site.
 4. A site survey plat (prepared and certified by a Professional Land Surveyor) including scale; benchmarks; north arrow; locations of property boundaries, buildings, structures, all perennial and non-perennial surface water features, drainage ditches, dense vegetation, known and suspected spill or disposal areas, underground utilities, storage vessels, existing on-site wells; and identification of all adjacent property owners and land usage.
 5. A description of local geologic and hydrogeologic conditions.
 6. Inventory and map of all wells, springs, and surface-water intakes used as sources of potable water within a one-half mile radius of the center of the Site. If the Site is greater than one hundred (100) acres in size, the inventory and map must cover a one-mile radius from the center of each source area.
 7. Identification of environmentally sensitive areas on and adjacent to the Site including:
 - State Parks
 - Areas Important to Maintenance of Unique Natural Communities
 - Sensitive Areas Identified Under the National Estuary Program
 - Designated State Natural Areas
 - State Seashore, Lakeshore and River Recreational Areas
 - Rare species (state and federal Threatened and Endangered)
 - Sensitive Aquatic Habitat
 - State Wild and Scenic Rivers
 - National Seashore, Lakeshore and River Recreational Areas
 - National Parks or Monuments
 - Federal Designated Scenic or Wild Rivers
 - Designated and Proposed Federal Wilderness and Natural Areas
 - National Preserves and Forests
 - Federal Land designated for the protection of Natural Ecosystems
 - Critical Areas Identified Under the Clean Lakes Program
 - State-Designated Areas for Protection or Maintenance of Aquatic Life
 - State Preserves and Forests
 - Terrestrial Areas Utilized for Breeding by Large or Dense Aggregations of Animals
 - National or State Wildlife Refuges

Marine Sanctuaries
National and State Historical Sites
Areas Identified Under Coastal Protection Legislation
Coastal Barriers or Units of a Coastal Barrier Resources System
Spawning Areas Critical for the Maintenance of Fish/Shellfish Species within
River, Lake or Coastal Tidal Waters
Migratory Pathways and Feeding Areas Critical for Maintenance of Anadromous
Fish Species within River Reaches or Areas in Lakes or Coastal Tidal Waters in
which such Fish Spend Extended Periods of Time
State Lands Designated for Wildlife or Game Management
Wetlands

8. A chronological listing of all previous owners and each period of ownership since the Site was originally developed from pristine land.
9. Operational history with aerial photographs and Sanborne Fire Insurance maps to support land-use history.
10. A list of all hazardous substances which have been used or stored at the Site, and approximate amounts and dates of use or storage as revealed by available written documentation and interviews with a representative number of former and current employees or occupants possessing relevant information.
11. Site environmental permit history, including copies of all federal, state, and local environmental permits, past and present, issued to BDS or within BDS's custody or control.
12. A summary of all previous and ongoing environmental investigations and environmental regulatory involvement with the Site, and copies of all associated reports and laboratory data.
13. Proposed procedures for characterizing site geologic and hydrogeologic conditions and identifying and delineating each contamination source as to each affected environmental medium, including any plan for special assessment such as a geophysical survey.
14. Proposed methods, locations, depths of, and justification for, all sample collection points for all media sampled, including monitoring well locations and anticipated screened intervals.
15. Proposed field and laboratory procedures for quality assurance/quality control.
16. Proposed analytical parameters and analytical methods for all samples.

17. A contact name, address and telephone number for the principal consultant and laboratory, and qualifications and certifications of all consultants, laboratories and contractors expected to perform work in relation to this work plan. Any laboratory retained must currently be either certified to analyze applicable certifiable parameters under Title 15A of the North Carolina Administrative Code, Subchapter 2H, Section .0800, or be a contract laboratory under the EPA Contract Laboratory Program.
 18. Equipment and personnel decontamination procedures.
 19. A proposed schedule for site activities and reporting.
 20. Any other information required by the Division or considered relevant by the remediating party.
 21. [Use either: *A signed and notarized certification by a corporate official in charge of a principal business function* for businesses or *Your signed and notarized certification* for individual owners] stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 22. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 23. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- B. Within thirty (30) days of receiving notice from the Division of any deficiency in the Investigation Plan, BDS shall submit to the Division information or material sufficient to correct such deficiency.
- C. BDS shall begin the Remedial Investigation no sooner than receiving written approval of the Investigation Plan from the Division, nor later than thirty (30) days thereafter.
- D. Within one hundred twenty (120) days of receiving written approval of the Investigation Plan from the Division, BDS shall submit to the Division two (2) copies of a Remedial Investigation Report documenting implementation of the

approved Investigation Plan, organized in sections corresponding to the following items and including at least:

1. A narrative description of how the investigation was conducted, including a discussion of any variances from the approved work plan.
2. A description of groundwater monitoring well design and installation procedures, including drilling methods used, completed drilling logs, "as built" drawings of all monitoring wells, well construction techniques and materials, geologic logs, and copies of all well installation permits.
3. A map, drawn to scale, showing all soil, surface water and sediment sample locations and monitoring well locations in relation to known disposal areas or other sources of contamination. Monitoring wells must be surveyed to a known benchmark. Soil sample locations must be surveyed to a known benchmark or flagged with a secure marker until after the remedial action is completed. Monitoring well locations and elevations must be surveyed by a Professional Land Surveyor.
4. A description of all laboratory quality control and quality assurance procedures followed during the remedial investigation.
5. A description of procedures used to manage drill cuttings, purge water and decontamination water.
6. A summary of site geologic conditions, including a description of soils and vadose zone characteristics.
7. A description of site hydrogeologic conditions (if groundwater assessment is determined to be necessary), including current uses of groundwater, notable aquifer characteristics, a water table elevation contour map with groundwater flow patterns depicted, tabulated groundwater elevation data, and a description of procedures for measuring water levels.
8. Tabulation of analytical results for all sampling (including sampling dates and soil sampling depths) and copies of all laboratory reports (including QA/QC support data referenced to specific samples).
9. Soil, groundwater, surface water and sediment contaminant delineation maps and cross sections, including scale and sampling points with contaminant concentrations.
10. A description of procedures and the results of any special assessments such as geophysical surveys, immunoassay testing (EPA SW-846 4000 series methods), soil gas surveys, or test pit excavations.

11. Copies of all field logs and notes, and color copies of site photographs.
 12. A demonstration, supported by sampling data, that the areal and vertical extent of hazardous substance contamination in each affected medium has been delineated to the Division's satisfaction in accordance with the current version of the Division's *Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup*.
 13. Any other information required by the Division or considered relevant by the remediating party.
 14. [Use either: *A signed and notarized certification by a corporate official in charge of a principal business function* for businesses or *Your signed and notarized certification* for individual owners] stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 15. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 16. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- E. Within thirty (30) days of receiving notice from the Division of any deficiency in the Remedial Investigation Report, BDS shall submit to the Division information or material sufficient to correct such deficiency. When the Division determines that the Remedial Investigation is complete, the Division will notify BDS in writing.
- F. Should additional remedial investigation work phases be necessary, BDS shall submit the subsequent work phase investigation plan within thirty (30) days of receiving notice from the Division of the additional work phase required. The requirements for the submittal and content of plans and reports under paragraphs V.A., B., C., D. and E. shall apply to subsequent work plans and reports except where, in the Division's sole discretion, the submission of such would duplicate a previous submittal.
- G. If the Division determines that hazardous substances or waste disposed at the Site have affected any drinking water wells, BDS shall, by a deadline established by the

Division, provide an alternate drinking water source for users of those wells.

- H. Following BDS's completion of the Remedial Investigation, the Division will ascertain preliminary remediation goals for each contaminated medium at the Site. BDS shall use the Division's remediation goals to develop remedial alternatives in the Remedial Action Plan, as described in Section V. I. of this Agreement.
- I. Within ninety (90) days of receiving written notice from the Division that the Remedial Investigation is complete, BDS shall submit to the Division two (2) copies of its proposed Remedial Action Plan for cleanup of all contaminated media at the Site, organized in sections corresponding to the following items and including at least:
1. A statement of objectives for the Remedial Action.
 2. A listing of potentially applicable technologies.
 3. An evaluation of remedial alternatives using the following feasibility study criteria:
 - a. Protection of human health and the environment, including attainment of remediation goals.
 - b. Compliance with applicable federal, State and local regulations.
 - c. Long-term effectiveness and permanence.
 - d. Reduction of toxicity, mobility and volume.
 - e. Short-term effectiveness: effectiveness at minimizing the impact of the site remediation on the environment and the local community.
 - f. Implementability: technical and logistical feasibility, including an estimate of time required for completion.
 - g. Cost.
 - h. Community acceptance.
 4. A detailed description of BDS's preferred remedial alternative for each contaminated medium, from among the alternatives evaluated, including an evaluation of potential impact to any sensitive environments identified on or near the Site and construction designs and specifications (any proposed treatment technology may require on-site testing or bench-scale testing of site waste to verify its effectiveness).
 5. A description of all activities that are necessary to ensure that the proposed method(s) of remedial action is (are) implemented in compliance with applicable laws and regulations, that remediation goals established by the Division are met and that the health and safety of nearby residential and business communities will not be adversely affected by activities related to the remedial action. These activities include, but are not limited to, well

installation and abandonment, sampling, run-on/run-off control, dust suppression and discharge of treated waste streams.

6. The results of any treatability studies or site characterization work conducted in support of the proposed Remedial Action Plan.
 7. A description of any proposed treatability studies or additional site characterization work needed to support the remedial design.
 8. A description of methods of post-remedial and confirmatory sampling, and any necessary maintenance.
 9. Equipment and personnel decontamination procedures.
 10. A proposed schedule for completion of remedial design and for Remedial Action construction, implementation and periodic sampling and reporting.
 11. [Use either: *A signed and notarized certification by a corporate official in charge of a principal business function* for businesses or *Your signed and notarized certification* for individual owners] stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 12. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 13. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- J. BDS shall provide to the Division the number of additional copies of the proposed Remedial Action Plan determined by the Division to be required for distribution to the local health director, register of deeds, and each public library in the county where the Site is located, if requested by the Division. The Division shall also mail notice of the Remedial Action Plan to those who have requested notice that such plans have been developed, as provided in N.C.G.S. 130A-310.4(c)(2). The Division will not approve the Remedial Action Plan until at least thirty (30) days after public notice was provided.

- K. Within thirty (30) days of receiving notice from the Division of any deficiency in the Remedial Action Plan, BDS shall submit to the Division information or material sufficient to correct such deficiency.
- L. BDS shall begin implementation of the Remedial Action Plan no sooner than receiving written approval from the Division nor later than sixty (60) days thereafter.
- M. Any requests for modifications of the approved Remedial Action Plan must be submitted in writing to the Division, and may not be incorporated or implemented unless and until approved in writing by the Division.
- N. BDS shall provide to the Division:
1. Weekly written or telephone progress reports each Friday during the soil and waste remedial action if less than one (1) month in duration;
 2. Quarterly reports during: (a) groundwater remedial action, (b) any soil and waste remedial action greater than one (1) month in duration, and (c) any necessary post-remedial maintenance;
 3. A final report with confirmatory sample data documenting complete implementation of the approved Remedial Action Plan.

Note 1: The quarterly reports and final report should include, without limitation, complete "as-built" drawings and specifications of all remedial action systems; tabulated laboratory data; the location and depth of samples collected; a description of all field and laboratory quality control/quality assurance procedures; and legible and complete copies of all records of periodic system inspections, laboratory reports, waste manifests and chain of custody documentation generated during the reporting period. Quarterly reports shall be provided by the tenth day after each quarter concludes, with the first quarter commencing on the date of written approval of the Remedial Action Plan by the Division. The final report shall be provided within one (1) month following complete implementation of the approved Remedial Action Plan.

Note 2: Each progress report and the final report shall contain the certifications specified in Sections V.A.21, V.A.22, and V.A.23 of this Agreement.

- O. Within thirty (30) days of receiving notice from the Division of any deficiency in the reports required by paragraph V.N. or in the implementation of the plans required by this Agreement, BDS shall submit to the Division information or material sufficient to demonstrate correction of such deficiencies.

VI. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

- A. The Division or its representatives may take split or duplicate samples of any samples collected by BDS pursuant to this Agreement. BDS shall notify the Division not less than ten (10) days in advance of any field activity. This notification may be given verbally in the field by BDS to the Division.
- B. The Division or its representatives may conduct any field activity it deems appropriate in relation to the Site. BDS may take split or duplicate samples of any samples collected by the Division during such field activity.
- C. While this Agreement is in effect, Division personnel and their representatives may, in addition to exercising any related legal rights, enter the Site without notice at all times and, while present: review the progress of activities required by this Agreement; conduct such tests as the Division deems necessary; verify the data submitted to the Division by BDS; inspect and copy any and all records, files, photographs, operating logs, contracts, sampling and monitoring data, and other documents relating in any way to this Agreement; and otherwise assess BDS's compliance with this Agreement. All parties with access to the Site pursuant to this paragraph shall comply with all approved health and safety plans.
- D. Unless a confidentiality claim covering information provided under this Agreement is made pursuant to law and adequately substantiated when the information is submitted, such information may be made available to the public by the Division without further notice to BDS. BDS agrees that under no circumstances shall analytical data generated pursuant to this Agreement be considered confidential.
- E. BDS waives any objections to the admissibility into evidence (but not objections as to the weight) of the results of any analyses of sampling conducted by or for BDS at the Site or of other data gathered pursuant to this Agreement.
- F. If BDS is unable by reasonable efforts to gain access to other property as necessary pursuant to this Agreement, the Division shall assist BDS in obtaining access.

VII. DELAY IN PERFORMANCE

As soon as BDS is aware of the potential for delay, it shall submit to the Division written documentation of the reasons for the delay and the efforts made by BDS to avoid the delay, as well as a time by which such work can be completed. The Division shall review the documentation and shall promptly approve the new schedule if good cause is shown. Good cause may include, but is not limited to, extraordinary weather, natural disasters and national emergencies. At a minimum, good cause does not include normal inclement weather, increases in the cost of work to be performed under this Agreement, financial difficulty for BDS in performing such work, failure by BDS to satisfy its obligations under this Agreement (whether evidenced by a notice of deficiency or not), acts or omissions of BDS's contractors

or representatives not otherwise constituting good cause, and failure by BDS or its contractors or representatives to make complete and timely application for any required approval or permit. The burden of demonstrating good cause for delay, and that the delay proposed is warranted, is BDS's.

VIII. ADDITIONAL PROVISIONS

- A. All documents shall be submitted to:

John Nance
Guilford County Department of Public Health
Environmental Health Section
Health Risk and Assessment Group
1203 Maple Street
Greensboro, NC 27405

The Division will direct all correspondence related to this Agreement to:

Marshall Morgan
810 McNair Ct.
High Point, NC 27265

- B. This Agreement shall be binding upon, and inure to the benefit of, BDS and its agents, successors and assigns. The signatory for BDS to this Agreement certifies that he/she is authorized to execute and legally bind BDS as to this Agreement.
- C. BDS shall provide a copy of this Agreement to each contractor or other person or entity retained to perform any work under this Agreement within seven (7) days after the effective date of this Agreement or the date of retaining their services, whichever is later. BDS shall condition any such contracts upon satisfactory compliance with this Agreement. Notwithstanding the terms of any contract, BDS is responsible for compliance with this Agreement and for ensuring that such contractors or other persons or entities comply with this Agreement.
- D. This Agreement notwithstanding, the Division retains all its authority regarding inactive hazardous substance or waste disposal sites in relation to the Site.
- E. All actions required pursuant to this Agreement shall be in accordance with applicable local, state and federal laws and regulations, unless an exemption regarding particular state or local laws or regulations is specifically provided in this Agreement now or later.

- F. BDS agrees to indemnify and save and hold harmless the State of North Carolina, and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of BDS or its officers, employees, receivers, trustees, agents, or assigns in carrying out actions required pursuant to this Agreement. Neither the State of North Carolina nor any agency or representative thereof shall be held to be a party to any contract involving BDS relating to the Site excluding, however, this Agreement.

- G. BDS shall preserve, for at least six (6) years after termination of this Agreement, all records and documents in its possession or in the possession of its divisions, employees, agents, accountants, contractors or attorneys which relate in any way to this Agreement. After this six (6)-year period, BDS shall notify the Division at least thirty (30) days prior to the destruction of any such records and documents. BDS shall comply with any written request by the Division, prior to the day set for destruction, to continue to preserve such records and documents or to provide them to the Division. BDS may assert any available right to keep particular records and documents, other than analytical data, confidential.

- H. This Agreement may not be modified without the written consent of the parties.

- I. Except for obligations under Section VIII. F. and G. above, this Agreement shall terminate when BDS receives written notice from the Division that all activities required pursuant to this Agreement have been completed to the Division's satisfaction.

- J. This is a voluntary agreement. If BDS elects to discontinue implementation of work under this Agreement, BDS shall notify the Division in writing of such intent, and this Agreement shall be dissolved upon the Division's receipt of such written notice. If the Division determines that BDS is not complying with the terms of this Agreement in a timely manner, the Division may notify BDS in writing of such determination, and the Agreement shall be dissolved upon BDS's receipt of such written notice. In either of these events, neither party may seek judicial review of the dissolution of this Agreement or has any right, claim or action for breach of this Agreement. In either of these events, the Division shall retain all its applicable enforcement rights against BDS, and BDS shall retain all applicable defenses.

The effective date of this Agreement shall be the date on which it is executed by the Secretary or his Authorized Agent.

Date Executed: _____

By: _____
Jack Butler, PE

DRAFT

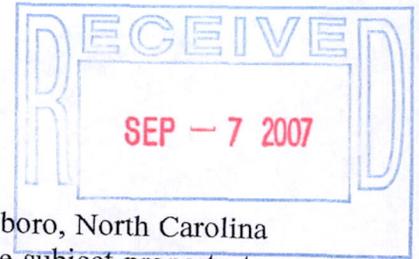
Docket # _____ -SF- _____

Superfund Section Chief
Division of Waste Management
North Carolina Department of Environment and Natural Resources

By:

Marshall Morgan, Executive Officer
Baby Diaper Service, Inc.

[Form Revised 3/20/07]



5.3 Physical Setting

A review of the USGS 7.5 minute series topographic map of Greensboro, North Carolina (map 36079-A7) revised in 2001 shows the average elevation of the subject property to be approximately 837 feet above mean sea level with a moderate slope towards the northwest. The subject property is located in the Piedmont Plateau physiographic province of North Carolina.

The subject property is located within the Carolina Slate Belt of North Carolina. According to the Geologic Map of North Carolina (North Carolina Department of Natural Resources and Community Development, 1985), the subject property is in a Late Proterozoic to Late Cambrian aged units. According to the map, the units are metamorphosed granitic intrusive rocks.

The Federal Emergency Management Agency (FEMA) Flood Insurance Map 3753510013C shows that the subject property is not located in a flood plain, or wetland area.

5.4 Historical Use Information on the Property

Based on a review of the various sources listed in this report, the following is an estimated historical use for the subject property:

Parcel 1: 1819 Spring Garden Street

No structures present from 1919 through 1946. First structure apparently constructed in 1947 when Sedgefield Mills took ownership of the property.

Property changed ownership twice between 1948 and 1955.

Amalgamated Chemical Company owned and operated a chemical company on the property between 1955 and 1957. (Types of chemicals manufactured or stored are unknown).

Graham and Juanita Morgan purchase the property in 1957 and start operating the diaper and linen service.

Baby Diaper Service, Inc. purchases the property from owners Graham and Juanita Morgan in 1960 and continues operation of a diaper and linen service on the premises for over forty years. Additions to the original structure were performed in 1964, 1976, and 1986. The second two-story structure was completed in 1991. MSDS sheets for the components used on the property are contained in Appendix 16.4.

From the EDR-City Directory the following businesses were listed as operating on the property.

1963-2001-Baby Diaper Service
2001-Dust Tex Service
2005-Imagefirst Medical; and MHC Service (diaper and linen service).

Parcel 2: 1827 Spring Garden Street

No structures present from 1919 through 1935. First structure apparently constructed in 1935 when Florence I. Melts assumed ownership of the property.

Various individual owners (no registered corporations) controlled the property from 1935-1960.

In 1960 G. Wilson and Rachel Hartsell purchased the property.

A. & H. Rental Corp. assumed ownership of the property in 1969.

Maranatha Church purchased the property in 1977.

Graham Morgan purchased the property in 1983. Mr. Morgan added the rear building in 1990 to the parcel.

Baby Diaper Service, Inc purchased the property in 1996.

From the EDR-City Directory the following businesses were listed as operating on the property.

1963- Hecto Tennis Court Construction; and Greensboro Bargain & Auction

1966- Hecto Tennis Court Construction; and Greensboro Bargain & Auction

1971- Airport Electric Company

1976- Maranatha Church

1981- Maranatha Church

1986- Civic Ballet

1991- Dust Tex

1996- No Listing

2001- No Listing

2005- Stringfellow Designs

Marshall Morgan reports two other businesses not listed in the directory which operated on the property: Motor Bearings and Parts in the 1960's and Café Jam after the Civic Ballet had vacated the property.

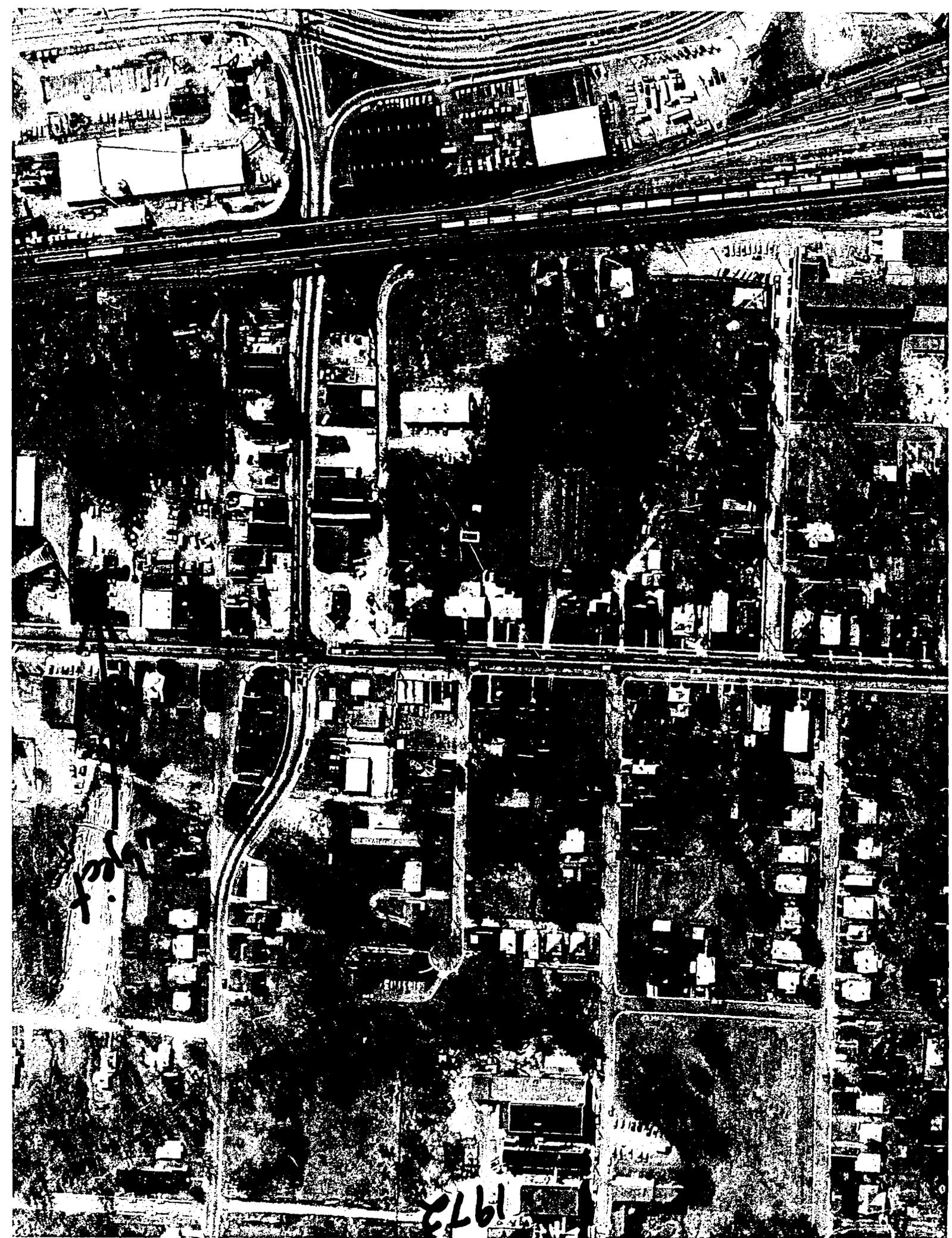
Parcel 3: 953 Chapman Court

This parcel appears to have been a vacant lot from 1918 until present day. Juanita W. Morgan purchased the property in 1991 and sold it to Baby Diaper Service, Inc. in 1996. The parcel appears to have been used for outdoor storage purposes by Baby Diaper Service, Inc.

1965

subject





1973

1973

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1966	Wade T& M Co (1807)	Hill's City Directory
	Address not listed in research source (1808)	Hill's City Directory
	Reserve Life Insurance (1809)	Hill's City Directory
	Address not listed in research source (1813)	Hill's City Directory
	Hiatt Homes Inc (1814)	Hill's City Directory
	Residence (1816)	Hill's City Directory
	Harry Kellett Body Shop (1817)	Hill's City Directory
	Address not listed in research source (1818)	Hill's City Directory
	Yvonne's Beauty Salon (1820)	Hill's City Directory
	Dust Tex Service Inc (1821)	Hill's City Directory
	Hecto Tennis Court Construction (1827)	Hill's City Directory
	Greensboro Bargain & Auction (1827)	Hill's City Directory
	Address not listed in research source (1831)	Hill's City Directory
	P F's Cut Rate Upolstering Inc (1833)	Hill's City Directory
1971	<u>** SPRING GARDEN STREET **</u>	Hill's City Directory
	Home Helpers Construction Co (1805)	Hill's City Directory
	Riddle Insurance Agency (1807)	Hill's City Directory
	Continental Underwriters Inc (1807)	Hill's City Directory
	Wade T& M Co (1807)	Hill's City Directory
	Mortgage Investment Corp Building (6 occupants) (1808)	Hill's City Directory
	Hayble's Hearth (1808)	Hill's City Directory
	Javis Worth Realty Co (1809)	Hill's City Directory
	Address not listed in research source (1813)	Hill's City Directory
	The Carpet & Tile Shop (1814)	Hill's City Directory

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1971	Jefferson Carolina Cablevision (1817)	Hill's City Directory
	Address not listed in research source (1818)	Hill's City Directory
	Carolina Carpet & Tile Center (1820)	Hill's City Directory
	Dust Tex Service Inc (1821)	Hill's City Directory
	Airport Electric Co (1827)	Hill's City Directory
	Address not listed in research source (1831)	Hill's City Directory
	Payne Upolstering Inc (1833)	Hill's City Directory
1976	** SPRING GARDEN STREET **	Hill's City Directory
	Superior Electric Co (1805)	Hill's City Directory
	Riddle Insurance Agency (1807)	Hill's City Directory
	Continental Underwriters Inc (1807)	Hill's City Directory
	Wade T & M Co (1807)	Hill's City Directory
	Mortgage Investment Corp Building (9 occupants) (1808)	Hill's City Directory
	Hayble's Hearth (1808)	Hill's City Directory
	Javis Worth Realty Co (1809)	Hill's City Directory
	Cablevision of Greensboro (1813)	Hill's City Directory
	Raveen Custom Made Hair Pieces (1814)	Hill's City Directory
	Address not listed in research source (1818)	Hill's City Directory
	Guildford Custon Frame Shop (1820)	Hill's City Directory
	Dust Tex Service Inc (1821)	Hill's City Directory
	Maranatha Church (1827)	Hill's City Directory
	Sweet Buns (1831)	Hill's City Directory
	The Slik Shop (1833)	Hill's City Directory
1981	** SPRING GARDEN STREET **	Hill's City Directory