

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2009 JUL 23 AM 11:19
REGIONAL HEARING
CLERK

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: **In the Matter of** :

: **JOHN HASSALL, INC.** :

: **Respondent.** :

: Proceeding under Section 325(c) of Title III :
: of the Superfund Amendments and Reauthorization Act :
: ----- x

CONSENT AGREEMENT
AND
FINAL ORDER

DOCKET NUMBER
EPCRA-02-2009-4201

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. §11001 et seq. [also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter, "EPCRA")]. The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc." (40 C.F.R. Part 22 (July 1, 2000)), provide in 40 C.F.R. §22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance of the United States Environmental Protection Agency, Region 2 ("EPA or Complainant"), alleges that John Hassall, Inc. located at 609 Cantiague Rock Rd. #1, Westbury, New York 11590 violated the requirements of Section 313 of EPCRA (42 U.S.C. §11023) and the regulations promulgated pursuant to that Section, codified at 40 C.F.R. Part 372.

Under Section 313 of EPCRA and 40 C.F.R. §372.22, owners or operators of a facility subject to the requirements of Section 313(b) are required to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form R, EPA Form 9350-1 (hereinafter, "Form R"), for each toxic chemical listed under 40 C.F.R. §372.65 and/or 40 C.F.R. §372.28 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical thresholds. The completed and correct Form R is required to be submitted to the Regional Administrator of the EPA and to the State in which the subject facility is located.

As an alternative to the requirements set forth above, pursuant to Section 313(f)(2) of EPCRA (42 U.S.C. §11023(f)(2)), and 40 C.F.R. §372.27, owners or operators of a facility subject to the requirements of Section 313(b), with respect to the manufacture, process or otherwise use of a toxic chemical may apply an alternate threshold of one million (1,000,000) pounds per year to that chemical if the conditions set forth in 40 C.F.R. §372.27(a) are met. If the aforementioned alternate threshold for a specific toxic chemical is applicable, such owners or operators, in lieu of filing a Form R therefore, may submit an "Alternate Threshold Certification Statement" (Form A) pursuant to 40 C.F.R. §372.27(b). Pursuant to 40 C.F.R. §372.27(e), EPA has excluded Persistent Bioaccumulative Toxic Chemicals (PBTs) listed in 40 C.F.R. §372.28 from eligibility for the Alternate Thresholds described in 40 C.F.R. §372.27(a). [59 FR 61502, Nov. 30, 1994, as amended at 64 FR 58750, Oct. 29, 1999; as amended at 71 FR 76944, Dec. 22, 2006; as amended at 74 FR 19005, Apr. 27, 2009]

EPA and John Hassall, Inc. agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. §22.13(b) and 40 C.F.R. §22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated Findings of Fact or Conclusions of Law have been made. The following constitutes EPA's Findings of Fact and Conclusions of Law based upon information EPA had obtained through May 1, 2009.

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

1. Respondent is John Hassall, Inc. (TRI Facility No.: 11590JHNHS6091C.)
2. At all times relevant hereto, Respondent has maintained a facility located at 609 Cantiague Rock Rd. #1, Westbury, New York 11590 which is the subject of this Consent Agreement and Final Order (hereinafter, "Respondent's facility").
3. Respondent is incorporated in the State of New York.
4. Respondent is a "person" within the meaning of Section 329(7) of EPCRA (42 U.S.C. §11049).
5. Respondent is an owner of a "facility" as that term is defined by Section 329(4) of EPCRA (42 U.S.C. §11049(4)) and by 40 C.F.R. §372.3.
6. Respondent is an operator of a "facility" as that term is defined by Section 329(4) of EPCRA (42 U.S.C. §11049(4)) and by 40 C.F.R. §372.3.
7. Respondent's facility has 10 or more "full time employees" as that term is defined by 40 C.F.R. §372.3.
8. Respondent's facility is in Standard Industrial Classification Code 3452.
9. Respondent's facility is in the American Industry Classification System (NAICS) Code 332722.
10. Respondent's facility is subject to the requirements of Section 313(b) of EPCRA (42 U.S.C. §11023(b)) and 40 C.F.R. §372.22.
11. Lead is listed under 40 C.F.R. §§ 372.28 and 372.65.
12. The established threshold amount for reporting the Persistent Bioaccumulative Toxic Chemical lead or lead compounds for the 2006 calendar year was 100 pounds. [40 C.F.R. §372.28]
13. Respondent processed approximately 283 pounds of lead for calendar year 2006.
14. Respondent was required to submit a complete and correct Form R for lead or lead compounds for calendar year 2006 to the Administrator of EPA and to the State of New York by July 1, 2007.
15. Respondent submitted a Form R to the EPA for lead for calendar year 2006 on May 27, 2008. The Form R was 331 days late.
16. Respondent's failure to submit, in a timely manner, a complete and correct Form R report for lead for calendar year 2006 constitutes a failure to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.

17. Copper is listed under 40 C.F.R. § 372.65.
18. The established threshold amount for reporting a chemical "processed" or "manufactured" was 25,000 pounds for the 2006 calendar year [40 C.F.R. §372.25(a) or (b)].
19. Respondent processed approximately 215,152 pounds of copper for calendar year 2006.
20. Respondent was required to submit a complete and correct Form R for copper for calendar year 2006 to the Administrator of EPA and to the State of New York by July 1, 2007.
21. Respondent submitted a Form R to the EPA for copper for calendar year 2006 on May 27, 2008. The Form R was 331 days late.
22. Respondent's failure to submit, in a timely manner, a complete and correct Form R report for copper for calendar year 2006 constitutes a failure to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.
23. Chromium is listed under 40 C.F.R. § 372.65.
24. The established threshold amount for reporting a chemical "processed" or "manufactured" was 25,000 pounds for the 2006 calendar year [40 C.F.R. §372.25(a) or (b)].
25. Respondent processed approximately 51,278 pounds of chromium for calendar year 2006.
26. Respondent was required to submit a complete and correct Form R for chromium for calendar year 2006 to the Administrator of EPA and to the State of New York by July 1, 2007.
27. Respondent submitted a Form R to the EPA for chromium for calendar year 2006 on May 27, 2008. The Form R was 331 days late.
28. Respondent's failure to submit, in a timely manner, a complete and correct Form R report for chromium for calendar year 2006 constitutes a failure to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 325(c) of EPCRA, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc., 40 C.F.R. §22.18 (hereinafter, "Consolidated Rules"), it is hereby agreed by and between the parties, and Respondent voluntarily and knowingly agrees as follows:

1. Respondent certifies herein that any and all EPA Toxic Chemical Release Inventory Forms submitted for the above-described violations comply with the requirements of Section 313 of EPCRA and the regulations set forth at 40 C.F.R. Part 372.

2. For the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of this Consent Agreement as applied to the facility as set forth in paragraphs 1 thru 9, inclusive; and (b) neither admits nor denies the Findings of Fact and Conclusions of Law section above.

3. Respondent shall pay a civil penalty totaling **TEN THOUSAND SEVEN HUNDRED NINETY EIGHT DOLLARS (\$10,798)** in 2 installments of \$5,399 each. Each payment shall be made by cashier's or certified check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be made payable to the "**Treasurer, United States of America,**" and shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation thereon listing the following: **IN THE MATTER OF JOHN HASSALL, INC.** and shall bear thereon the **Docket Number EPCRA-02-2009-4201.**

The first payment of **\$5,399** must be received at the above address on or before 45 calendar days after the date of signature of the Final Order at the end of this document (the date by which payment must be received shall hereafter be referred to as the "due date"). The second payment of \$5,399 must be received on or before July 1, 2010.

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment.
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727.
- 4) Federal Reserve Bank of New York ABA routing number: 021030004.
- 5) Field Tag 4200 of the Fedwire message should read " D 68010727 Environmental Protection Agency."
- 6) Name of Respondent: **John Hassall, Inc.**
- 7) Case Number: **EPCRA-02-2009-4201.**

Such EFT must be received on or before 45 calendar days after the due date of this CAFO.

Whether the payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made to both:

Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

and

Kenneth S. Stoller, P.E., QEP, DEE, Chief
Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue, Bldg. 10, MS-105
Edison, New Jersey 08837

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid.

c. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

SUPPLEMENTAL ENVIRONMENTAL PROJECT

4. Respondent agrees to undertake the following Supplemental Environmental Projects ("SEP") which the parties agree is intended to secure significant environmental or public health protection and improvements:

a. Project Summary – Pollution Reduction

John Hassall, Inc. will commit to spending at least \$33,000 on installing a gas-fired water evaporator system to reduce discharge of its wastewater into the Cedar Creek POTW in Nassau County, New York. Nassau County periodically collects and analyses water samples to monitor compliance with its discharge parameters. The ideal goal of this proposed SEP Project would be to ultimately achieve zero discharge into the sewer system by evaporating off the water. This system will also result in a reduction in the solid residue due to the reduction of chemical treatment of the water. The waste stream is currently treated with carbon dioxide to adjust the Ph, hydrated lime to precipitate metals, and calcium chloride and carbon to remove emulsified oils

and then filtered through a diatomaceous earth filter before being discharged to the POTW. The solid residue contains chromium, copper, nickel and hexane. As part of this system a biological pretreatment is being considered to also be added to reduce or eliminate the concentration of oils and grease and suspended solids prior to evaporation to prevent plate out of contaminants on the evaporator heating core. The evaporation system is more costly than chemical treatment and sending the solid residue to a landfill. Each truckload of metal contaminated residue would be reduced to about four 55 gallon drums. It is estimated to cost about 4 cents more per gallon of water treated with the evaporator system than by chemical treatment. Initially, the company would commit to reducing its water discharge by about 105,000 gallons per year for at least 5 years. The company currently discharges from 250,000 up to 500,000 gallons of wastewater per year to the POTW. The ultimate ideal goal would be to totally switch over to the evaporator system, but the switchover is dependent on the economy and production levels. Any deviation below 105,000 gallons per year would be approved by the EPA. John Hassel, Inc. will purchase said evaporator system by September 1, 2009 and have installed the system and begun operating it by December 1, 2009.

b. Respondent hereby certifies that, as of the date of this Consent Agreement and Final Order, Respondent was not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant, or as injunctive relief in this or any other case or in compliance with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

c. Whether Respondent has complied with the terms of this Consent Agreement and Final Order through implementation of the SEP project as herein required shall be the sole determination of EPA.

5. a. Respondent shall submit a SEP Interim Report to EPA on or by six months of the date the Regional Administrator signed this Agreement. An interim report will be due every year following the first six month due date until year 4 when the final SEP Completion Report will be due. The first report shall contain the following information:

- (i) Itemized costs, documented by copies of purchase orders and receipts or canceled checks;

- (ii) Certification that the purchased equipment was received and installed by the company. Initial date of operation and discussion of project success or setbacks pursuant to the above provisions of this Consent Agreement and Final Order.
- (iii) Each year from this first six month report, the company will provide an interim reports documenting the amount of water processed through the system, any associated costs, problems or successes.
- (iv) The final completion Report will summarize the success of the project as a whole and document yearly costs, water treatment, overall project success or issues of concern for other companies undertaking such a project. The final Completion report will be due 4.5 years from the date the regional administrator signed the Consent Agreement.

b. Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by subsection (a) above shall be deemed a violation of this Consent Agreement and Final Order, and Respondent shall become liable for stipulated penalties pursuant to paragraph 10, below.

6. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP was carried out as agreed above.

7. Respondent shall maintain legible copies of documentation for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and Final Order, and Respondent shall provide the documentation of any such data to EPA within seven days of a request for such information. In all documents or reports, including, without limitation, the SEP Report, submitted to EPA pursuant to this Consent Agreement and Final Order, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

8. a. Following receipt of the SEP Report described in paragraph 5, above, EPA will do one of the following:

- (i) Accept the report;

- (ii) Reject the SEP Report, notify Respondent in writing of deficiencies in the SEP Report and grant Respondent an additional thirty (30) days in which to correct any deficiencies; or
- (iii) Reject the SEP Report and seek stipulated penalties in accordance with paragraph 10 herein.

b. If EPA elects to exercise option (ii) or (iii) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this Consent Agreement and Final Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 10 herein.

9. a. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement and Final Order relating to the performance of the SEP described in paragraph 5, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 5 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- (i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to paragraph 9, Respondent shall pay a stipulated penalty to the United States in the amount of **\$32,393**.
- (ii) If the SEP is not completed satisfactorily, but Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.
- (iii) If the SEP is satisfactorily completed, but Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount determined as

follows:

$$\text{Stipulated penalty} = [1 - \frac{\text{\$amount SEP cost expended}}{\$33,000}] \times \$32,393$$

(iv) If the SEP is satisfactorily completed, and Respondent spent at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

b. The determinations of whether the SEP has been satisfactorily completed, whether Respondent has made a good faith timely effort to implement the SEP, whether specific expenditures that have been made are creditable toward the required SEP expenditures and/or whether the reason for submitting a late completion report is acceptable shall be in the sole discretion of EPA.

c. Stipulated penalties for subparagraph (iii) above shall begin to accrue on the day after the completion report is due.

d. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 3. Interest and late charges shall be paid as stated in paragraph 3 herein.

10. Complainant at its discretion may waive any stipulated penalties specified above.

11. Any public statement, oral or written, made by Respondent making reference to this SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of Section 313 of EPCRA, 42 U.S.C. § 11023 and regulations pursuant to that Section, 40 C.F.R. Part 372."

12. a. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Agreement, Respondent shall notify EPA in writing within 10 days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of delay, the precise cause of delay, the measures taken by Respondent to prevent or minimize delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and constitute a waiver of Respondent's right to request an extension of its obligation under this Agreement based on such incident.

b. If the parties agree that the delay or anticipated delay in compliance with this Agreement has been or will be caused by circumstances entirely beyond the control of

Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

c. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Agreement has been or will be caused by circumstances beyond the control of Respondent, EPA will notify Respondent in writing of its decision and any delays in completion of the SEP shall not be excused.

d. The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased cost or expenses associated with the implementation of actions called for by this Agreement shall not, in any event, be a basis for changes in this Agreement or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

13. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in the performance of the SEP.

14. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of all civil liabilities under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. §11001 et seq.) and the regulations promulgated thereunder, 40 C.F.R. Part 372, that attach or might have attached as a result of the Findings of Fact and Conclusions of Law set out above.

15. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

16. John Hassall, Inc. has read the Consent Agreement, understands its terms, and voluntarily consents to its issuance and to abide by its terms and conditions, including payment of the full amount of the civil penalty in accordance with the terms set forth above. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

17. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed

settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

18. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.


19. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

20. Each party hereto agrees to bear its own costs and fees in this matter.

21. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

JOHN HASSALL, INC.

BY: 

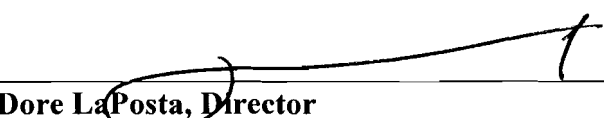
Authorizing Signature

NAME: Thomas B. Smith
(PLEASE PRINT)

TITLE: President + CEO

DATE: 06/25/09

COMPLAINANT:



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

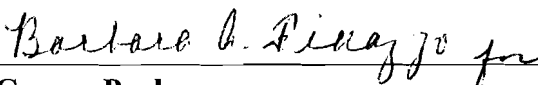
DATE: JULY 9, 2009

In the Matter of John Hassall, Inc.
Docket Number EPCRA-02-2009-4201

FINAL ORDER

The Regional Administrator of EPA, Region 2 concurs in the foregoing Consent Agreement (including Attachment A) in the case of **In the Matter of John Hassall, Inc.**, bearing **Docket No. EPCRA -02-2009-4201**. Said Consent Agreement having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. §§ 22.13(b) and 22.18(b)(3) and shall constitute an order issued under authority of Section 325(c) of EPCRA 42 U.S.C. § 11045(c).

DATE: July 17, 2009



George Pavlou
Acting Regional Administrator
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

In the Matter of John Hassall, Inc.

Docket No. EPCRA-02-2009-4201

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced Docket Number, in the following manner to the respective addressees below:

Original and One Copy
by Interoffice Mail:

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

Mr. Theodore Smith, III, President/CEO
John Hassall, Inc.
609 Cantiague Rock Rd. #1
Westbury, New York 11590

Copy by Mail:

Ms. Suzanne Wither
Division of Environmental Remediation
Office of Air and Waste Management
State Department of Environmental Conservation
625 Broadway - 11th Floor
Albany, New York 12233

Mr. Victor Palese
John Hassall, Inc.
609 Cantiague Rock Rd. #1
Westbury, New York 11590

Dated: 7/22/09



Mary Ann Kowalski, MS, MPH
Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue (MS-105)
Edison, New Jersey 08837-3679