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Via Electronic Mail

March 24, 2010

Mr. Wayne Praskins
U.S. Environmental Protection Agency
Region 9, Superfund Program
75 Hawthorne Street
San Francisco, CA 94105

**Re: Final Remediation Investigation Report Pursuant to EPA
Administrative Order 2009-01, B.F. Goodrich Site**

Dear Mr. Praskins:

Thank you for your letter dated March 12, 2010 confirming on behalf of U.S.E.P.A. ("EPA") that Emhart Industries, Inc. has completed the requirements of Administrative Order on Consent 2009-01.

Because your letter also raises a few collateral issues, we respond here briefly to some of those items. You will have ample opportunity to explain your views more fully as discovery in EPA's recently filed federal litigation proceeds.

1. Environ Investigation in April and May 2009 Not Required by the A.O.C.

This remark can only be interpreted to refer to Environ's proposal to conduct deeper sampling and analysis in the deep borings called for in the Statement of Work ("SOW"). As you will recall, you were expressly consulted on this additional work and approved of it in light of earlier data. The additional investigation and resulting data are therefore appropriately included as part of the Environ Final RI Report.

2. The Final Report Describes Past Investigation at the B.F. Goodrich Site by Environ and Other Parties

Although you may not have reviewed it, this information was included in Environ's Final Report RI at your express request.

3. You Disagree With a Number of Statements Made in The Report Regarding the Interpretation of the Results and Other Matters

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To the extent you have any disagreement with any statements in the Final RI Report you solely are responsible for that result. As detailed in my February 19, 2010 letter to Kathleen Salyer, Assistant Director, Superfund Division, on December 1, 2009 Emhart and Environ representatives met with you and your supervisor Richard Hiatt, and Ms. Benson of the Office of Regional Counsel. At that meeting you expressed reservations about some of the Environ "conclusions" contained in the draft Environ RI Report provided to you on October 28, 2009 because, you stated, they were not called for by the SOW. You also stated that you had not yet completed your review of the document but would do so shortly. At the conclusion of that meeting Ms. Benson stated that if your articulated concerns were addressed by Environ then Emhart would receive a very simple letter from EPA stating that Emhart had completed all of the requirements of the A.O.C.

Having heard nothing further from you, on December 20, 2009 a conference call was convened between you, Ms. Benson and myself pursuant to my letter of December 11, 2009. During that call I recited to you certain changes Environ had agreed to make in order to address the concerns you raised at the December 1, 2009 meeting. You expressed no disapproval, and Environ made those changes in the Final Report. I also inquired whether you had any additional concerns. You were non-committal. Later that day you emailed a minor technical comment which Environ has also addressed.

Subsequent to these December exchanges, I made a series of email and telephone requests for any additional concerns you might have so that Environ could submit its Final Report and Emhart could receive its promised letter. These requests received no response from you.

On February 9, 2010 I spoke to Ms. Benson by telephone and expressed my concern that we had received no further comments from you and that once we heard from you that there would be no further comments, Environ would submit its Final Report. I went so far as to say that I was concerned about an "ambush" coming in the EPA approval letter, but she reassured me that no such ploy would be engaged in, and I relied upon that professional representation.

Thereafter, I heard nothing further from you or Ms. Benson, and so, on February 19, 2010, Environ delivered its Final RI Report to you, and I requested Ms. Salyer to issue the Notice of Completion of Work. Nothing further was heard from the EPA until your March 12, 2010 letter.

In all of these circumstances, the most reasonable interpretation of the collateral comments in your March letter is that you believe it is acceptable in your capacity as the Region 9 Site Manager to engage in gamesmanship which attempts to call into question the value and significance of RI work performed by Environ on behalf of Emhart. Suffice it to say: Emhart profoundly disagrees with that conclusion.

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In my thirty-five years of practice I have studiously avoided in resorting to personal attack, and I have attempted to avoid that conduct here. However, the facts are exactly as I have described them.

4. EPA Proposed Figures of Perchlorate as a Function of Depth

As noted above, you will have ample opportunity in the future to explain your interpretations of the data. We observe only at this juncture that the AOC and SOW do not provide for such commentary in the Notice of Completion of Work.

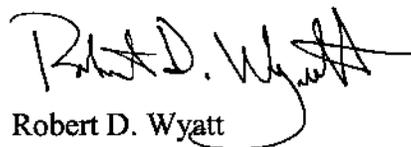
5. EPA Did Not Ask or Require Emhart to Remove Conclusions From the Draft RI Report

A more accurate statement of your position on December 1 is that if the "conclusions" you objected to in the draft RI Report were not removed you would feel compelled to comment on them in the Notice of Approval. Only your failure to advise of additional concerns after December 21 caused there to be an occasion for your March 12 commentary.

In this regard, at the December 1 meeting you advised Dr. Linkletter of Environ that you would search your files for University of Waterloo studies to support your fate and transport analysis and subsequently confirmed by email that you would do so. As of the date of this letter, no literature references have been received by Dr. Linkletter. We would appreciate your providing such citations at your earliest convenience.

In closing we request that this letter be included in the administrative record for the B.F. Goodrich Superfund Site.

Very truly yours,



Robert D. Wyatt

RDW:dwk

cc: Ms. Kathleen Salyer, EPA, Region 9
Mr. Richard Hiatt, EPA, Region 9
Ms. Michele Benson, Esq., EPA Region 9