



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA GEORGIA 30303-8960

SEP 09 2011

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL AND EMAIL

Louisville Industrial Park, LLC
c/o Steve Brooks, Esq.
105 S. Sherrin Ave.
Louisville, KY 40207

Re: General Notice Letter and Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA for Black Leaf Chemical Superfund Site located at 1391 Dixie Highway, Louisville, Kentucky (Site)

Dear Mr. Brooks:

The purpose of this letter is to notify your client, Louisville Industrial Park, LLC, of its potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), (commonly known as the federal Superfund law) that you may have incurred with respect to the above referenced Site. This letter also notifies your client of forthcoming removal activities at the Site and requests that your client perform or finance such activities and advise the U.S. Environmental Protection Agency of your client's willingness to participate in negotiations to enter into a settlement agreement to perform the work described below.

The EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment - that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release has occurred at the Black Leaf Chemical Superfund Site located at 1391 Dixie Highway, Louisville, Kentucky. The EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

Site Background

On July 25, 2011, the Kentucky Department for Environmental Protection (KDEP) Superfund Branch requested that the EPA evaluate this Site for purposes of conducting a time-critical removal action. The request was based on the results of an October 2010 Preliminary Assessment and Site Investigation by the EPA and KDEP that revealed high concentrations of organochlorine pesticides in surface soil at the Site. KDEP also expressed concern regarding the lack of controls on access to the Site. On August 8, 2011, the EPA On-Scene Coordinator, Art Smith, and KDEP performed a site inspection. At that time, a gate at the 17th Street entrance to the Site was missing and evidence of trespassing was noted in areas of the Site where hazardous substance releases are present. The OSC completed the removal site evaluation under 40

CFR Section 300.410, and concluded that the Site meets the National Contingency Plan (NCP) criteria for a time-critical removal action.

The Site is located on a portion of a 29-acre parcel of land in the Park Hill neighborhood of Louisville, and is bordered by a densely populated residential area to the north, including a licensed daycare facility within 200 feet of the Site, a large rail yard to the south, and industrial/commercial areas to the east and west. Multiple brick structures occupy the Site, which formerly housed pesticide formulating operations that date back from at least the early 1950s to 1959 when the Site became a whiskey distillery followed by a wood drying and lumber distribution facility. The Site is currently abandoned.

Explanation of Potential Liability

Potentially Responsible Parties (PRPs) under CERCLA include: current and former owners and operators of a site as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to a site. Under CERCLA, PRPs may be obligated to implement response actions to protect health, welfare or the environment. PRPs may also be liable for the costs incurred by the United States in responding to any release or threatened release at a site. In addition, PRPs may be required to pay for damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages.

Based on the information collected, the EPA believes that your client may be liable under Section 107(a) of CERCLA with respect to the Black Leaf Chemical Site, as a current owner and/or operator of the Site. To date, the EPA has taken response actions at the Site under the authority of CERCLA.

Site Response Activities

To date, EPA and the State of Kentucky have taken several response actions at the Site under the authority of the Superfund Program. At present, the EPA is planning to conduct the following activities at the Site:

- Provide for Site security and control access to Site.
- Perform sampling and analyses to identify the nature and extent of hazardous substance releases from the Site. This will include sampling to be conducted in off-site residential areas to evaluate if contaminant migration has occurred.
- Mitigate the effects of releases of hazardous substances to the environment. This is expected to include, but not be limited to:
 - excavation and disposal of contaminated soils, debris, and other solid wastes;
 - demolition and/or decontamination of structures where contamination is identified and which requires abatement in order to prevent releases to the environment; and
 - restoration of disturbed areas to existing contours and conditions existing before the removal action.

Decision Not to Use Special Notice

Under CERCLA Section 122(e), the EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between the EPA and the PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between the EPA and the PRP or PRPs are conducted. In this case, the EPA has decided not to invoke the Section 122(e) special notice procedures. The EPA's

rationale for not invoking Section 122(e) special notice procedures is based on the Agency's removal policy regarding time-critical removals. Nonetheless, the EPA is willing to discuss settlement opportunities without invoking a moratorium, but will issue an order or initiate the response action as planned if such discussions do not lead to settlement expeditiously.

Ability to Pay Settlement

Based upon your client's August 19, 2011, response to the EPA's Notice of Federal Interest Letter, the EPA is aware that your client's financial ability to conduct a removal action and contribute toward the payment of response costs at a site may be substantially limited. If your client believes, and can document, that it falls within this category, your client may elect to make an inability to pay claim. To do so, your client should provide the information requested on the "Ability to Pay Settlements" (ATP) forms that are enclosed with this letter as Enclosure B. These forms seek information about your client, including federal tax returns. Your client may return these forms **within thirty (30) calendar days** of receipt of this letter. If the EPA concludes that your client has a legitimate inability to conduct a removal action and contribute toward the payment of response costs, the EPA may offer an ATP settlement which may reduce the total amount of Site costs.

Insurance Coverage

Some or all of the costs associated with the proposed settlement offer may be covered by current or past insurance policies issued to your client. Most insurance policies require that the insured timely notify the insurance carrier(s) of any claim against it. To evaluate whether your client should notify your insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of your client's first contact with the Site, up to the present. Coverage depends on many factors, including the language of the particular policy and state law.

Information to Assist You

The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available at a location near the Site. The Administrative Record will also be available for inspection at the Superfund Records Center, EPA Region 4, Atlanta Federal Center, 61 Forsyth St. SW, Atlanta, Georgia.

Invitation to Conduct Removal/PRP Response

Your client is encouraged to contact the EPA if it is interested in participating in negotiations to perform and/or finance the above described removal action at the Site. If your client chooses to enter into negotiations with the EPA regarding its performance of the above described removal action, please respond in writing by providing a statement of your client's willingness and financial ability to conduct the removal action and reimburse the EPA for costs already expended, and costs that the EPA will incur in overseeing the performance of the removal action. The response is due **by October 11, 2011**. The EPA will then send your client a draft Settlement Agreement in order to initiate a period of formal negotiations.

If a response to participate in negotiations is not received on or before **October 11, 2011**, the EPA will assume that Louisville Industrial Park, LLC has decided not to conduct the removal action and reimburse the Superfund for the Site expenditures. Please be aware however, that Louisville Industrial Park, LLC

will remain potentially liable for EPA's costs incurred in undertaking activities pursuant to CERCLA and the National Contingency Plan (NCP) at this Site. The EPA may then take appropriate action at the Site, which may include: (1) conducting the removal action and pursuing a cost recovery claim under Section 107 of CERCLA against your client or (2) issuing a Unilateral Administrative Order (UAO) to your client under Section 106(a) of CERCLA, 42 U.S.C. § 9606, requiring your client to perform the work. Note that if the recipients of a UAO refuse to comply, the EPA may pursue civil litigation against the recipients to require compliance.

Response to this notice letter may be sent by email and should be sent to:

Marianne O. Lodin
Associate Regional Counsel
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303
lodin.marianne@epa.gov

PRP Response and Contact

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

To assist you in your efforts to communicate, listed below are the names and addresses of PRPs to whom this letter is being sent:

Occidental Chemical Corporation
B. Chuck Anderson, President
Occidental Tower
5005 LBJ Freeway
Dallas, Texas 75244-6119

ExxonMobil Corporation
David B. Mantor, Esq.
Counsel
800 Bell, Suite 1583k
Houston, Texas 77002

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, the Superfund Small Business Liability Relief and Brownfields Revitalization Act was signed into law. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. Your client may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. Your client may inquire about these

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

Information Request

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, your client is hereby requested to respond to the Information Request set forth in Enclosure A. Instructions on how to respond to the questions are included in Enclosure A, as well as definitions that apply to the words appearing in the questions.

Your client's response to this Information Request is due on or before **October 11, 2011**. Compliance with the Information Request is mandatory. Failure to respond to this Information Request can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred (\$37,500) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response should be mailed to:

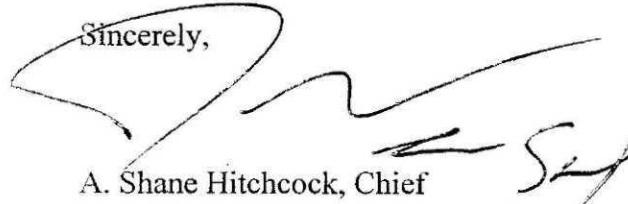
Marianne O. Lodin
U.S. Environmental Protection Agency
Superfund Division
61 Forsyth Street, SW
Atlanta, Georgia 30303

Conclusion

Due to the seriousness of the problem at the Site and the legal ramifications of failure to respond properly, the EPA strongly encourages your client to give this matter their immediate attention. If you have any legal questions regarding this letter, please contact Marianne O. Lodin, Associate Regional Counsel, at 404-562-9547. If you have any general questions or specific questions related to the information requests, please contact Karen Coleman, Enforcement Project Manager at 404-562-8853. For technical questions, please contact Art Smith, On Scene Coordinator, at 502-905-7559.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Hitchcock', written over the word 'Sincerely,'.

A. Shane Hitchcock, Chief
Emergency Response & Removal Branch
Superfund Division
Region 4
U.S. Environmental Protection Agency

Enclosures

ENCLOSURE A

Information Request Regarding Black Leaf Chemical Superfund Site

Instructions

1. Answer Every Question Completely.

A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. Number Each Answer.

Precede each answer with the corresponding number of the question and the subpart to which it corresponds.

3. Provide the Best Information Available.

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.

4. Identify the Sources of Each Answer.

For each and every question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer. Also identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

5. Abide By Your Continuing Obligation to Provide/Correct Information.

If additional information or documents responsive to this Request become known or available to you after you respond to this Request, the EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to the EPA.

6. Understand How to Request Confidential Treatment of Your Information.

The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to the EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by the EPA or other federal agencies and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to verification by the EPA. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public by the EPA without further notice to you.

7. Be Aware of Potential Disclosure to EPA Contractors.

Information which you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that the EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Mark Any Personal Privacy Information.

Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Answer Despite Objections to Questions.

If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you" or "Company" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, representatives, contractors, trustees, partners, successors, assigns and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or the "facility" shall mean the Black Leaf Chemical Superfund Site located at 1391 Dixie Highway, Louisville, KY 40210.
4. The term "Site Property" shall mean any of the parcels of real estate that make up the Site, including, but not limited to, the parcels located at 1391 Dixie Highway, Louisville, KY 40210.
5. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
6. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
7. The term "contamination" shall include, but not be limited to, hazardous substances, plus any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term shall not include petroleum.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
10. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

11. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

12. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

13. The term "arrangement" means every separate contract or other agreement between two or more persons.

14. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Questions

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents. Similarly, identify any person consulted, examined or referred to in preparation of the answer or that may possess information related to the Question and provide contact information for such person.

Ownership of Site Property

3. Is Respondent the owner of any interest in any parcel of Site Property? If so, please describe the interest Respondent holds and provide a legible copy of the documents of transfer, including any deed, tax certificate, receipt, mortgage, or financing statement relating to the acquisition of the Site Property.

Acquisition of Site Property

4. How much did Respondent pay for the Site Property, and in what form was that payment made? Please provide a legible copy of any documentation Respondent has that shows the amount paid.
5. If Respondent had the Site Property appraised, or if Respondent possess any other indication of the fair market value of the Site Property, please provide a legible copy of the appraisal or other documents demonstrating that value.
6. Describe what Respondent knew about the Site Property prior to Respondent's acquisition of the Site Property and list Respondent's sources of information.
7. Describe any and all investigations relating to the Site Property that Respondent or its lender undertook prior to acquiring the Site Property and all facts on which Respondent bases the answer to the preceding question, including investigations:
 - a. About the previous owner(s) of the Site Property;
 - b. Into the historical uses of the Site Property;
 - c. Involving any review of historical documents and records (e.g., aerial photographs, fire insurance maps, building department records, chain of title documents, and land use records)
 - d. By an environmental professional, and if so, please provide their qualifications and any reports prepared;
 - e. Into the potential for contamination at the Site Property;
 - f. Involving any review of state, federal or local government records concerning contamination at the Site Property;
 - g. Involving visual inspection of the Site Property; and
 - h. Involving a Phase I or Phase II environmental assessment.

Provide the dates and documentation for any and all such investigations. Describe the findings of any such investigations.

8. At the time Respondent acquired or operated the Site, did Respondent know or have reason to know that any hazardous substances, including but not limited to pesticides, were disposed of on or at the Site?
9. Did Respondent acquire the parcels of the Site after the disposal or placement of the hazardous substances on, in, or at the Site? Describe all of the facts on which Respondent bases the answer to the preceding question.
10. Provide any documents and details regarding the presence of drums, ownership and contents identified by the Kentucky Department for Environmental Protection (KDEP) and described in a letter from KDEP to Louisville Industrial Park, LLC on August 17, 2010. Describe any efforts, if any, made by Respondent to remove and properly dispose of the drums.

Discovery of Hazardous Waste

11. Describe any actions Respondent has taken to stop any continuing releases of hazardous substances, contaminants, or pollutants at the Site. Provide any relevant documents.
12. Describe any actions Respondent has taken to prevent or limit exposure to hazardous substances at the Site.
13. Describe whether Louisville Industrial Park has ever maintained activities or business at the Site, with respect to purchasing, receiving, manufacturing, mixing, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials, including but not limited to pesticides, at the Site. Please provide the chemical or trade name of any pesticides.
14. During Respondent's ownership of the Site, were there any excavations or construction activities? If so, describe what, where they occurred at the Site, and who performed the activities.

Documents and Other Sources

15. Produce any and all documents upon which Respondent has relied to answer any of the questions above
16. If Respondent has reason to believe that someone could provide a more detailed or complete response to any of these Requests or who may be able to provide additional responsive documents, identify such person(s) and the additional information or documents that they may have.

ENCLOSURE B

Ability to Pay Questionnaire



FINANCIAL STATEMENT OF CORPORATE DEBTOR

Submitted for Government
Action on Claims Due
To the United States

(Use Additional Sheets Where Needed)

1. Name (Debtor) _____ For Profit ()
Type: Not for Profit ()

2. Business Address _____
Street City State Zip

Note: Attach Schedule of all Business Addresses

3. Foreign _____ Domestic _____

4. Legal form of business organization during last five (5) years.

_____ Corporation _____ Subchapter S Corporation

_____ Partnership _____ Proprietorship

_____ Limited Liability Company _____ Trust

_____ Other? _____

5. State of incorporation _____ Date of incorporation _____

6. Name of registered agent _____

7. Address of registered agent _____

8. Name and address of principal stockholders. Number of shares owned by each. (If more than 7 shareholders, list only those with 5% or more stock ownership.)

Total outstanding shares _____

	<u>Name</u>	<u>Address</u>	<u>Shares</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____

	<u>Name</u>	<u>Address</u>	<u>Shares</u>
(4)	_____	_____	_____

(5)	_____	_____	_____

(6)	_____	_____	_____

(7)	_____	_____	_____

9. (A) Name and address of current (and for previous five years) officers and number of shares held by each. (If more than 7 shareholders, list only those who had 5% or more ownership)

	<u>Name</u>	<u>Address</u>	<u>Shares</u>	<u>Terms</u>
(1)	_____	_____	_____	_____

(2)	_____	_____	_____	_____

(3)	_____	_____	_____	_____

(4)	_____	_____	_____	_____

(5)	_____	_____	_____	_____

(6)	_____	_____	_____	_____

(7)	_____	_____	_____	_____

(B) Name and address of current (and for previous five years) members of board of directors and number of shares held by each. *(Attach additional sheets as needed)*

	<u>Name</u>	<u>Address</u>	<u>Shares</u>	<u>Terms</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____
(7)	_____	_____	_____	_____

10. Has this organization ever issued a prospectus for the sale of stock? YES () NO ().
If Yes, list date, number, and type of shares for each prospectus during the last five years.

(A) Registration on national or local stock exchange(s). (Give details, including date of registration and/or delisting).

(1) _____

(2) _____

(B) Total authorized shares for each type issued and present market value per share on each type of stock (or book value if not actively traded).

	<u>Type of Shares</u>	<u>Total Shares</u>	<u>Book Value</u>	<u>Market Value</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

(C) Total outstanding shares of each type of stock currently being held as treasury stock.

(D) Total outstanding shares of each type of stock.

(E) Amount of bonded debt and principal bondholders.

11. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payment thereof and whether tax payments are current.

12. Has this organization filed United States income tax returns during the last 5 years?
 Yes () No ()

To which Internal Revenue Service Office(s) _____

What years? _____

Are Federal tax payments current? Yes () No ()

Provide income tax returns for the latest five (5) years.

13. Name and address of:

(A) Organization's Independent Certified Public Accountants

(B) Attorney(s) retained by organization from:

_____ To _____

14. Has this organization filed financial forms with any organization or government entity? List name of organization or entity, date and type of financial form.

15. Does this organization have financial statements (i.e. income statement, balance sheet, statement of changes in financial position etc.) for the five most recent calendar or fiscal years? YES () NO ()

If yes, submit one copy of each. (Audited or certified financial statements are preferred). **If financial statements are submitted, answer only questions (2)(a), (2)(b), and (3)(a).**

(1)	<u>Assets</u>	<u>Amounts</u>				
	Years	_____	_____	_____	_____	_____
	Cash	\$ _____	_____	_____	_____	_____
	Securities	\$ _____	_____	_____	_____	_____

Existing Facilities	\$	_____	_____	_____	_____	_____
Equipment	\$	_____	_____	_____	_____	_____
Original Cost	\$	_____	_____	_____	_____	_____
Depreciation	\$	_____	_____	_____	_____	_____
Inventory	\$	_____	_____	_____	_____	_____
Accounts Receivable	\$	_____	_____	_____	_____	_____
Other	\$	_____	_____	_____	_____	_____
Total Assets	\$	_____	_____	_____	_____	_____

(2) Liabilities and Stockholders Equity Specify Years

Loans Payable¹

Principal	\$	_____	_____	_____	_____	_____
Monthly Payments	\$	_____	_____	_____	_____	_____
Mortgages ²						
Principal	\$	_____	_____	_____	_____	_____
Monthly Payments	\$	_____	_____	_____	_____	_____
Accounts Payable	\$	_____	_____	_____	_____	_____
Deferred Taxes	\$	_____	_____	_____	_____	_____
Insurance Premiums	\$	_____	_____	_____	_____	_____

¹ Complete loan information as requested on page 8, under a) Loans Payable.

² Complete mortgage information as requested on page 8, under b) Mortgages Payable.

Other	\$ _____	_____	_____	_____	_____
<u>Stockholder's Equity</u>					
Common Stock	\$ _____	_____	_____	_____	_____
Paid-in-Capital	\$ _____	_____	_____	_____	_____
Retained Earnings	\$ _____	_____	_____	_____	_____
Total Liabilities and Stockholder's Equity	\$ _____	_____	_____	_____	_____

a) Loans Payable

	<u>Owed to/Purpose</u>	<u>Term/Interest Rate</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____
	<u>Monthly Payments</u>	<u>Original Amount/Date</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

b) Mortgages Payable

	<u>Owed to/Purpose</u>	<u>Term/Interest Rate</u>	<u>Collateral/Cosigner</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

	<u>Monthly Payments</u>	<u>Original Amount/Date</u>	<u>Present Balance</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

(3) Income/Expenses

Gross Income

Net Sales	\$ _____	_____	_____	_____
Interest Income	\$ _____	_____	_____	_____
Dividends	\$ _____	_____	_____	_____
Other	\$ _____	_____	_____	_____

Operating Expenses

Wages	\$ _____	_____	_____	_____
Overhead	\$ _____	_____	_____	_____
Lease Pmts	\$ _____	_____	_____	_____
Interest Expense	\$ _____	_____	_____	_____
Cost of Sales	\$ _____	_____	_____	_____
Net Income	\$ _____	_____	_____	_____

a) In addition, provide the following firm size information:

- (1) Number of employees _____
- (2) Size of warehouse _____
- (3) Number and size
Of shipments _____

Attach the following additional years for question 15 on a separate sheet: _____

16. Does this organization maintain bank accounts: YES () NO ()
 If yes, give names and addresses of banks, savings and loan associations, and other such entities, within the United States or located elsewhere. Indicate name and number of accounts and balances.

(A) Banks

<u>Name of Bank</u>	<u>Account #</u>	<u>Balance (Approximate)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(B) Savings & Loan Associations or Other Such Entities

<u>Name of Entity</u>	<u>Account #</u>	<u>Balance (Approximate)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(C) Trust Account(s)

<u>Name of Entity</u>	<u>Account #</u>	<u>Balance (Approximate)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(D) Other Account(s)

<u>Name of Entity</u>	<u>Account #</u>	<u>Balance (Approximate)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. List all commercial paper, negotiable or non-negotiable in which the organization has any interest whatsoever, presently in transit or in the possession of any banking institution. Describe such paper and the organization's interest therein, and state its present location. List all accounts and loans receivable in excess of \$300.00 and specify if due from an officer, stockholder, or director.

18. Has this organization engaged in any joint loan agreements, including letters of credits, with any other organization(s)? YES () NO () If yes, describe all such agreements.

19. Does this organization have any debt coinsured by another organization? YES () NO () If yes, describe all such agreements.

20. List all equity participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount and terms of such interest.

21. List all debt participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount and terms of such interest.

22. Is this organization presently:

(A) Active
(Answer no for inactive; but, still in business) Yes () No ()

(B) Void and/or terminated State authorities Yes () No ()

(C) Otherwise dissolved

1) Date _____

2) By whom _____

3) Reason _____

23. (A) List corporate salaries to and/or drawings of the following personnel for the last five taxable years:

Position (Including officers)	Specify Year				
President	\$	_____	_____	_____	_____
Chairman/Board	\$	_____	_____	_____	_____
Secretary	\$	_____	_____	_____	_____
Treasurer	\$	_____	_____	_____	_____
Member(s) - LLC	\$	_____	_____	_____	_____
Other _____	\$	_____	_____	_____	_____

(B) List the five most highly compensated employees or officers other than above, describe position and set forth annual salary and/or bonus for last five taxable years:

	<u>Name</u>	<u>Position</u>	<u>Specify Year</u>					
			_____	_____	_____	_____	_____	
1.	_____	_____	\$	_____	_____	_____	_____	_____
2.	_____	_____	\$	_____	_____	_____	_____	_____
3.	_____	_____	\$	_____	_____	_____	_____	_____
4.	_____	_____	\$	_____	_____	_____	_____	_____
5.	_____	_____	\$	_____	_____	_____	_____	_____

(C) Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, profit sharing, royalties, or other deferred compensation rights of said persons.

24. List organizations commercial activity (fields of activity resulting in income) and SIC Code.

	<u>Commercial Activity</u>	<u>SIC Code</u>
Primary	_____	_____
Other 1.	_____	_____
Other 2.	_____	_____
Other 3.	_____	_____

25. List all other supplementary fields of activity in which this organization is engaged, either directly, through subsidiaries, or affiliates, stating the name(s) and state(s) of incorporation of such subsidiaries or affiliates.

26. Has this organization at any time been the subject of any proceeding under the provisions of any state insolvency law or the Federal Bankruptcy Act, as amended? YES () NO ()
If yes, supply the following information as to each such proceeding:

(A) Date (Commencement) _____

(B) Date (Termination) _____

(C) Discharge or other disposition, if any, and operative effect thereof:

(D) State Court _____ Federal Court _____
County District

(E) Docket No. _____

27. (A) List all real estate, and personal property of an estimated value in excess of \$500.00 owned or under contract to be purchased by this organization and where located:

(B) List and describe all judgments, recorded and unrecorded:

Against the organization

In favor of the organization

- (C) List and describe all other encumbrances against real estate owned by the organization:
(include but not limited to mortgages, recorded or unrecorded)

- (D) List and describe all other encumbrances (including but not limited to security interest, whether preferred or not) against any such personal property owned by the organization as is listed in 28 (A) above.

- (E) List and describe location of real state, including real estate being purchased under contract, with name and address of seller and contract price:

28. List all life insurance, now in force on any or all officers, directors, and/or key employees, setting forth face amounts, names of life insurance companies and policy numbers where this organization has an "insurable interest" and/or is paying the premium or part of same. Where applicable, indicate under which policy(s) this organization is a beneficiary, type policy(s), yearly premium and location of policy(s). In addition, describe the conditions of and borrowing options available under each policy.

29. For the following types of policies, list all primary and excess insurance policies, the deductible

amounts, per occurrence and aggregate coverage limit for each policy. List all policies held by the firm (or predecessor firms) starting from the date which the pollution incident began. *Include the name and address of each insurer, policy numbers and the effective dates for each policy*

(A) Comprehensive general liability

(B) Environmental impairment liability

(C) Other policies for which coverage might apply including participation in risk retention pools.

(D) Other

30. List all transfers of any and all assets, real and/or personal property (over \$300.00) made by this

organization OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three (3) calendar years and state to whom transfer was made. Describe compensation paid by recipient and to whom.

<u>Date</u>	<u>Amount</u>	<u>Property Transferred</u>	<u>To Whom</u>	<u>Conditions of Transfer</u>

31. Is this corporation a party in any lawsuit now pending? YES () NO ()
If yes, give details below

32. Please list names and addresses of any persons or other business entity, holding funds in escrow or trust for this organization, or any of its subsidiaries or affiliates.

33. Other information requested:

34. Additional remarks:

VERIFICATION AND AFFIDAVIT

With knowledge of the penalties for false statements provided by 18 United States Code 1001 (\$10,000 fine and/or five (5) years imprisonment) and with knowledge that this financial statement is submitted by me as a responsible officer of this organization to affect potential action by EPA and the Department of Justice, I hereby certify that I believe I completely understand the above statement, and that it is a true and complete statement of all organization income and assets, real and personal, whether held in the company name or otherwise.

Date: _____

Affiant (Officer) Name

Corporate Position

Signature