



MEMORANDUM

To: Albert "Kell" Kelly
From: HHQ Ventures, LLC
Re: Troy Chemical Corporation Inc. proposal to remove the designation of the Newark Plant Site as an NPL site

Date: December 28, 2017

Troy proposes that based upon the points listed below it is appropriate now for EPA to determine that the Troy Newark Manufacturing Plant site is not included within the Pierson's Creek NPL site.

1. No environmental purpose is served by including Troy's Newark Plant within the Pierson's Creek NPL site.
 - Troy is committed to addressing contamination at its Newark Plant.
 - Troy and EPA have agreed on a Consent Order to get to remedy selection and Troy is implementing that Order.
 - Troy will implement remediation once the remedy is selected.
2. The only consequence of including the Troy Newark Plant within the Pierson's Creek NPL site is the stigma that Troy is now subject to.
 - Customers are concerned about products produced at an NPL site.
 - Creditors may raise questions.
3. The NPL listing document indicates that Pierson's Creek begins below the Troy Newark Plant, so remediating the Newark Plant separately from the Pierson's Creek NPL site is consistent with the listing decision.
4. The record supporting the listing shows that there is no real risk from current conditions at the Newark Plant. In addition, EPA now has the benefit of data provided by Troy reflecting the extensive investigation and remediation done already at the property prior to the NPL listing.
 - Approximately 95% of the ground surface of the site is covered with structures or asphalt/concrete pavement, which serves as a barrier between potentially contaminated

soil/material and the on-site receptors. Fencing prevents outside access, and the site is in a highly-industrialized area.

- The site received a no further action (NFA) letter from NJDEP regarding deep groundwater. There is no potable use of deep groundwater in this area of Newark and that groundwater will never be used for potable purposes for reasons having nothing to do with contamination.
 - Material in the concrete ditch/culvert (a former City of Newark storm sewer which is the main area of contamination on the site) is contained and covered. The ditch/culvert is sealed at both the northern and southern ends.
5. Considering the schedule in its pending appeal challenging the NPL listing, Troy would like a response as soon as possible but preferably not later than January 15, 2018.