



Fw: Capitol site: Supplemental Response of The Montgomery Advertiser
Debbie Jourdan

to:

Ronald Saskowski

06/13/2012 03:27 PM

[Hide Details](#)

From: Debbie Jourdan/R4/USEPA/US

To: "Ronald Saskowski" <Saskowski.Ronald@epamail.epa.gov>

1 Attachment



DOC.PDF

From: Scott Miller
Sent: 06/13/2012 03:26 PM EDT
To: Debbie Jourdan
Subject: Fw: Capitol site: Supplemental Response of The Montgomery Advertiser

Debbie,
Please save this to the file for Capital City Plume.
Thanks,

Scott Miller
Remedial Project Manager
Superfund Division

Superfund Remedial Branch
Section C
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
Phone (404) 562-9120
Fax (404) 562-8896

-----Forwarded by Scott Miller/R4/USEPA/US on 06/13/2012 03:25PM -----

To: Scott Miller/R4/USEPA/US, Melissa Waters/R4/USEPA/US@EPA
From: David Keefer/R4/USEPA/US
Date: 06/08/2012 06:59PM
Cc: Carol Monell/R4/USEPA/US@EPA
Subject: Fw: Capitol site: Supplemental Response of The Montgomery Advertiser

Scott/Melissa:

An interesting response from the Montgomery Advertiser...

W. David Keefer, Chief
Superfund Remedial Section C

U.S. EPA Region 4
61 Forsyth Street SW
Atlanta, GA 30303
(404) 562-8932

----- Forwarded by David Keefer/R4/USEPA/US on 06/08/2012 06:57 PM -----

From: "Gengel, Gary (NJ)" <Gary.Gengel@lw.com>
To: David Keefer/R4/USEPA/US@EPA
Cc: Stephen Smith/R4/USEPA/US@EPA, "Thurlow, Matthew (DC)"
<Matthew.Thurlow@lw.com>
Date: 06/08/2012 05:32 PM
Subject: Capitol site: Supplemental Response of The Montgomery Advertiser

Mr. Keefer -

Attached is the Supplemental Section 104(e) Response of The Montgomery Advertiser relating to the Capitol site in Montgomery, Alabama. The original letter and attached documents will follow.

Thank you.

Gary P. Gengel

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.4690

Fax: +1.212.751.4864
Cell: +1.609.306.9835
Email: gary.gengel@lw.com

(See attached file: DOC.PDF)

Gary P. Gengel
Direct Dial: 973.639.7287
gary.gengel@lw.com

One Newark Center, 16th Floor
Newark, New Jersey 07101-3174
Tel: +1.973.639.1234 Fax: +1.973.639.7298
www.lw.com

LATHAM & WATKINS LLP

June 8, 2012

W. David Keefer
U.S. Environmental Protection Agency, Region 4
Superfund Division
Superfund Remedial Branch
61 Forsyth Street, S.W.
Atlanta, GA 30303

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Re: Capitol City Plume Superfund Site: The Advertiser Company's Third Supplemental Section 104(e) Response

Dear Mr. Keefer:

This is a supplemental response to the Section 104(e) request sent by EPA Region 4 to The Advertiser Company on November 18, 2008. It supersedes 104(e) responses previously provided by The Advertiser Company on January 16, 2009; February 13, 2009; and June 11, 2010. This supplemental response is based on a good faith investigation following receipt of documents and materials from EPA and Alabama through the Freedom of Information Act and Alabama Open Records Act. Please note that EPA's communications, including the March 24, 2011 General Notice Letter, have been addressed to "The Montgomery Advertiser," but the legal name of the company is "The Advertiser Company," and therefore, this response will use that name.

Response Summary

Initially, we note our client did not exist before March 7, 1963. On March 7, 1963, The Advertiser Company formally dissolved and a new company, also called The Advertiser Company, was incorporated. The Advertiser Company printed The Montgomery Advertiser out of its location at 200 Washington Avenue between March 7, 1963 and 1997, owned a parking lot at 115 South McDonough Street, and also ran a small printing operation at 116 South McDonough Street between the 1980s until approximately 1997. The Advertiser Company sold these properties to the Montgomery County Commission on September 24, 2003.

After a careful review of The Advertiser Company's records and interviews of current and former employees, The Advertiser Company has determined that there is no evidence it ever released hazardous substances into the environment at the Capitol City Plume Superfund Site ("Site or "Capitol Site"). Contrary to the assertions of the United States Geological Survey

("USGS") in its report on the Capitol Site, The Advertiser Company did not use chlorinated solvents, including TCE or PCE, to clean or maintain its presses at 200 Washington Avenue or 116 South McDonough Street. All available evidence indicates that The Advertiser Company used kerosene, mineral spirits, and a petroleum-based blanket wash to clean its presses. The Advertiser Company's determination that it did not use PCE to clean its presses is not unexpected because PCE was rarely used for such purposes in the newspaper printing industry.

Following a review of hundreds of material safety data sheets of products used by The Advertiser Company for a wide variety of purposes, only one product containing 10% PCE, was discovered. There is no evidence that this product, designed for use in small quantities to clean film, could have resulted in any PCE release to the environment. Similarly, between 1963-1977, a small amount of TCE was used to activate glue on rolls of paper at 200 Washington Avenue, but there is no evidence this use resulted in TCE release to the environment. TCE and PCE were not found in any other product used by The Advertiser Company. And as confirmed by The Advertiser Company's and EPA's interviews of current and former employees, excess blanket wash, ink sludge, and other liquid wastes were collected in empty drums and transported offsite by a contractor. There is no evidence that waste solvents were ever disposed down drains or sewers at 200 Washington Avenue or 116 South McDonough Street.

Groundwater, soil, soil-vapor, and dendrochemistry data collected at the Capitol Site show that PCE and BTEX, the primary contaminants of concern at the Capitol Site, are not above applicable standards anywhere within several blocks of 200 Washington Avenue and 116 South McDonough Street. The same is true of TCE. The highest levels of contamination at the Capitol Site, and likely sources of that contamination, are nowhere near the former Advertiser properties.

Moreover, there is no potential pathway for contamination from 200 Washington Avenue or 116 South McDonough Street to the rest of the Capitol Site. Groundwater flows northwest from 200 Washington Avenue and the highest groundwater concentrations are cross-gradient (northeast). The sanitary sewers flow north and west and do not cross Dexter Avenue. The stormwater sewer lines are likewise north and west and do not flow to the area of highest groundwater concentration. In its report, the USGS theorized that contamination must have resulted from leaking sewers. But USGS's evaluation of groundwater pH and chloroform to support this theory is flawed and inconsistent with historical sampling and does not indicate a significant sewer leak. Regardless, whether the sewers leaked or not is irrelevant because ***there simply is no sewer, stormwater, or groundwater pathway from The Advertiser Company's former properties to the RSA Chiller Plant site and other downgradient areas of elevated groundwater contamination.***

The USGS report's possible identification of TCE in a tree (tree 64) at the corner of Washington Avenue and South Lawrence Street likewise does not implicate The Advertiser Company in contamination found in other distant locations at the Capitol Site. USGS's attempt to quantify TCE and PCE levels collected from trees at the Capitol Site, including its use of a hotel microwave on collected samples, is at odds with established scientific methods for collection and evaluation of tree core data. The questionable sampling methods used by the

USGS resulted in two possible detections of TCE in tree 64 of more than an order of magnitude of difference. USGS has not re-sampled this tree and the minimal sampling data upon which the USGS report depends is simply not reliable. But even if USGS's tree sampling methods and data were sound, under generally accepted assessment standards, phytoforensics may be used as a screening tool to identify the presence of contaminants, but cannot be used to identify a potential source of contamination. Apart from speculation, the USGS has not provided any evidence of a contamination pathway between the press room at 200 Washington Avenue and tree 64.

Moreover, the effort to tie this isolated potential source of TCE to The Advertiser Company is at odds with an objective evaluation of soil, soil gas, and groundwater data collected at the Capitol Site over the past twenty years. TCE has not been found above applicable standards in recent groundwater and soil samples anywhere within several blocks of the sampled tree and TCE is likely not even a contaminant of concern at the Capitol Site. The USGS's attempt to tie unsubstantiated TCE contamination in one isolated location to other contaminants in multiple, distinct locations across the entire Capitol Site is unsupported by the evidence and calls into question USGS's admittedly unusual, and possibly unprecedented, role in performing sampling, evaluating technical data, and making recommendations to EPA at the Capitol Site.

Groundwater, soil, soil gas, and dendrochemistry data collected by EPA, ADEM, and USGS reveals multiple, distinct plumes of PCE and BTEX contamination across the Capitol Site, likely from local dry cleaners, gas stations, and other sources. This data is consistent with EPA's evaluation of the Capitol Site prior to USGS's involvement, and EPA's conceptual site model from the 1990s. As EPA's remedial project manager at the Capitol Site, Humberto Guzman, wrote in a March 1999 memo: "The City of Montgomery's groundwater is contaminated with tetrachloroethylene [PCE], which is suspected to come from dry cleaners, and BTEX which probably comes from gasoline stations." That the contamination at the Capitol Site is unrelated to The Advertiser Company's operations is also consistent with an independent environmental consultant's Phase II testing of The Advertiser Company's properties in 2003, prior to their sale to The Montgomery County Commission. The County's environmental consultant tested for PCE, BTEX, and MTBE at the properties and concluded: "Based on the scope of testing we have performed, it does not appear that the soil or groundwater at [The Advertiser Company properties] are contaminated with the pollutant compounds that are associated with the Capitol City Plume."

The Advertiser Company is not the source of any contamination, let alone the contamination found in multiple, distinct locations across downtown Montgomery.

Supplemental Responses

For your convenience, the Section 104(e) questions are repeated below and followed by The Advertiser Company's supplemental responses.

General Objections

The Advertiser Company objects to the production of any documents unrelated to the Capitol Site on the grounds that EPA's requests are unreasonable in scope, overly broad, and unduly burdensome, and to the extent that the requests seek documents protected by the attorney-client privilege or as work product, or that are already in EPA's possession or otherwise publicly available.

The Advertiser Company objects to these requests to the extent such requests do not relate to the investigation of the release or threatened release of hazardous substances, pollutants, and contaminants at the Capitol Site. The Advertiser Company also objects to these requests as vague and ambiguous, overly broad, unintelligible, and unduly burdensome, and not limited to a relevant time period.

Notwithstanding these objections, and expressly subject thereto, The Advertiser Company responds to the requests listed below.

Requests

1. Identify the person(s) responding to these questions on behalf of the Newspaper.

Response to 1. Subject to the General Objections, this response was prepared by Latham & Watkins LLP on behalf of The Advertiser Company.

2. For every question contained herein, identify all persons consulted in the preparation of responses.

Response to 2. Subject to the General Objections, the following individuals were consulted:

- Kevin Blurton, former Production Director, The Advertiser Company
- Wes Gainey, Pressman, The Advertiser Company
- Ed McGarr, Pressman, The Advertiser Company
- Dennis Hall, Pressman, The Advertiser Company
- Tony McCord, Pressman, The Advertiser Company
- Marcus Riley, former Facilities Manager, The Advertiser Company
- Wayne Powell, former Pressroom Manager, The Advertiser Company (retired)
- Scott LaFuria, Controller, Tallahassee Democrat
- Mike Gatherwright, production director, Greenville (SC) News, former production director, The Advertiser Company
- Dennis Czieszynski, former Production Director, The Advertiser Company (retired)
- Sonja Reep, Commercial Print Manager, The Advertiser Company
- Jeff Alexander, Pressman, The Advertiser Company

- **Bill Searcy, former pressman, The Advertiser Company (retired)**
 - **Michael Ratcliff, Director of Engineering and Construction Management, US Community Publishing Division, Gannett Co., Inc.**
 - **William Hagan, former employee, The Advertiser Company (retired)**
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.

Response to 3.

Subject to the General Objections, in this supplemental response, The Advertiser Company will provide, as noted, documents relied upon and referenced which have not been previously provided, which are not subject to applicable attorney-client and attorney work product privileges, and which are not otherwise publicly available.

Certificate of Dissolution of The Advertiser Company, March 7, 1963 (attached).

Warranty Deeds from 1966 (previously provided).

Documentation regarding the removal of waste materials from the facility by Safety-Kleen between 1998 and 2002 (attached).

Shipping documents for the purchase of photographic film, fixer, plates and developer from Konica Imaging USA, Inc., 1999 and 2002 (previously provided).

Receipts for drums of scrap film and silver flake sold to Parker Service Co., 1999-2000 (previously provided).

MSDS for Safety-Kleen Premium Solvent, February 1994 (previously provided).

MSDS for Prisco or Printers' Service, UC-50 Blanket and Roller Wash (attached).

MSDS for Tower, Presto! 1-2-3, November 19, 1994 (attached).

MSDS for Varn, Wash V-120, August 28, 1996 (attached).

MSDS for Rycoline, Blanket Swell, July 17, 1997 (attached).

MSDS for NENSCO Freedom Wash, June 1994 (previously provided).

MSDS for Film Kleen, May 1996 (attached).

Non-disclosure Agreement regarding Environmental Records between the Montgomery County Commission and The Advertiser Company, June 26, 2000 (previously provided).

Letter from Gannett to Montgomery County Commission transmitting relevant pages from the Environmental Review of Multimedia, Inc. (referenced above), June 27, 2000 (previously provided).

A purchase order for Safety-Kleen to test rainwater/elevator lubricant mixture in order to prepare a disposal profile (previously provided).

Receipts for shipments of demolition wastes sent to the Montgomery County Landfill, 2002 (previously provided).

Letter from Montgomery County Commission to Scott Brown, Publisher of the Montgomery Advertiser, regarding environmental issues at 200 Washington Avenue, March 3, 2002 (attached).

Memo of Understanding between Montgomery County Commission and the Advertiser Company regarding the sale of 200 Washington Avenue and the parking lot, October 2002 (attached).

Purchase and Sale Agreement between The Advertiser Company (Seller) and the Montgomery County Commission (Purchaser) for 200 Washington Avenue, 116 South McDonough Street, and 115 South McDonough Street, June 2003 (previously provided).

Documents relating to removal of documents from 200 Washington Avenue in June 2003 (previously provided).

A single page from what appears to be an appraiser's report regarding the three parcels sold to the Montgomery County Commission in 2003 (previously provided).

Environmental Site Assessment for 200 Washington Avenue, 116 South McDonough Street, and adjacent parking lot, prepared by Environmental-Materials Consultants, Inc. for the Montgomery County Commission, August 12, 2003 (previously provided).

Records Retention Policy, The Advertiser Company, current (previously provided).

September 20, 2011 EPA Interview summary of Dennis Czieszynski (attached).

Materials produced by the United States Environmental Protection Agency pursuant to a Freedom of Information Act request on September 15, 2011; October 25, 2011; December 20, 2011; February 2, 2012; and February 28, 2012. (These documents are in EPA's possession and are available to the public.)

Materials produced by the State of Alabama pursuant to an Alabama Open Records Act request on August 4, 2011. (These documents are in Alabama's possession and are available to the public.)

4. Has the Newspaper ever owned any property located either on Washington Avenue or elsewhere within the Site area?

Response to 4.

Subject to the General Objections, The Advertiser Company owned the following properties:

- **The Advertiser Building, 200 Washington Avenue, Montgomery, Alabama**
- **Parking Lot, 115 South McDonough Street, Montgomery, Alabama ("the parking lot")**
- **Associated Press Building (aka the API-UPI building, or the Annex), 116 South McDonough Street, Montgomery, Alabama**

NOTE: The former Advertiser Building, 200 Washington Avenue, Montgomery, Alabama, is located on the corner of Washington Avenue and South Lawrence Street. This building is currently known as 107 South Lawrence Street.

5. If yes, state the dates of ownership and provide copies of all documents evidencing or relating to such ownership, including but not limited to purchase and sale agreements, deeds, etc.

Response to 5.

Subject to the General Objections, The Advertiser Company owned the properties at 200 Washington Avenue and 115-116 South McDonough Street from March 7, 1963 until September 24, 2003. It is unclear when the building at 116 South McDonough Street was constructed, but it is believed to have been sometime in the 1980s.

6. Has the Newspaper ever leased and/or operated on any property located either on Washington Avenue or elsewhere within the Site area?

Response to 6.

Subject to the General Objections, The Advertiser Company did not lease property within the Site area.

7. If yes, state the dates of operation and/or leases and provide copies of all documents evidencing or relating to such operation and/or lease.

Response to 7.

Not applicable.

8. Describe the nature of your activities or business conducted on either Washington Avenue or elsewhere within the Site area.

Response to 8. Subject to the General Objections:

The Advertiser Company's operations at 200 Washington Avenue consisted of publishing and printing. For a time, The Advertiser Company published and printed (using the same staff and equipment) an evening newspaper known as the Alabama Journal; the Alabama Journal ceased publication in 1993. For some period of time, ending in 1996, The Advertiser Company owned all or some of the shares of a company known as Service Engraving, Inc. which also operated at 200 Washington Avenue until 1996; Service Engraving, Inc. provided "stereotyping" services (preparing photos for inclusion in print documents).

The Advertiser Company operated a small printing operation on the ground floor of 116 South McDonough Street. This operation primarily printed materials for in-house use by The Advertiser Company, although printing was also performed for third parties. Examples of the types of materials printed include flyers, notecards, receipts and other office supplies. The operation had two or three small sheet fed machines and the maximum size for printed materials was 11 x 17. For larger printing needs, The Advertiser Company used Brown Printing.

9. Provide a thorough explanation of the printing process at the Newspaper. This explanation should include but not be limited to a description of the chemicals used in the printing operation and a description of how the various chemicals are/were handled or disposed.

Response to 9. Subject to the General Objections:

200 Washington Avenue

1963 through 1977

The Advertiser Company operated an 8-unit Goss headliner letterpress from 1963 until September 1977.

This press used petroleum-based inks provided primarily, at least in the latter years, from Huber Ink. Small amounts of colored inks were used from time to time to print advertisements.

The presses were wiped clean with rags moistened with mineral spirits (1963-64) or kerosene (1964-1977). Individual parts were also sometimes cleaned with mineral spirits or kerosene. No "blanket wash" was used to clean or operate this press. There is no evidence PCE or TCE were used to clean or operate this press.

Lubricant from the press was manufactured, at least for a time, by Standard Oil.

TCE was applied to the outer edge of paper rolls in order to activate a glue so a new roll of paper could be attached to an old roll without stopping the press. The TCE was stored in a stationary tank with a capacity of approximately 30 gallons. The tank was located on the basement level of the building next to the end of the press where paper reels were loaded onto the press. The tank was filled approximately once a year via a remote fill port outside the building. Approximately 30 gallons of TCE was used a year. There was no waste TCE generated from this process.

As was the custom at the time, this press used zinc plates, and later lead plates, that were created by use of a linotype machine and the process known as "hot metal," "hot lead" and/or "hot type."

1977 through 1997

From 1977 through 1997, The Advertiser Company operated a 9-unit lithographic "Cosmo" offset press. "Chemicals" used in the 9-unit lithographic offset printing process included:

Black, Yellow, Red and Blue Inks – Inks were purchased from suppliers including but not limited to "The Ink Company," JM Huber, and Flint Ink. The press used petroleum-based inks until the early 1990s. In the early 1990s, the paper began using soy-based inks; from that time forward, approximately 90% of the inks used were soy-based and 10% were petroleum-based.

Black ink was stored in a 3200 gallon stationary aboveground tank located in the ink room adjacent to the pressroom. The AST was filled via a remote fill port outside the building, using a truck and hose. It was standard practice for the ink vendor to place a paper newspaper wrapper around the hose during fills to catch

any drips. The AST was located on a concrete floor and the small room had concrete block walls. There were no floor drains in the room housing the AST.

Colored inks were delivered to the paper in 55 gallon drums, five gallon buckets and/or 2 ½ gallon buckets. The 55 gallon drums and the buckets were stored in the same room as the black ink tank.

Some of the excess ink recovered from the printing process was accumulated in empty 5 gallon ink buckets in the AST room. When the buckets became full, the accumulated ink, whether black or colored, was emptied into the black ink tank. In addition, some of the waste ink was stored in 55 gallon drums.

Any drums of waste ink were removed from the property for recycling or disposal each month; the typical monthly pickup consisted of one drum or one partial drum of waste ink.

Blanket Wash—The Advertiser Company used blanket wash between 1977-1997. Between 1977 and the early 1990s, The Advertiser Company used UC-50, a petroleum-based blanket wash sold by Prisco or Printers' Service. The MSDS for UC-50 is attached and clearly indicates it did not contain PCE or TCE. After The Advertiser Company discontinued use of UC-50, it ordered trial blanket washes from a few manufacturers. The MSDSs for these products are attached and show that none of these blanket washes contained TCE or PCE. In the early 1990s, The Advertiser Company selected "Freedom Wash" from NENSCO, as its new blanket wash. The MSDS for "Freedom Wash" has previously been provided and it clearly indicates that it did not contain TCE or PCE. Blanket wash was delivered to the paper and stored by the paper in 55 gallon drums. The drums were stored on the pressroom floor. When a drum was in use, a hand pump was attached to the top of the drum and the blanket wash was dispensed by this pump into handheld buckets. The pressman cleaned the press by dipping rags into the buckets, squeezing out excess, then wiping down the press parts. Used rags were stored in a 55 gallon drum or a canvas hopper and then sent offsite for laundering. For one to two years, the used rags were laundered onsite. As confirmed by EPA's September 2011 interview of Dennis Czieszynski, to the extent there was residual blanket wash, it was collected in drums and sent offsite for disposal every three months. The MSDS for all of the blanket washes used by The Advertiser Company clearly indicate that they did not contain TCE or PCE.

Fountain Solution—Fountain Solution, typically "Liquid Gold" brand, was usually purchased, in concentrated form, from NENSCO. Fountain solution was delivered to the paper and stored in 5 gallon plastic pails. The pails were typically stored in the reel room. The concentrate was mixed with water in a corner of the reel room prior to use. The fountain solution was used in a closed, circulating system within the press; the press blankets rotated through fountain

solution in order to clean residue from the plates during printing. Once a month, the fountain solution was drained from the system to a pit that contained a pump and a drain connected to the sanitary system. Water was run through the system and then drained to the pit. Finally, fresh fountain solution was prepared and the system was re-filled. There is no evidence the fountain solution contained PCE or TCE.

Press Lubricant—The press was lubricated with light weight lubricant manufactured by Chevron; perhaps once a lubricant from DuBois was tried. Once a year or so, the lubricant was replaced. Used lubricant was drained from the press into 55 gallon drums and removed from the property for recycling or disposal. There is no evidence the press lubricant contained PCE or TCE.

Film and Film Processing Chemicals—The Advertiser Company used photographic films, photographic developer, photographic fixer, and other related materials to create images of pages. Scrap film was sold. Used film-related chemicals were treated to remove silver and then drained to the sanitary sewer. There is no evidence film-related chemicals contained PCE or TCE.

Plate Developer and Plate Cleaner—In later years, these products were typically manufactured by Western Litho. These products were stored in the basement, on a concrete floor, next to the plate room. Used plate processing chemicals were drained to the sanitary sewer. There is no evidence these plate processing chemicals contained PCE or TCE.

Film Kleen—This product was used to remove smudges and lint from film and glass. An aerosol version of this product was used in small quantities. One supplier of this product, Anchor Lithkemko, had a formulation that contained 10% PCE, but there is no evidence the small quantities of aerosol used could have resulted in a release to the environment.

Parts Wash—Parts were washed manually in a homemade metal vat containing mineral spirits, kerosene, or blanket wash. The fluid on the parts was, on occasion, drained into a 55-gallon drum and disposed of off-site. In the early 1990s, Safety-Kleen installed a parts washer with a recirculating pump. Safety-Kleen would periodically empty the cleaner from the parts washer and add fresh cleaner. Safety-Kleen removed the used cleaner from the property for disposal. There is no evidence the parts wash contained PCE or TCE.

Copper Cleaner—Every six months or so, the facility would purchase one 24-28 ounce plastic bottle of copper cleaning solution to clean the copper drums in the press. The bottle was stored on a table in the roller room, which had a concrete floor and no floor drain. There is no evidence the copper cleaner contained PCE or TCE.

Used Rags—Employees interviewed by The Advertiser Company and by EPA confirmed that used rags were laundered by a vendor, except for a period of 13-24 months, in the late 1980s or early 1990s, when a washing machine operated onsite. The washing machine was used to wash rags. On one occasion there was a back-up and the washing machine discharged on the floor and the employees mopped it up.

Other Products—Newspaper Pressrooms commonly use many additional products in small quantities, as evidenced by product lists advertised on press supply websites. There is no evidence these products contained PCE or TCE.

116 South McDonough Street

The Advertiser Company operated the following at this location:

- 19 x 25 omni single color press
- AD Dick 385 T-head press
- Small duplicator presses Multi-lif 1250

These were low through-put, single sided, sheet-fed presses which resembled office duplicating equipment. Presses of this size and nature often use about 100 pounds of ink a year. The paper purchased inks from suppliers including Victory Ink in Birmingham, Alabama. At least in the latter years, the ink was soy-based. The ink came in 5 pound aluminum cans with plastic tape on the lids to prevent accidental opening. The cans were stored on steel shelves.

A small amount of glue was used when making notepads.

Approximately a pint a month of lubricant was used to lubricate the machinery. It was purchased in quart cans from convenience stores or other local retailers.

Paper was purchased in reams and delivered on pallets.

No blanket wash, solvents, fountain solutions, lubricants or other “chemicals” were used at this location. The printers were wiped clean with rags or newsprint.

10. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any hazardous substances, including but not limited to those substances identified in Appendix A, while conducting any activities or business either on Washington Street or elsewhere within the Site area? If the answer to the preceding question is anything but an unqualified "no," identify:

- i. The chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
- ii. The person(s) who supplied you with each such hazardous substance;
- iii. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- iv. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- v. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
- vi. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

Response to 10. Subject to the General Objections:

Zinc and Lead—From March 1963 until the late 1960s or early 1970s, the printing plates at 200 Washington Avenue were made from zinc, and then lead. Plates were created onsite using the “hot metal” process. Used plates were melted down and the material reused.

Aluminum—Starting in the 1970s, The Advertiser Company created printing plates from aluminum. The plates were purchased, stored in the pre-press area at 200 Washington Avenue, imprinted using a photographic process, attached to the press, removed from the press, placed in a cardboard box, then removed from the property by an Advertiser employee who delivered them to Sable Steel for recycling. No aluminum waste was generated.

Press, Film, and Other Products—Some hazardous substances were contained in cleaning, maintenance, and commercial products used by The Advertiser Company as described in Response 9.

11. Identify all federal, state and local authorities that regulate(d) your operations dealing with health and safety and environmental concerns during operations conducted on any property located either on Washington Avenue or elsewhere within the Site area.

Response to 11.

Subject to the General Objections, to the best of The Advertiser Company’s knowledge and belief, the following agencies had direct contact with facility personnel:

- **The City of Montgomery Fire Department**
- **OSHA**
- **Montgomery Water Works & Sanitary Sewer Board**

12. Provide a list of all local, state and federal environmental permits ever granted to the Newspaper or obtained on behalf of the Newspaper (e.g. RCRA permits, NPDES permits, etc.).

Response to 12.

The Advertiser Company held a conditionally exempt small quantity generator RCRA permit for its operations at 200 Washington Avenue (Permit # ALD983180084).

13. Describe acts or omissions of any persons other than your employees, agents, or those persons with whom you had a contractual relationship, that may have caused a release or threat of release of hazardous substances at the Site and damages relating therefrom, and identify such persons.

Response to 13.

Subject to the General Objections, The Advertiser Company has no knowledge of any acts or omissions of any persons that may have caused a release or threat of release of hazardous substances at the Site or of any damages relating therefrom.

14. Identify all past and present solid waste management units (e.g. waste piles, waste lagoons, ponds, pits, tanks, container storage areas, etc.) on any of the Newspaper's past or present property located either on Washington Avenue or elsewhere within the Site area. For each such solid waste management unit, provide the following information:
- i. A map showing the unit's boundaries and the location of all known solid waste management units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - ii. The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
 - iii. The dates that the unit was in use;
 - iv. The purpose and past usage (e.g., storage, spill containment, etc.);
 - v. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
 - vi. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit;
 - vii. If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

Response to 14.

Subject to the General Objections, there were no solid waste management units at either 200 Washington Avenue or 115-116 South McDonough Street during The Advertiser Company's ownership of the properties.

15. Describe the conditions of the Newspaper's physical facility at the Site during the years the Newspaper operated either on Washington Avenue or elsewhere within the Site area. Your response is to include but not be limited to the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the facility.

Response to 15.

Subject to the General Objections, no employees interviewed reported observing any issues with 200 Washington Avenue or 115-116 South McDonough Street's infrastructure or equipment and no documents were identified relating to any such concerns.

16. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Newspaper's physical facility during the years the Newspaper operated either on Washington Avenue or elsewhere within the Site area. In addition, identify:
- a. When such releases occurred;
 - b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated;
 - c. The amount of each hazardous substance, pollutant or contaminant so released;
 - d. Where such releases occurred;
 - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing undertaken;
 - g. All persons with information relating to these releases

Response to 16.

Subject to the General Objections, there is no evidence of leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants from 200 Washington Avenue or 115-116 South McDonough Street.

17. Was there ever a spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under the Newspaper's physical facility during the years the Newspaper operated either on Washington Avenue or elsewhere within the Site area? If the answer to the preceding question is anything but an unqualified "no," identify:
- i. Where the disposal system or floor drains were located;
 - ii. Whether the disposal system or floor drains were connected to pipes;
 - iii. When the disposal system or floor drains were installed;
 - iv. Where such pipes were located and emptied;
 - v. When such pipes were installed;
 - vi. How and when such pipes were replaced or repaired; and
 - vii. Whether such pipes ever leaked or in any way released hazardous substances into the environment.

Response to 17. Subject to the General Objections:

There is no evidence of a spill, leak, release, or discharge of any hazardous substance into any subsurface disposal system or floor drain within the Site area; except:

(1) black ink spilled by a trucking company in the street outside 200 Washington Avenue, which was not The Advertiser Company's legal responsibility;

(2) a washing machine backup onto the floor of the basement of 200 Washington Avenue, which was promptly cleaned up.

The employees interviewed recalled no repairs to any underfloor piping at 200 Washington Avenue. There is no evidence the pipes leaked or otherwise released hazardous substances. The 116 South McDonough facility had no floor drains. The first level, where The Advertiser Company performed its printing operations, had no sinks, or other plumbing whatsoever.

18. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:
- i. Amount of soil excavated;
 - ii. Location of excavation;
 - iii. Manner and place of disposal and/or storage of excavated soil;
 - iv. Dates of soil excavation;
 - v. Identity of persons who excavated or removed the soil;
 - vi. Reason for soil excavation;
 - vii. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;

- viii. All analyses or tests and results of analyses of the soil that was removed from the Site;
- ix. All persons, including contractors, with information about (a) through (h) of this request.

Response to 18. Subject to the General Objections, a gasoline underground storage tank was removed from the parking lot located at 115 McDonough Street. To the best of The Advertiser Company's knowledge and belief, it had not leaked and soil was not removed.

19. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Site concerning insurance issues.

Response to 19.

Subject to the General Objections, The Advertiser Company has not located any documentation of inspections, evaluations, or safety audits related to insurance issues.

20. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site?

Response to 20.

Subject to the General Objections, The Advertiser Company does not plan to perform any investigations at either 200 Washington Avenue or 115-116 South McDonough Street.

Significantly, however, a soil and groundwater investigation was previously performed at these properties by Environmental Materials Consultants on behalf of the Montgomery County Commission. In 2003, in conjunction with the County's purchase of the properties, the County retained Environmental Materials Consultants to perform a Phase I Environmental Site Assessment and a Limited Phase II Environmental Site Assessment. The Phase I report, which was previously provided, concluded that there was no evidence of a release at the properties. The Phase II assessment consisted of soil and groundwater sampling from three monitoring wells outside the building and soil samples from seven cored sampling sites beneath 200 Washington Avenue. All samples were analyzed for BTEX (benzene, toluene, ethyl benzene and xylenes o,m,p) PCE (tetrachlorethylene), and MTBE. Laboratory results indicated that all BTEX, PCE and MTBE samples were below the analytical detection limit of 5 ppb (parts per billion). The Phase II report, signed by Haines Kelley, P.E., concluded:

Based on the scope of testing we have performed, it does not appear that the soil or groundwater at the Montgomery Advertiser Building site are contaminated with the pollutant compounds that are associated with the Capitol City Plume.

The report also stated:

This assessment did not identify any information that leads me to believe the subject sites [The Advertiser properties] are a source of any environmental contamination.

As indicated in the response to Question 3, a copy of the Environmental Site Assessment was previously provided to EPA.

The Advertiser Company hired Geosyntec Consultants, Inc. to review the soil, water, soil vapor, and phytoforensic data gathered by EPA, USGS, the City of Montgomery and ADEM and develop a conceptual site model of the Capitol City Plume Superfund Site. A summary of this work was presented to EPA on March 15, 2012.

21. If so, identify:

- i. What the nature and scope of these investigations will be;
- ii. The contractors or other persons that will undertake these investigations;
- iii. The purpose of the investigations;
- iv. The dates when such investigations will take place and be completed; and
- v. Where on the Site such investigations will take place.

Response to 21. N/A.

22. Describe the Newspaper's waste handling and disposal history during the years it operated either on Washington Avenue or elsewhere within the Site area, for all facilities and all operations, including but not limited to transportation, shipping and/or receiving, storage, manufacturing, research, quality control, waste containment, and waste disposal facilities. This description is to include the names, addresses and activities of waste disposal contractors, and copies of all supporting documents (manifests, invoices, contracts, etc.).

Response to 22. Subject to the General Objections:

The Advertiser Company maintained dumpsters onsite for the disposal of non-hazardous trash at 200 Washington Avenue and 116 South McDonough Street. From 1981 to 1984 (and possibly before and/or after) The Advertiser Company had a contract with Waste Away Inc., for solid waste pickup. A disposal contractor periodically picked up drums of ink and liquid waste from 200

Washington Avenue. Between December 1998 and May 2002, Safety-Kleen removed various wastes from 200 Washington Avenue for treatment or disposal. Documents regarding these shipments are attached. In 2002, a number of shipments of construction and demolition debris were disposed of at the City of Montgomery Landfill. Receipts for these loads were previously provided.

See the responses to questions 9 and 10 for additional information on the disposal or recycling of specific materials or items.

23. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- i. All past and present document retention policies;
 - ii. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - iii. A description of the type of information that would have been contained in the documents
 - iv. The name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had an/or still may have the originals or copies of these documents; and
 - v. The names and most current addresses of any person(s) who may possess documents relevant to this inquiry.

Response to 23. Subject to the General Objections:

When The Advertiser Company ceased its print operation at 200 Washington Avenue in 1997, facility records were stored either at 200 Washington Avenue or at a newsprint warehouse outside the Site area. In approximately 1999, the newsprint warehouse was sold, and most of the records there were destroyed by Shred Away, Inc. Records from the warehouse that were not destroyed were returned to 200 Washington Avenue.

After The Advertiser Company vacated 200 Washington Avenue in 2002, many older records were destroyed rather than moved to The Advertiser Company's new offices. Various documents evidencing document removal in 2003 were previously provided. The Advertiser Company was unable to locate any past document retention policies. A copy of the current retention policy has been provided.

LATHAM & WATKINS^{LLP}

Please let me know if you have any questions regarding this supplemental response.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary P. Gengel", with a long horizontal flourish extending to the right.

Gary P. Gengel
of LATHAM & WATKINS LLP

cc: Stephen P. Smith (USEPA)