



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

URGENT LEGAL MATTER – PROMPT REPLY NECESSARY
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

SCANNED

August 26, 2010

First Lawrence Financial, LLC
c/o CIF, Inc.
Edward W. Huminick, Executive VP, Chief Operating Officer
One Harbour Place, Suite 465
Portsmouth, NH 03801

Re: Notice of Potential Liability and CERCLA Section 104(e) Request for Information
Former Tombarello & Sons Site, Lawrence, MA 207 MARSTON ST

RTN 3-18126

Dear Mr. Huminick:

This letter serves to notify First Lawrence Financial, LLC (“you”) of potential liability regarding the Former Tombarello and Sons Superfund Site (“Site”) as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), commonly known as the federal “Superfund” law. This letter also notifies you of planned removal activities at the Site which you are invited to perform or finance and which you may be ordered to perform at a later date.

Under CERCLA, the U.S. Environmental Protection Agency (“EPA”) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment, *i.e.*, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site located at 207 Marston Street in Lawrence, MA and at impacted residential properties located north of the Tombarello property, on the south side of Hoffman Avenue at 19-53 Hoffman Avenue. The property is fully described by the City of Lawrence Assessor’s Office on Map 33, Lot 17 (Tombarello property) and 19-53 Hoffman Avenue (residential properties) on Map 33, Lots 14, 13, 12, 12-a, 11, 10-1, 10-2, 9 and 8.

Hazardous substances involved in the release or threat of release of hazardous substances at the Site include, but are not limited to: polychlorinated biphenyls (“PCBs”), lead, cadmium, chromium and arsenic. EPA is considering spending public funds to investigate and address the releases and/or threatened releases at the Site. Based on information presently available to EPA, EPA has determined that you may be a potentially responsible party under CERCLA for the cleanup of the Site, which you are invited to perform or finance and which you may be ordered to perform at a later date. Unless a potentially responsible party (“PRP”) or parties commit to

properly performing or financing such actions, EPA will perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106 and Section 107(a), 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973, and other laws, PRPs may be required to implement cleanup actions deemed necessary by EPA to protect public health, welfare or the environment. PRPs may also be responsible for all costs incurred by the Government in responding to any release or threatened release of hazardous substances at the Site, unless the PRPs can show divisibility or any of the other statutory defenses. Such actions and costs may include, but are not limited to: expenditures for investigations, planning, response, disposal, oversight and enforcement activities.

PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on information collected, EPA believes that First Lawrence Financial is a PRP under Section 107(a) of CERCLA with respect to the Site, as an operator of the Site and that First Lawrence Financial has potential liability for the Site. First Lawrence Financial is urged to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

INFORMATION REQUEST

EPA is investigating the release or threat of release of hazardous substances, pollutants and contaminants at the Site. This investigation includes an inquiry into the identification, nature, source, and quantity of materials transported to or from the Site, generated, treated, stored, or disposed of at the Site. EPA is also seeking information concerning those persons responsible for the contamination at the Site and their ability to reimburse the government for its response costs.

In order to attain as complete an informational resource for the Site as possible, EPA is requesting that you supply information with respect to your financial status. Pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. § 9604, you are hereby requested to respond to the Information Request set forth in Enclosure A to this letter. Instructions and definitions for the Information Request are in Enclosure B.

Compliance with the Information Request set forth in the Enclosure A is mandatory and you have an affirmative duty to obtain the information requested, whether or not it is readily

available. Failure to respond fully and truthfully to the Information Request, or to adequately justify such failure to respond, may result in an enforcement action by EPA pursuant to Section 104(e) of CERCLA which permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

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

OUTLINE OF SITE RESPONSE ACTIVITIES

To date, EPA has taken the following response actions at the Site under the authority of the Superfund Program: a Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

Due to the presence of hazardous substances at the Site, and in light of other factors, EPA has determined that there is an imminent and substantial endangerment to public health, welfare, or the environment. In response, EPA plans to conduct the following immediate removal activities: 1) sampling and analysis; 2) install security fencing and provide security guard service as necessary; 3) clear vegetation, debris and other interfering structures as needed; 4) inventory and document existing property conditions, including foundations, driveways, ornamental vegetation, landscaping and yard structures such as pools, outbuildings and patios; 5) excavate and dispose of PCB, lead, cadmium and chromium-contaminated soil at an EPA-approved disposal facility; 6) perform dust control and mitigation measures as necessary; 7) backfill excavations; and 8) repair of response related damage; including replanting lawns, ornamental vegetation, landscaping and fences.

INVITATION TO PERFORM SITE RESPONSE ACTIONS

Before EPA spends public funds to undertake the removal action at the Site, EPA urges you to participate in removal activities or finance all the removal activities outlined above. Any such work performed by you in your capacity as a PRP may be conducted pursuant to an administrative order and an EPA-approved work-plan as authorized by Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). Prior to final issuance of such an order, a draft order would be sent to you or your representative for review and comment. Enclosed is a copy of a summary of a generic Scope of Work. This document should provide an understanding of the types of plans and activities typically required by such an Order.

Be advised that even if you do not indicate a willingness to perform or finance necessary response actions, EPA explicitly reserves any rights it may have to order you to undertake such actions under Section 106 of CERCLA 42 U.S.C. §§ 9606. Failure to comply with a Section 106(a) administrative order may result in a fine of up to thirty-seven thousand five hundred dollars (\$37,500) per day under Section 106(b) or imposition of treble damages under Section 107(c)(3) of CERCLA. Further, you may be held liable under Section 107(a) for the cost of response activities EPA performs at the Site and for any damages to natural resources. In addition, by virtue of Section 113 of CERCLA, 42 U.S.C. § 9613, other PRPs who agree to perform the necessary response action may seek contribution protection.

FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a Site may be substantially limited. If you believe, and can document, that you fall within that category please contact Tina Hennessy listed below for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. You will be asked to fill out form(s) about your finances and to submit financial records including business and personal federal and state income tax returns. If EPA concludes that you have a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

PRP RESPONSE AND EPA CONTACT

You should contact EPA within **ten (10) business days** after receipt of this letter to indicate your willingness to perform or finance the response activities outlined above. If EPA does not receive a response within that time, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response and that you have declined any involvement in performing response activities. Be advised, however, that liability under CERCLA is joint and several; therefore, each PRP is potentially liable for undertaking all response actions or reimbursing the Government for the entire amount of its response costs.

Also please send a written response to the Information Request and provide all supporting financial documentation within **thirty (30) days**, to Tina Hennessy at the address below.

Please provide the name, address and telephone number of a designated contact for future communications. Your written response, including any technical comments or questions concerning the proposed response activities should be directed to the EPA On-Scene Coordinator ("OSC") or the Enforcement Coordinator ("EC") for the Site:

Michael Barry, On-Scene Coordinator
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR02-2)
Boston, Massachusetts 02109-3905
(617) 918-1344

Tina Hennessy, Enforcement Coordinator
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR02-2)
Boston, Massachusetts 02109-3905
(617) 918-1216

Legal questions and all communications from counsel should be directed to:

Michelle Lauterback, Senior Enforcement Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100 (OES04-3)
Boston, Massachusetts 02109-3905
(617) 918-1774

DECISION NOT TO USE SPECIAL NOTICE

Under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and the PRPs to conduct or finance response activities. The use of special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRPs are conducted.

Due to the exigencies posed by conditions present at the Site, removal activities must be conducted as expeditiously as possible. EPA has, therefore, decided not to invoke the Section 122(e) special notice procedures with respect to CERCLA removal actions at this Site. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will continue the response action as planned unless such discussions lead expeditiously to a settlement.

ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA will establish an administrative record containing documents that serve as the basis of EPA's decision on the selection of a cleanup action for the Site. The Administrative Record files may be inspected and

comments may be submitted by contacting the OSC for the Site, Michael Barry, at the above address.

The Administrative Record Files with corresponding index should be available for inspection at a repository near the Site within sixty (60) days of initiation of on-site removal activities, as well as the Superfund Records Center, U.S.E.P.A., 5 Post Office Square, Suite 100, Boston, MA 02109 (617) 918-1440.

SITE ACTIVITY OUTSIDE EPA ACTIONS

If you are already involved in discussions with state or other local authorities or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise or direct you to restrict or discontinue any such activities. However, you are advised to report the status of any such discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

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. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/laws/sblrbra.htm> and review EPA's guidance documents regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has also created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various resources to small businesses. You 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, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

PURPOSE AND USE OF THIS NOTICE

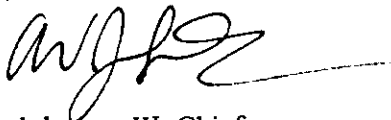
The factual and legal discussions contained in this letter are intended solely to provide notice and information. Such discussions are not intended to be, and cannot be, relied upon as EPA's final position on any matter set forth herein.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact either Tina Hennessy or Michelle Lauterback at the above-listed telephone numbers.

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By copy of this letter, EPA is notifying the Commonwealth of Massachusetts and the Natural Resources Trustees of EPA's intent to perform, or to enter negotiations for the performance or financing of, response actions at the Site.

Thank you for your prompt attention to this matter.
Sincerely,



Arthur V. Johnson, III, Chief
Emergency Planning & Response Branch

Enclosures

cc: Valerie Thompson - MassDEP
Andrew Raddant, Regional Environmental Officer - U.S. DOI
Ken Finkelstein, National Oceanic & Atmospheric Administration - NOAA
Michael Barry, EPA On-Scene Coordinator - OSRR02-2
Tina Hennessy, EPA Enforcement Coordinator - OSRR02-2
Michelle Lauterback, EPA Senior Enforcement Counsel - OES04-3
Holly Inglis, EPA Administrative Records Coordinator - OSRR01-5
Patti Ludwig, EPA CERCLIS Coordinator - OSRR01-5
John Carlson, EPA Contracts Management - OSRR01-5

ENCLOSURE A

**INFORMATION REQUEST FOR
FORMER TOMBARELLO AND SONS SUPERFUND SITE**

Period Being Investigated: 1998 to the Present

In addition to the questions which follow, this enclosure includes a declaration, a site description, detailed instructions for responding to this request, and definitions of words such as "Respondent(s)," "identify," and "waste" used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

1. Answer each question with respect to the period being investigated noted above unless the question indicates otherwise.
2. Answer all questions completely in accordance with the definitions and instructions.
3. Complete the enclosed declaration.
4. For each question, identify all persons and documents relied upon in the preparation of the answer.
5. All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
6. This request imposes a **continuing obligation** upon you to submit responsive information discovered after your original response is submitted to EPA.

1. Contact Information

NOTE: All questions in this section refer to the present time.

- a. Provide the full legal name and mailing address of Respondent.
- b. For each person answering these questions on behalf of the Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.
- c. If Respondent wishes to designate an individual for all future correspondence concerning the Site, including any legal notices, please provide that individual's name, address, telephone number, FAX number, and the designated individual's relationship to the Respondent.

2. Legal and Financial Information for Respondent First Lawrence Financial, LLC

NOTE: All questions in this section refer to the period being investigated.

- a. Complete fully the attached **Financial Statement for Businesses** (Enclosure C) for the Respondent and provide all supporting documentation. For each current partner listed in 3.a.i., please complete the Financial Statements for Businesses/Individuals (Enclosures D and E).
- b. Provide copies of all federal and state tax returns (income tax, gift tax, estate tax, or other), including all complete schedules, for Respondent for the past five (5) years as submitted to the Internal Revenue Service.
- c. Provide the last five (5) years financial statements for Respondent including income statements, balance sheets, cash flow reports, shareholder's reports, financial audits or other financial reports showing Respondent's assets, profits, liabilities and current financial status.
- d. Provide all loan applications filed by Respondent within the last five (5) years.
- e. If Respondent has filed for bankruptcy, provide:
 - i. the U.S. Bankruptcy Court in which the petition was filed;
 - ii. the docket numbers of such petition;

- iii. the date the bankruptcy petition was filed;
- iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
- v. a brief description of the current status of the petition.

f. Provide name and address of the person and/or account in charge of preparing or reviewing Respondent's annual report, and provide a copy of the most recent annual report.

g. Identify the annual profits of the Limited Partnership for the past three (3) years.

h. Please provide Annual Reports submitted to the Commonwealth of Massachusetts for the last three (3) years.

3. Partners

NOTE: The following questions will refer to Respondent as the "Limited Partnership."

a. Identify each and every current former partner of the Limited Partnership and the nature of his or her partnership interest. For each Partner identify:

- i. name and address of each partner;
- ii. whether the partner is a general or limited partner; and
- iii. capital contributions already made by each general and limited partner.

b. Please provide a copy of the certificate of Limited Partnership Agreement and any amendments to the certificate of Limited Partnership and identify:

- i. the year and the state in which the Limited Partnership was formed;
- ii. provide a copy of the most current Articles of Incorporation and By-laws of the Limited Partnership;
- iii. the purpose of the Limited Partnership;
- iv. the scope of the duty of each partner;
- v. the amount of time invested to the Limited Partnership;
- vi. whether certain partners are responsible for management or major decisions, and if so, their powers and duties;
- vii. whether partners may exercise personal rights, such as withdrawal, consent or voting, in the partner's sole discretion; and
- viii. whether there is any provision in the partnership agreement which indemnifies partners from liability.

c. List the states in which the Limited Partnership is or was registered to conduct business. List the relevant time periods in each state.

4. Property

NOTE: All questions in this section refer to the period being investigated, unless otherwise indicated.

a. If anyone is holding real property on behalf of the Limited Partnership, provide the following information:

- i. nature of the agreement;
- ii. name of the person holding such property;
- iii. detailed description of such property; and
- iv. market value of such property.

b. Identify all real property in which the Limited Partnership and any partner of the Limited Partnership had an ownership interest at any time during the past three (3) years and state for each piece of real property:

- i. the name of the owner listed on the deed;
- ii. the identity and location of the property (address or legal description, including county);
- iii. the nature of the interest;
- iv. when it was purchased, from whom and for how much;
- v. when it was sold, if applicable, from whom and for how much; and
- vi. whether the property is currently subject to any mortgage, lease or other encumbrance. If so, identify what kind, with whom, for what amount, the terms and any documentation thereof within your possession or control.

c. State whether the Limited Partnership is the beneficial owner of any assets or property interests that are held by another or titled in another's name? If so, describe all such assets, their value, their location, and in whose name such assets are held.

5. Gifts

NOTE: All questions in this section refer to the period being investigated.

a. If the Limited Partnership has conveyed by gift or otherwise any asset or property interest to another since 1996, provide complete information regarding such conveyance, including the following:

- i. the name and address of the person to whom such assets or property interest was conveyed;
- ii. the fair market value of such asset or property interest on the date of such conveyance; and

- iii. the consideration or payment received by you from the recipient of such conveyance in exchange for the conveyance.

6. Insurance

NOTE: All questions in this section refer to the period being investigated.

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing the Respondent with insurance for loss or damage to the Site property.
- b. To the extent not provided in Question 6a. above, provide copies of all insurance policies that may potentially provide the Respondent with insurance for bodily injury or property damage in connection with the Site and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability). Include, without limitation, all primary, excess, and umbrella policies.
- c. If there are any such policies from Questions 6a. or 6b. above, provide all other evidence of casualty, liability and/or pollution insurance issued to Respondent for the period being investigated.
- d. If there are any such policies of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - i. the name and address of each insurer and of the insured;
 - ii. the type of policy and policy numbers;
 - iii. the per occurrence policy limits of each policy; and
 - iv. the effective dates for each policy.
- e. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution and/or liability insurance program of Respondent and the current whereabouts of each individual, if known.
- f. Identify all previous settlements with any insurer which relates in any way to environmental liabilities and/or to the policies referenced above, including:

- i. the date of the settlement;
- ii. the scope of release provided under each settlement;
- iii. the amount of money paid by the insurer pursuant to such settlement; and
- iv. provide copies of all such settlement agreements.

g. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.

h. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.

i. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to Respondent during the period being investigated including the nature of the insurance requirement and the years when the evidence was required.

j. Identify Respondent's policy with respect to document retention.

7. Lease(s)

NOTE: All questions in this section refer to the period being investigated.

a. Identify all lease(s), sublease(s), and all other written or oral agreements for the use and/or occupancy of the property within the Site boundaries, including:

- i. each lessor or landlord and each lessee or tenant of property within the Site;
- ii. the beginning and ending dates of each such arrangement; and
- iii. describe the specific real estate and/or buildings to which each such arrangement relates.

b. Provide copies of all documents related to each lease, sublease, or similar property interest of property within the Site boundaries, including but not limited to all documents reflecting the purpose or terms of each lease, sublease or similar property interest.

c. Describe all activities undertaken at the Site by each lessee/tenant including, but not limited to:

- i. a brief narrative of the day to day operation of the Site for every three year period during the period being investigated;
- ii. a description of the activities at the Site by date;

- iii. a description of the generation, storage, placement, disposal or treatment of wastes at the Site;
- iv. the identification of (see Definitions) contractors, tenants, or others who carried out operations at the Site;
- v. a description of the activities each contractor or other took at the Site by date;
- vi. a description of the collection of monies, or other compensation for the use of the Site by others;
- vii. a description of the construction and/or demolition of any surface or subsurface structures at the Site (including but not limited to the dates such activities took place); and
- viii. a description of any other significant operations or activities at the Site.

d. Provide a description of all hazardous materials used at the Site by each tenant or operator.

e. Did any lessee/tenant ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:

- i. in general terms, the nature and quantity of each such hazardous and non-hazardous substances so used, purchased, generated, stored, treated, disposed, or otherwise handled;
- ii. how each such hazardous substance was used, purchased, generated, stored, treated, disposed or otherwise handled;
- iii. when each such hazardous substance was used, purchased, generated, stored, treated, disposed or otherwise handled; and
- iv. where each such hazardous substance was used, purchased, generated, stored, treated, disposed or otherwise handled.

8. Respondent's Operations

NOTE: All questions in this section refer to the period being investigated.

a. Describe all activities undertaken at the Site by Respondent for the full period being investigated, including but not limited to:

- i. a brief narrative of the day to day operation of the Site for every three year period of ownership;
- ii. a description of Respondent's activities by date;
- iii. a description of the generation, storage, placement, disposal or treatment of wastes at the Site by date;

- iv. the identification of (see Definitions) contractors, tenants or others who carried out operations at the Site;
- v. a description of the activities each contractor or other took at the Site by date;
- vi. a description of the collection of monies or other compensation for use of the Site by others;
- vii. a description of the construction and/or demolition of any surface or subsurface structures at the Site (including but not limited to the dates such activities took place); and
- viii. a description of any other significant operations or activities at the Site.

b. Provide all information you have, or you have reason to believe exists, which indicates that disposal, treatment, storage or recycling of wastes occurred at the Site during Respondent's ownership.

The attached documents (Enclosure G) indicate that Respondent was creating a fugitive dust situation at the Site.

c. Please describe any and all attempts made to prevent dust from spreading (*e.g.*, maintaining perimeter fencing, keeping the Site secure, eliminating soil disturbance activities).

d. Please provide all information, including documents in your custody, control or possession, relating to work conducted or performed on the Site that could potentially spread dust (*e.g.*, building demolition, heavy equipment, gravel screener).

9. Site Characteristics

NOTE: All questions in this section refer to the period being investigated, unless otherwise indicated.

a. Describe the physical layout and characteristics of the property, for each three year period during the period being investigated, including but not limited to:

- i. surface structures (*e.g.*, buildings, gates, fences, tanks, lagoons, settling ponds, bridges, substation);
- ii. subsurface structures (*e.g.*, underground tanks, storm water systems, sanitary sewer systems, drains, leach fields, septic systems); and
- iii. ground water wells.

b. Provide all maps in your possession depicting each of these characteristics and its location on the property.

c. Describe how the characteristics referred to in the preceding question changed over time (e.g., when they were built, installed, altered, damaged, demolished) and the dates of each change.

d. Describe all leaks, spills, or releases at or from the property of materials that were or may have been hazardous, toxic, flammable, reactive, or corrosive, or may have contained hazardous substances, including, but not limited to:

- i. the date of each such occurrence;
- ii. the specific location of each such occurrence; and
- iii. the materials that were involved in each such occurrence in terms of the nature, composition, color, smell, and physical state (solid or liquid) of such material.

e. Describe and provide the dates of all activities undertaken by Respondent and others to:

- i. address all leaks, spills, or releases of materials at or from the property; and
- ii. to prevent a threatened leak, spill, or release at or from the property.

10. Information About Others

a. If not already included in your response, if you have reason to believe that there may be persons able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

II. Compliance With This Request

a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:

- i. the names of all individuals consulted;
- ii. the current job title, job description, address and telephone number of each individual consulted;
- iii. the job title and job description during the period being investigated of each individual consulted;
- iv. the nature of all documents reviewed;

- v. the locations where those documents reviewed were kept prior to review;
and
 - vi. the location where those documents reviewed are currently kept.
- b. Identify Respondent's policy with respect to document retention.

The following form of declaration must accompany all information submitted by Respondent in response to the Information Request:

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of

_____ and that the foregoing is complete, true, and correct.
Respondent

Executed on _____, 20__

Signature

Type Name

Title [if any]

ENCLOSURE B

INFORMATION REQUEST INSTRUCTIONS

1. Answer Every Question Completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide Information about the Period Being Investigated. You are required to answer each question with respect to the period being investigated. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
4. Provide the Best Information Available. You must provide responses to the best of Respondent's 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 the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
7. 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, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA. Failure to supplement your response within (thirty) 30 days of discovering such responsive information may subject you to thirty seven thousand five hundred dollars (\$37,500) per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the Respondents may be subject to criminal prosecution.

8. Complete the Enclosed Declaration. You are required to complete the enclosed declaration which certifies that the information you are providing in response to this Information Request is true, accurate, and complete.

9. Confidential 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. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information when it is received by EPA, or if you do not assert such claim on the information, it may be made available to the public by EPA without further notice to you.** You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

10. Disclosure to EPA Contractor. Information which you submit in response to this Information Request will be disclosed by 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 EPA intends to disclose all responses to this Information Request to one or more of its private contractors listed in the attached EPA Contractor List 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.

11. 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." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 9 for information concerning treatment of individual tax returns.)

12. Objections to Questions. While the Respondent may indicate that they object to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondents to the penalties set out in the cover letter.

13. Claims of Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

EPA CONTRACTOR LIST

Updated April, 2010

CONTRACTOR

CONTRACT NUMBER

ASRC Management Services, Inc.
Subcontractor: Booz Allen Hamilton
Effective: April 19, 2008

Contract # EP-SI-06-02

James Kerr and Associates, LLC
Effective: September 4, 2003

Contract # GS-10F-0272S

Industrial Economics, Inc.
Effective: March 22, 2002

DOJ Contract # 02-C-0437
(Subcontract 022-02-S-0110)

Eisenstein Malanchuk LLP
Effective: September 1, 2007

Contract # EP-W-07-079

Sovereign Consulting, Inc.
Subcontractor: TechLaw, Inc.
Effective: July 1, 2006

START 8(a) Contract # EP-W-06-043

Mabbett & Associates, Inc.
Effective: September, 2009

REPA4 Contract # EP-W-07-051

INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Information Request and related Enclosures:

1. The term "you" or "Respondent" shall mean the addressee of this Request (First Lawrence Financial, LLC).
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:
 - (a) 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 of the following:
 1. invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order;
 2. letter, correspondence, fax, telegram, telex, Email;
 3. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
 4. agreement, contract, and the like;
 5. log book, diary, calendar, desk pad, journal;
 6. bulletin, circular, form, pamphlet, statement;
 7. report, notice, analysis, notebook;
 8. graph or chart; or
 9. copy of any document.
 - (b) microfilm or other film record, photograph, or sound recording on any type of device;
 - (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
 1. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and

2. printouts of such punch card, disc, or disc pack, tape or other type of memory; and

(d) attachments to or enclosures with any document as well as any document referred to in any other document.

3. The term "identify" or "provide the identity of" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with job title, position or business; and (d) the person's social security number.

4. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address and telephone number; (c) legal form (*e.g.*, corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (*e.g.*, letter, invoice); (b) its date; (c) its number, if any (*e.g.*, invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; (e) and a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.

6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The terms "the period being investigated" and "the relevant time period" shall mean the period being investigated as specified on the first page of the Information Request Questions.

8. The terms "the Site" or "the facility" shall mean and include the property located at 207 Marson Street and 19-53 Hoffman Avenue in Lawrence, MA currently identified by EPA as the Former Tombarello and Sons Superfund Site.

9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

10. The term "asset" shall mean and include but not be limited to the following: cash, commodities, personal property, collectibles, real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in

partnerships, corporations, and unincorporated companies, whether foreign or domestic, securities, patents, stocks, bonds, and other tangible as well as intangible property.

11. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

ENCLOSURE F

SUMMARY OF GENERIC SCOPE OF WORK

This summary of the Generic Scope of Work is provided for informational purposes only. More detailed provisions will be set forth in the site-specific Scope of Work. Provisions may vary from site to site.

When EPA determines that a Potentially Responsible Party (PRP) has the ability to promptly and properly prevent, mitigate, or eliminate the threats posed by hazardous substances at the Site, EPA may issue an Administrative Order (Order) to such party (the Respondent) with an attached Scope of Work (SOW). The Order and SOW, among other things, compel the Respondent to develop a plan to clean up the Site. The components of the plan (also called a "deliverable") must be submitted to EPA for approval before implementation. Detailed instructions for generating each component shall be provided in the SOW. The plan shall consist of the components listed below.

- 1) **Site Security** - The Respondent shall provide on-site security service. Site security shall be maintained until EPA determines the threats posed by conditions at the Site are eliminated or substantially mitigated.
- 2) **Notification of Contractor Selection** - The Respondent shall notify EPA of the proposed cleanup contractor selected to perform work required under the Order.
- 3) **Site-Specific Health and Safety Plan (HASP)** - The Respondent shall develop and implement a HASP for all activities to be conducted at the Site. The HASP shall be developed to protect all on-site personnel and must comply with all applicable health and safety regulations.
- 4) **Quality Assurance Plan (QAP)** - The Respondent shall develop a QAP to be utilized in conducting all field and laboratory analysis. The QAP shall ensure that analytical results generated are of known quality.
- 5) **Site Assessment Plan (SAP)** - The Respondent shall develop a SAP specifying the overall strategy of the field investigative work necessary to characterize site contamination.
- 6) **Site Assessment** - A Site Assessment shall be conducted following EPA approval of the SAP.
- 7) **Site Assessment Report and Cleanup Plan (SAR/CP)** - Following completion of the Site Assessment, the Respondent shall develop a SAR/CP that summarizes the Site Assessment and proposes cleanup methods necessary to substantially mitigate and/or eliminate the threats posed by hazardous substances present at the Site.
- 8) **Site Cleanup** - The Site Cleanup shall be conducted according to the EPA approved Cleanup Plan.
- 9) **Completion of Work Report (CWR)** - Upon completion of the Site Cleanup, the Respondent shall submit a CWR summarizing the work performed under the Order and SOW and outlining any remaining contamination.

At any time prior to or after the completion of the work specified in this SOW, EPA may determine that additional tasks are necessary in order to achieve the objectives of this Order, the SOW and CERCLA.

ATTACHMENT 1

SITE DESCRIPTION

The Former Tombarello and Sons Property Site (the "Site") consists of nine privately-owned residential properties and an approximately 14- acre abandoned former metal scrap recycling facility known as John C. Tombarello & Sons ("Tombarello property"). The impacted residential properties are located at 19-53 Hoffman Avenue in Lawrence, Essex County, Massachusetts (Map 33, Lots 14, 13, 12, 12A, 11, 10-1, 10-2, 9 and 8), north of the Tombarello property, the address of which is 207 Marston Street (Map 33, Lot 17). This mixed industrial/residential area is bounded on the east by I-495, on the west by Marston Street, on the north by the Hoffman Avenue, and on the south by industrial properties. A middle school is located across Marston Street from the Tombarello property.

The nine residential properties total approximately 2 acres and are adjacent to the northern boundary of the approximate 14-acre facility. They had reportedly been contaminated due to their proximity to operations on the facility, are all currently occupied, and their condition and features are consistent with well-maintained homes. The Tombarello property contained a metal reclamation facility that operated for many years. Recent operations included magnetic separation of metals from soil and truck driving instruction; both of which generated dust. Elevated levels of polychlorinated biphenyls ("PCBs") and metals have been detected throughout the back yards.

MassDEP has requested EPA's assistance in performing a removal action at the Site. EPA subsequently performed a preliminary assessment/site investigation and detected elevated levels of metals, specifically lead and PCBs throughout the back yards. EPA subsequently determined that a removal action was necessary to excavate and dispose of contaminated soil.

END OF INFORMATION REQUEST

THANK YOU FOR YOUR COOPERATION