

Alternate Energy Resources (AER) Superfund Site

Frequently Asked Questions

Why did I receive an Offer of De Minimis Settlement from the EPA? The Resource Conservation and Recovery Act (RCRA) defines solid waste and hazardous waste and establishes the “cradle to grave” responsibility for generators. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. CERCLA provides EPA broad and sweeping authority to remediate contaminated sites and to levy fees or penalties against contributing parties, regardless of waste type. Waste that you generated was received, stored, processed or shipped to/from the AER facility. The Federal EPA and Georgia EPD reviewed manifests at the AER site and identified all parties sending waste to the facility as PRPs. The notification was sent to all parties who generated waste that was shipped to the facility, regardless of waste type or quantity. The initial package you received from EPA is a draft offer only. While Crandall was aware of the situation and has been working on your behalf for years, we were as much surprised as you that EPA distributed these packages at this time.

Why is the AER site a Superfund site? Although AER was properly permitted over the years, they experienced spills, drips and leaks through various materials handling and processing stages. The spilled materials are extremely heavy, and they migrated through the soils and into the groundwater. The AER site filed for bankruptcy in 2000, and the GA EPD and Federal EPA intervened to control the site. The site was placed on the National Priorities List and became a Superfund Site. **Although your waste may not be the cause of the contamination, anyone who sent materials to this site is responsible for the remediation and cleanup. Crandall’s operations in regards to your materials and our materials did not operated throughout this time period with no fines or violations nor did we or you do anything improper.**

What is the purpose of the meeting on October 20th, and should I attend the meeting? EPA wants the PRPs to meet as a group to discuss the **proposed** settlement offer and to determine if the proposal and settlement amounts are agreeable. Once a consensus is reached, a final draft and final payment amount will be distributed to all PRPs. You can certainly attend the PRP meeting scheduled for October 20th if you prefer.

Should I consult with an attorney? You have the option to plead your case independently of the PRP group and to not participate in the settlement agreement. Depending on the amount of your liability, the attorney’s fees could easily exceed the settlement allocation. However, an attorney will not be necessary to enter into the final Settle Agreement once it is distributed, but as always, it remains your option.

What should I do at this point? You are not required to do anything at this point. Crandall will publish information as it becomes available on the Crandall web site at www.crandallusa.com and via facsimile.

Should I pay the settlement allocation amount now? **No**. The settlement agreement is not finalized. The meeting on October 20th will address the settlement agreement and allocation for the PRP group. Representatives from Crandall Corporation will be attending the meeting.

What precautions were taken to avoid situations such as this? Crandall Corporation, as well as our competitors and Fortune 100 and Fortune 500 companies, conducted periodic audits of this facility and other treatment facilities to minimize the risk of environmental liability. Unfortunately, audits are a snapshot in time, and nobody can guarantee compliance 24/7 or proper material management practices in all circumstances based on the limited observation that an audit provides.

How can I minimize the chance of this occurring in the future? Implement waste minimization strategies to reduce the amount of waste generated and shipped off site. Consider options such as chemical substitution, recycling, or waste minimization through procedural changes and work practices. Please understand that no one can isolate you from federal, state, and local laws; nor can they fall on the sword on your behalf. As the generator, there is always the risk of this liability as well as the guarantee of ownership.

Was Crandall Corporation identified as a PRP? Yes. Crandall Corporation was identified as a PRP.

What other companies are identified as PRPs? Many Fortune 100 and Fortune 500 companies are identified as PRPs as well as county and state government agencies, military branches, public utilities, and assorted manufacturing and service providers. There are in excess of 1,300 companies involved with this site.

Are other service providers named as PRPs? If so, would I be identified as a PRP if they provided my waste management services during the period prior to 2000? Other local, regional, and national service providers and their customers are listed as PRPs. They too have been deemed liable for their portion of waste materials sent to the AER site. Had they transported your wastes to the AER site, there would be a financial obligation under CERCLA.

What happens if we enter into a Settlement Agreement with the EPA? By executing the agreement and submitting your portion of monies requested, you are granted immunity from any future requests for this site. The specifics will be detailed in the final settlement agreement.

Crandall will publish information as it becomes available. We will post updates on our web site at www.crandallusa.com. We may also fax or email periodic updates. You can be added to our list by sending an email to info@crandallusa.com and put AER in the subject line.

If this information does not answer your questions, call us for further clarification. As always, we have acted on our customers' and our own best interest to minimize liability.

Please be aware that all information related to this matter is public information.