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October 16, 2002

OF COUNSEL  
 PHILIP LINDEMAN II <sup>Δ</sup>

Clay Monroe, Esq.  
 Assistant Regional Counsel  
 United States Environment  
 Protection Agency  
 Region 2  
 290 Broadway  
 New York, NY 10007-1866

<sup>Δ</sup> NJ & NY

Re: Land Subject to Superfund Cleanup  
Washington Township, New Jersey

Dear Mr. Monroe:

This will confirm my telephone conversation with you yesterday, October 15, 2002. This firm represents David P. Pascale and Fairmount Land Corporation.

To the best of David Pascale's knowledge, the property was purchased by Fairmount Land Corporation (then owned and controlled by his father John Pascale) in 1963 for approximately \$45,000. There was a \$35,000 purchase money mortgage given to the sellers, George Salter and his wife, Carrie Salter. In 1975, David purchased the stock in Fairmount Land Corporation from his father for approximately \$45,000, the amount his father told him he had paid for the property.

To the best of David Pascale's knowledge, the property had been owned by the Salters since sometime in the late '40s/early '50s, and had been farmed by them from the time they purchased it

HELLRING LINDEMAN GOLDSTEIN & SIEGAL LLP

Clay Monroe, Esq.

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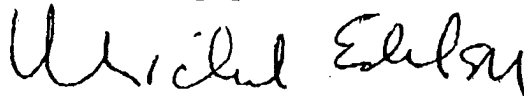
October 16, 2002

until the early '60s. Thereafter and at the time David purchased Fairmount Land Corporation from his father, the property was being farmed by the Hoffman family, which continues to farm the property up until today's date.

The only use of which David was aware that had been made of the property was for farming and hunting. None of the farmers or hunters ever reported any contamination of the property. David was unaware of any contamination until an investigation of the property was made by a prospective purchaser, George Wetteland. To the best of David's knowledge, his father was not aware of any contamination on the property.

If you need anything further from Mr. Pascale, please let me know.

Very truly yours,



ME/cb

cc: David P. Pascale



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1868

August 5, 2002

David P. Pascale  
Fairmont Land Corporation  
728 North Manasota Key Road  
Englewood, Florida 34223

Re: Land Subject to Superfund Cleanup in Tewksbury, NJ

Dear Mr. Pascale:

The U. S. Environmental Protection Agency is currently evaluating whether to place a lien on 44 acres owned by Fairmont Land Corp. ("FLC") in Tewksbury Township, NJ. As you know, EPA spent a considerable sum (approximately \$2 million) removing unexploded ordinance from this property. Answers to the following questions would be helpful in our evaluation:

Whether, at the time of purchase, FLC had specialized knowledge or experience regarding previous uses of the property;

Why the value of the property was \$1 at the time of purchase in 1963;

What FLC knew about previous uses of the property;

Whether contamination of the property was obvious at the time of purchase; and

The ability of FLC to detect contamination by appropriate inspection in 1963.

Any information you could provide regarding the above would be most helpful. If you or your attorney have any questions, I can be reached at (212) 637-3142. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Clay Monroe".

Clay Monroe  
Assistant Regional Counsel

cc: Robert J. Montgomery (Edison)

Internet Address (URL) • <http://www.epa.gov>

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1886

August 12, 2002

David P. Pascale  
Fairmont Land Corporation  
728 North Manasota Key Road  
Englewood, Florida 34223

Re: Land Subject to Superfund Cleanup in Washington Township, NJ

Dear Mr. Pascale:

In my letter of August 5, I should have referred to property owned by FLC in Washington Township, NJ (Block 60, Lots 1 and 5) instead of Tewksbury. As you are probably aware, removal activities (as opposed to survey activities) took place solely on the Washington Township parcel. Therefore, in responding to my August 5 letter please consider the "property" referred to in that letter to be that owned by FLC in Washington Township. I apologize for any inconvenience. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Clay Monroe".

Clay Monroe  
Assistant Regional Counsel  
(212) 637-3142

cc: Robert J. Montgomery (Edison)



## U.S. Environmental Protection Agency Region 2

New Jersey, New York, Puerto Rico and the U.S. Virgin Islands

290 Broadway - New York, New York 10007-1866

[www.epa.gov/region2](http://www.epa.gov/region2)

Rich Cahill (212) 637-3666

### EPA COMPLETES SUPERFUND REMOVAL OF BURIED WWII ORDNANCE IN UNDEVELOPED AREA OF LITTLE VALLEY IN WASHINGTON TOWNSHIP

FOR RELEASE: Thursday, June 13, 2002

(#020060) NEW YORK, N.Y. — The U.S. Environmental Protection Agency (EPA) has completed the removal and disposal of the buried bombs, fuzes and related material from World War II it uncovered at the 70-acre Washington Township Ordnance site in Little Valley, Morris County, New Jersey. The site, near the intersection of Fairmount Road and Parker Road, was operated by United Wallpaper Factories Incorporated for the manufacture of incendiary bombs during World War II. Unused and/or discarded ordnance and associated materials were buried at the site and several hundred burned bomb canisters and fuzes have been found there over the years.

“The potential for finding live, unexploded bombs and/or fuzes triggered our action to protect public health and safety,” EPA Regional Administrator Jane M. Kenny stated. “We found and disposed of more ordnance than we suspected was there.”

Fort Monmouth ordnance experts and the US Army Corps of Engineers personnel visually inspected the site in the summer of 2000, in response to a request from Morris County Emergency Services, and did not find ordnance that contained explosives. The New Jersey Department of Environmental Protection (NJDEP) alerted EPA, which investigated the site in 2000 using geophysical techniques to survey the area for metal anomalies related to ordnance items. EPA began the cleanup of the site late last year under its federal Superfund authority. During its operations, EPA restricted public access to the site, which was frequented by hunters, hikers, dirt-bike riders and equestrians.

EPA worked closely with local authorities throughout the investigation and cleanup effort. “We thank everyone involved for their support and assistance. We also appreciate the cooperation of local residents and officials during this very successful operation,” Ms. Kenny said. The project cost a total of \$1.8 million, which was financed by the federal Superfund Trust.

The site consists of an active chemical manufacturer, a residence, and undeveloped land. Discarded ordnance was identified at all three properties; however, the greatest concentration of ordnance was in remote locations on the parcel of undeveloped land, mostly open fields and woodlands.

EPA utilized the services of Unexploded Ordnance (UXO) specialists to address the buried ordnance at the site. The work included identifying, removing, and disposing of any ordnance-type material. EPA divided the site into a number of grids, each measuring exactly 100' X 100'. The surface of each grid was inspected and then specialized equipment was used to identify where the ordnance materials were buried. UXO specialists manually excavated areas suspected of containing buried ordnance. Trenches and burial pits containing a large quantity of ordnance items were discovered in the wooded undeveloped area of the site. Soil was excavated from these trenches and pits and screened to recover fuzes and bombs. Any ordnance material discovered on the surface or buried below was removed and secured on-site for detonation and/or disposal.

The specialty firm detonated any UXO on the site property rather than attempt to remove live shells. Access to the site was carefully controlled and the detonations were performed under very secure conditions. Stringent health and safety protocols were in place to eliminate any health and safety issues for the specialists posed by the ordnance. Inert ordnance materials were recycled as ordnance related scrap at appropriate off-site facilities.

The total number of ordnance items recovered included: 22,766 empty M-69 bomb casings, over 650,000 inert fuzes, 4 inert M-2 rockets, 267 live M-69 bombs, 99 M-50 live bombs, 730 live fuzes and 31 M-1 fuze primers. All of the live ordnance found, a total of 1,127 UXO items, were destroyed in a series of 19 detonations. Following the removal of ordnance material, the area was reevaluated to ensure that a major threat to the public health and safety has been addressed. All areas disturbed during the investigation and cleanup work were restored.

EPA is advising the owners to use caution during any excavation activity at their properties in the event that some small amounts of ordnance may remain at the site.

The NJDEP is conducting its own investigation of the site to address soil and ground water contamination from several chemical and industrial facilities that operated there after bomb manufacturing stopped at the end of WWII.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION II**  
**EDISON, NEW JERSEY 08837**

June 11, 2002

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUEST**

Fairmont Land Corporation  
 C/O David Pascale  
 728-N. Manasota Key  
 Englewood, Florida 34223

Re: Block 60, Lot 1, Washington Township, Morris County, New Jersey

Dear Mr. Pascale:

This is to inform you that the United States Environmental Protection Agency (EPA) has completed an ordnance and explosives (OE) removal action at your property. The following is a brief description of the removal action for your information.

In June of 2000, EPA received a request from the State of New Jersey Department of Environmental Protection (NJDEP) to evaluate a former World War II era incendiary bomb manufacturing facility and adjacent properties in Washington Township, Morris County, New Jersey, for a removal action consideration under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This request was prompted by the discovery of several hundred AN-M69 incendiary napalm bomb bodies and numerous M-1 fuzes by a prospective purchaser of your property who had performed exploratory excavations in the area.

In response to the NJDEP's request, EPA assessed the Site which included Block 60, Lot 1, owned by the Fairmont Land Corporation; Block 60, Lot 3, an active residential property and Block 60, Lot 14, the former bomb manufacturing factory, currently known as Cleveland Industrial Center and owned and operated by Cooper Chemical. EPA determined that the Site was eligible for a CERCLA removal action due to the potential presence of unexploded ordnance (UXO). Subsequently, EPA tasked its Emergency and Rapid Response Services (ERRS) Contractor to initiate a response action to mitigate the threats to the public safety. ERRS secured the services of a UXO firm specializing in the identification, removal and disposal of any ordnance type material that may be found at the Site.

EPA along with ERRS and the UXO subcontractor mobilized and started the OE removal action on November 28, 2001. The entire Site was first subdivided into a network of 100' x 100' grids. Each grid was then visually inspected and/or swept by magnetometers, and ordnance items that either were partially exposed or lying on the ground were removed. Clearing and grubbing in wooded areas were done as necessary. Following the removal of surface ordnance, grids were investigated by geophysical equipment and/or magnetometers to identify anomalies (signals of buried metallic objects). Anomaly investigation included geophysical survey using the Geonics EM-61 time-domain electromagnetic instrument at a 3 - foot line interval. In areas where the EM-61 could not be utilized because of terrain obstacles, magnetometers were used. Each anomaly was then reacquired and reexamined with a set of

geophysical and magnetic instruments to eliminate "false positives," and the confirmed anomalies were excavated to remove buried ordnance objects (bomb casings, fuzes or their components).

Since the start of the removal action, more than 675,000 OE items, including incendiary bombs, fuzes, and their burnt remnants, parts, and components, have been found and removed from various areas of the Site. The majority of the OE items have been empty or burnt bomb bodies and inert fuzes, but approximately 1,100 unexploded ordnance (UXO) objects were also found.

A total of 1,573 items (1,110 empty M-69 bomb bodies, 411 inert M-1 fuzes, 4 inert M-2 rockets, 41 live M-69 bomb containing expelling charge and/or napalm filler, and 7 live M-1 fuzes) was found in 84 grids (approximately 19 acres of area) scattered throughout the Site at depths of a few inches to 2 feet. These items were excavated by hand tools.

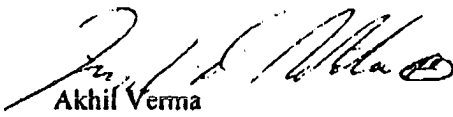
The heaviest concentration of OE items was discovered in an area of less than 2 acres (seven adjacent grids) located in the central wooded portion of your lot across from the open field. Apparently, a large number of bombs and fuzes were discarded by burying and/or burning them in pits and trenches in this area. Earth moving machines were deployed to excavate and remove the OE items from this area. A large volume of soil had to be screened to separate a large number of small 1" diameter x 2.5" fuzes. Approximately, 22,000 burnt bomb casings and 652,000 fuze pieces were recovered from trenches and burn pits more than 6 feet deep. Pieces of slag (up to 10' size) formed by burnt/fused bomb and fuze shells were found in the pits as an indication of burning in this area.

The inert OE items were recycled as ordnance related scrap (ORS) at an off-site facility, and live UXOs were detonated at the Site. Finally, the areas disturbed by the intrusive investigations and excavations were graded, dressed and restored to their pre removal conditions.

EPA would advise you that best efforts have been made to locate, identify and remove all of the OE items from the Site. However, due to equipment limitations, unique geology (ferromagnetic mineral enriched rocks), the presence of buried non- ordnance related metal trash (e.g., nails, fence, wires, etc.) and small fragments of bomb pieces or parts, and an enormous amount of ordnance items recovered, it cannot be assumed that each and every anomaly (which may include a fuze and/or bomb casing) has been detected and removed. As such, caution should be exercised during any intrusive activities conducted at your property.

EPA would like to thank you for your cooperation and granting us the access to your property to conduct the ordnance removal action. Should you have any questions, or would like to visit the Site and see for yourself the completed work, please do not hesitate to contact me at (732) 321-4459 or Joseph Rotola at (732) 321-6652.

Sincerely,



Akhil Verma  
On Scene Coordinator

- cc: C. Monroe, EPA
- J. Rotola, EPA
- R. Salkic, EPA