Gowanus Canal Superfund Site
Potentially Responsible Party (PRP)
Search Status - January 2013

As of January 2013, EPA has sent notices of potential liability to thirty-one companies, New York City, the US Navy, the US Postal Service, the US General Services Administration, the US Maritime Administration and the former owner of a company. Those parties were also sent information request letters. Seventy-three other companies have been sent information request letters as well. The recipients of each type of letter are listed below.

EPA has taken various other enforcement-related steps related to the Canal. In April 2010, EPA entered into administrative consent orders with New York City and National Grid to provide work in support of EPA’s remedial investigation. In September 2010, EPA entered into a judicial bankruptcy consent decree with Chemtura Corp. under which Chemtura paid EPA $3.9 million to resolve its liability with respect to the Site. Chemtura also agreed to perform cleanups at their former Court Street facilities in Red Hook under the oversight of the NYSDEC.

How EPA Identifies PRPs

EPA typically gathers the names of possible parties from many sources. For the Gowanus Canal, these sources include the “Phase 1” investigation done in 2004 by the US Army Corps of Engineers based mainly on environmental databases; historic Sanborn maps; online archives; state and local records; and from information submitted by other parties, including New York City, National Grid and members of the public.

EPA then typically sends each party an information request letter, the Superfund equivalent of a subpoena. Because many Gowanus-related records are decades old, EPA is often allowing parties 3-6 months to respond. In some instances, companies have moved or changed names, requiring several service attempts, or the company may turn out to be bankrupt or defunct.

In general, the companies have been responsive. EPA has obtained several hundred thousand pages of records and expects to receive hundreds of thousands of pages of additional documents. When EPA has adequate information at the outset, EPA may issue a notice letter at the same time as an information request letter. Other parties who have answered information requests but were not simultaneously named as PRPs may later be given a notice of potential liability. For a long-term remedial project such as this, EPA may continue to pursue parties until the statute of limitations runs, which is 6 years after the cleanup is started.

It should be noted that a notice of potential liability is not a legal determination that a party is in fact responsible, only a warning that EPA believes this may possibly be the case as of the time of the notice. EPA may revise a party’s status as additional information is received. A notice letter is also intended to provide a party with an opportunity to participate in the Superfund process.

Superfund Settlements

Under the Superfund law, parties may be jointly and severally liable for a cleanup. This means
that each given party is theoretically liable for the entire cleanup. Contribution among joint and severally liable parties is often resolved through settlements which take into account an equitable allocation of the cleanup costs. This allocation may be based on a variety of factors such as waste volume and toxicity in order to estimate each party’s relative waste contribution. The financial capability of responsible parties may vary widely. The size of a company does not necessarily reflect their share of the waste. EPA has a variety of Superfund enforcement tools to ensure that contributors pay an appropriate share. These include issuing unilateral administrative orders mandating a cleanup under threat of penalties and treble damages, filing a civil suit, and entering into ability to pay settlements, particularly for small businesses and individuals. EPA currently expects to negotiate a settlement with all of PRPs for performance of the cleanup after the final remedy is selected. In appropriate circumstances, EPA may reach separate settlements with certain parties.

**List of Notice of Potential Liability and Information request letters recipients**

Below is the current list of parties that have been sent some form of EPA correspondence regarding the Gowanus Canal. Due to mergers, name changes and other corporate transactions, the name of the original company which operated at the Canal may have changed multiple times over a century or more. The companies with whom EPA has corresponded are listed below. The names of companies which EPA believes may be related to the recipients are shown in parentheses. Several companies (such as Rio Tinto Alcan, BP and Dupont) that have been sent information requests or notice letters have asserted that other companies are the proper successor. Those companies are noted with an asterisk or parenthetical references to the unaffiliated predecessor have been removed. If EPA determines that a party has been incorrectly issued a notice of potential liability, EPA will issue a retraction letter.

**List of Notice of Potential Liability and Information request letters recipients:**

1. Beazer East, Inc. (Beazer Materials & Services, Inc., Koppers Company, Inc.) - answered in March 2010
4. Chemtura Corp. (Argus Chemical Co., Witco Chemical Co., Crompton Corp.) - answered in October 2009, supplemented in September 2010; $3.9 million EPA judicial bankruptcy settlement approved in December 2010
5. New York City - initial answer submitted in March 2010, supplemented in December 2010, January 2012 and November 2012; additional supplement pending; supplemental information request issued in September 2012, partial response submitted in November
2012, further response pending

6. U.S. Navy - answered in March 2010

7. Cibro Petroleum Products, Inc. (Cirillo Brothers, Inc./Cibro Petroleum/Brooklyn, Inc.) - answered in March 2010; company defunct

8. Amerada Hess Corp. (Patchogue Oil, Spentonbush and Ira Bushey and Sons) - answered in October 2009, supplemented in April 2010, supplemented in November 2011


12. Daniel Tinneny (Vidan Auto Salvage, Tinneny President Street LLC) - answered April 2011


14. MCIZ Corp., Fifteen Second Avenue LLC, 36-2nd-J Corp., and 107 Sixth Street LLC - answered in December 2011

15. Brink’s Inc. (Greason Son & Dazell, Inc.*; The Pittston Co., Metropolitan Petroleum Corp.) - answered in March 2010, supplemented in March 2012

16. Rapid American Corp.* - answered in March 2010

17. Bayside Fuel Oil Corp. - answered in October 2009


19. ExxonMobil Oil Corp. (Standard Oil Co. of New York) - answered in September 2009, supplemented in June 2010

22. Patterson Fuel Oil Company, Inc. (Scranton and Lehigh Coal Co.) - answered in October 2009
23. The Union Oil Company of California, aka Unocal, a subsidiary of Chevron Corp. (Pure Oil Co.) - answered in September 2009
25. SPX Corporation (O-Z/Gedney Co., Inc.) - answered May 2011, supplemented in May 2011
26. U.S. Postal Service - answered in September 2011
27. U.S. General Services Administration (as former owner of the above U.S. Postal Service 2nd Avenue Detached Mail Unit and Vehicle Maintenance facilities)
30. Rexam Beverage Can Co. (Metal Package Corp.) - answered in September 2011
31. NIC Holding Corporation (Northville Industries Corp., Premium Corp. and Premium Coal & Oil Co.) - answered in May 2011
32. Hauck Manufacturing Co. - answered in September 2011
33. CBS Corp. (Westinghouse Electric and Manufacturing Co. and Krantz Manufacturing Co.) - answered in October 2011, supplemented in April 2012
35. TDA Industries, Inc. (Acqueron, Inc. and Northeastern Plastics, Inc.) - answered in May 2012
36. Northeastern Plastics, Inc. (NPI Plastics, Inc.) - answered in September 2011
37. U.S. Maritime Administration - issued in January 2013, response pending
Information request letter-only recipients:

1. AkzoNobel (International Salt Co., Inc.)- answered in October 2010; supplemented in March 2011
2. BP America, Inc. - answered in December 2009
3. Seagrave Coatings Corp. - answered in August 2009
4. E. I. Du Pont de Nemours and Co. - answered in August 2009
5. Rio Tinto Alcan Inc. - answered in September 2009
6. Unilever USA, Inc. (American Cotton Oil Company) - answered in October 2009, supplement pending
7. Fuqua Enterprises, Inc. - answered in November 2009
9. Universal Fixture Corp. - apparently defunct following bankruptcy
11. Viacom, Inc. - answered in December 2010
12. Castle Oil Corp. - answered in December 2010
15. Petroleum Tank Cleaners Ltd. (Tanks To U, Inc.) - answered in March 2011
18. Lehigh Coal and Navigation Co. (Brooklyn Union Coal Co.) - issued in March 2011, may be defunct
19. Nelson Brothers Fuel Corp. (Nelson Brothers Fuel Co.) - issued in March 2011, appears to be defunct

20. PLC Enterprises, Inc. (Seagrave Corporation, Debevoise Co., Cheesman-Elliot Co.) - answered in March 2012, supplemented in August 2012, September 2012 and October 2012

21. Sears Holdings Corp. - answered in December 2011

22. Truetech, Inc. - answered in March 2011

23. United Receptacle, Inc. - answered in June 2011


25. United States Steel Corp. - answered in July 2011

26. Coca-Cola Enterprises Inc. (Coca-Cola Bottling Co. of NY, Inc.) - answered in May 2011

27. J.H. Williams Tool Group (J.H. Williams & Co.) - answered in May 2011, supplemented in July 2011


29. Central Coal Co., Inc. (Greason, Son & Dalzell, Inc.) - issued in March 2011, company apparently defunct


31. Resina West, Inc. - answered in October 2011

32. Sensient Technologies Corp. (H. Kohnstamm and Co., Inc.) - answered in December 2011

33. Zophar Mills, Inc. - answered in August 2011

34. 6th Street Iron and Metal - answered in October 2011, supplemented in March 2012

35. Benson Metal Corp. - answered in January 2012

36. Cooper Tire and Rubber Co. - answered in September 2011

37. T.E. Conklin Brass and Copper Corp. - answered in September 2011
38. McNally International Corp. (McNally Trucking Corp., McNally Bros, Inc.) - answered in March 2012
39. Ryder System, Inc. (Ryder Truck Rental, Inc.) - answered in December 2011
40. Advance Paper Recycling Corp. - answered in December 2011
41. PepsiCo, Inc. - answered in September 2011, supplemented in October 2011
42. O. C. Adhesives Corp. (Adhesion Systems, Inc.) - answered in July 2012
43. Ulano Corp. (Diagravure Film Corp.) - answered in August 2012
44. Motorola Solutions (Motorola Holding Co., Inc.) - answered in February 2012
45. Regency Service Carts, Inc. - issued in December 2011, response pending
46. Electric Switchboard Solutions LLC - answered in January 2012
47. Superseal Manufacturing Co., Inc. - answered in March 2012
48. Mercury Plastics Corp. (George Wright & Sons Machine Corp.) - answered in November 2012
49. Tribune Media Services (New York Daily News) - answered in March 2012
50. ThyssenKrupp Elevator Corp. - answered in January 2012
51. FM Circuits Corp. - answered in January 2012
52. Bouchard Transportation Co., Inc. - answered in August 2012
53. Ports America, Inc. (International Terminal Operating Corp.) - issued in October 2012, response pending
54. Vigor Shipyards, Inc. (Todd Shipyard Corp.) - issued in October 2012, response pending
55. Brooklyn Improvement Co. - issued in October 2012, response pending
56. Quality Woodworking Corp. - issued in October 2012, response pending
58. The Jewish Press, Inc. - issued in October 2012, response pending

59. Newell Rubbermaid Inc. (Charles M. Higgins & Co., Higgins Ink Co., Inc., Sanford, LP) and (Terminal Metal Products Corp., Kirsch Company) - issued in October 2012, response pending

60. D. Maldari & Sons, Inc. - issued in October 2012, response pending

61. New York Packaging Corp. - responded in October 2012

62. Arnessen Supply Corp. (Arnessen Electric Co., Inc.) - issued in October 2012, company apparently defunct

63. Spectex Industries, Inc. (J.A. Knitting Mills, Allstate Knitting Mills) - issued in October 2012, response pending

64. PPG, Inc. (Pittsburgh Plate Glass Co.) - issued in January 2013, response pending

65. Abigail Press, Inc. - issued in January 2013, response pending

66. Fine Art Lamps, Ltd. (Blumberg Industries, Inc.) - issued in January 2013, response pending

67. Cameo Metal Products, Inc. - issued in January 2013, response pending

68. Curtis Blue Printing Corp. - issued in January 2013, response pending

69. Valspar Corp. (Conchemco Inc., H.B. Davis and Co., John W. Masury and Son, Inc.) - issued in January 2013, response pending

70. Time Warner Inc. (Knickerbocker Toy, Inc.) - issued in January 2013, response pending

71. Henry Repeating Arms Co., Inc. - issued in January 2013, response pending

72. Pepsi-Cola Bottling Co. of New York, Inc. - issued in January 2013, response pending

73. Philips Electronics North America Corp. (Amperex Electronic Corp.) - issued in January 2013, response pending