



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FOR FEIN
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REPLY TO THE ATTENTION OF:
R-19J

The Honorable Russell D. Feingold
United States Senator
517 East Wisconsin Avenue
Room 408
Milwaukee, WI 53202

Dear Senator Feingold:

Thank you for your letter of October 22, 2008, on behalf of your constituent Jean Sage, concerning U.S. Environmental Protection Agency's assessment of a \$643,000 "fine" against Tom Springer as a result of the Watertown Tire Fire. Ms. Sage also seeks information regarding any applicable penalties for Mr. Springer's failure to pay the fine. You may be aware that Mr. Springer is the sole owner of the Watertown Tire Fire Site (Site) and a potentially responsibly party (PRP) associated with the Site.

On October 3, 2006, EPA issued a demand letter to Mr. Springer for response costs associated with the Site pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA). At that time, EPA's costs for the Site totaled \$663,457.08. However, since the date of EPA's original demand, EPA has uncovered additional costs associated with Site, and sent Mr. Springer a revised cost summary for costs through February 29, 2008, totaling \$1,044,714.19.

As a PRP, Mr. Springer remains liable for the entire amount of EPA's response costs. Please note that these costs do not reflect a "fine" issued to Mr. Springer, but rather the costs EPA incurred as a result of its emergency response actions. To date, Mr. Springer has not reimbursed the EPA for any of its costs; therefore, interest continues to accrue as of the date of EPA's demand. EPA does not have the authority to assess penalties under Section 107 of CERCLA, 42 U.S.C. § 9607.

To recover our costs, EPA referred this matter to the U.S. Department of Justice (DOJ) on February 29, 2008. The referral requested that DOJ initiate a cost-recovery action, on behalf of the EPA, against PRPs pursuant to Section 107 of CERCLA 42 U.S.C. § 9607. Currently, DOJ and EPA are in settlement negotiations with Mr. Springer and other PRPs. Failure to resolve this matter may result in civil litigation against Mr. Springer, as well as other PRPs, to recover all of EPA's costs, with interest. Please note