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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 13 1997

REPLY TO THE ATTENTION OF:
SM-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Midwest Rubber Reclaiming
Divison of Empire Chemical, Inc.
Attn: Mr. Morris Weissman
3101 Mississippi Ave.
Sauget, IL 62206

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Sauget Areas I and II Pre-National Priorities List Superfund sites, in Sauget/Cahokia, Illinois

Dear Mr. Weissman:

This Agency is conducting an investigation of the release or threatened release of hazardous substances at Sauget Areas I and II Pre-National Priorities List Superfund sites, in Sauget/Cahokia, Illinois.

The following parameters describe the boundaries of the Sauget Areas I and II Sites, hereinafter, referred to as the Sauget Area "sites":

> The Sauget Area I Site is an aggregation of landfills and surface impoundments including and lying on either side of Dead Creek in Sauget and Cahokia, Illinois. The Sauget Area II Site is an aggregation of landfills and lagoons between the Mississippi River and Illinois Route 3 in Sauget and Cahokia, Illinois. A map specifying the boundaries of Sauget Area Sites I & II is enclosed as Attachment 3.

The United States Environmental Protection Agency (U.S. EPA) believes that you may have information that is relevant to the investigation of contamination at the site and asks that you provide information and documents relating to the contamination of the site. Please respond completely and truthfully to this Information Request and its questions in Attachment 4 within thirty (30) days of your receipt of this letter. Instructions for completion of this response letter are in Attachment 1,

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definitions of terms used in this Information Request are in Attachment 2.

Among other authorities, the federal **Superfund** law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq., commonly referred to as **CERCLA** or **Superfund**) grants the Agency the authority to: 1) assess the nature and extent of contamination at a site; 2) determine the threats to human health and the environment posed by a site; 3) implement actions to clean up those sites; and 4) determine the ability of potentially responsible parties to pay the costs of the clean-up. The Agency is requesting the information and documents specified herein pursuant to section 104(e)(2) of CERCLA, 42 U.S.C. § 9604 (e)(2). CERCLA Section 104(e) grants the Agency authority to gather information relevant to site(s) and to enforce compliance with the statute, including seeking penalties for failure to comply.

You may consider some information that we request as confidential. If you wish to assert a privilege of business confidentiality, you must both respond to the question and advise the U.S. EPA that you wish it to treat the response as confidential business information. Directions for asserting a claim of business confidentiality are in Attachment 5.

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

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
C/O Carlton D. Cuffman
77 W. Jackson Blvd. - SM-5J
Chicago, IL 60604-3590

If you have any technical questions, contact Leah Evison, Remedial Project Manager at (312) 886-4696. For legal questions, contact Thomas Martin, Office of Regional Counsel at (312) 886-4273. Address all other questions to Carlton D. Cuffman at (312) 353-9181.

We appreciate your effort to respond fully and promptly to this Information Request.

Sincerely,

Thomas W. Mateer, Chief
Program Management Branch

Attachments:
1. Instructions
2. Definitions
3. Map of Sauget
4. Information Requests
5. Confidential Business Information
6. Site History
7. Photos

ATTACHMENT 1

INSTRUCTIONS

1. Answer each question in this Information Request separately.

2. Precede each answer with the number of the question to which it corresponds.

3. In answering each question, identify all persons and contributing sources of information.

4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.

5. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.

6. For any document submitted in response to a question, indicate the number of the question to which it responds.

7. Except when a particular question specifies otherwise, all requested information should be provided relevant to the time period 1950 to 1985.

8. You must undertake a diligent record search and interviewing process with all present and former employees who have knowledge or information relating to questions asked in this Information Request.

9. Your response should be accompanied by a notarized affidavit stating that a diligent interviewing process and record search has been completed. In lieu of a notarized affidavit, you may submit the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system,

or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines, and imprisonment for knowing violations.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.

11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 5.

ATTACHMENT 2

DEFINITIONS

1. As used in this Information Request, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.

2. The term **"person"** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

3. **"The Sauget Area Sites" or "the sites"** shall mean and include the cross-hatched properties within the boundaries of "Areas 1 and 2," including Dead Creek, located in Sauget and Cahokia, Illinois, as designated in Attachment 3.

4. The **"facility"** shall mean the Midwest Rubber Reclaiming Division Corporation facility located at 3101 Mississippi Avenue in Sauget, Illinois.

5. The term **"hazardous substance"** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products and production waste.

6. The term **"release"** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term **"identify"** means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to container for temporary or permanent holding of such wastes.

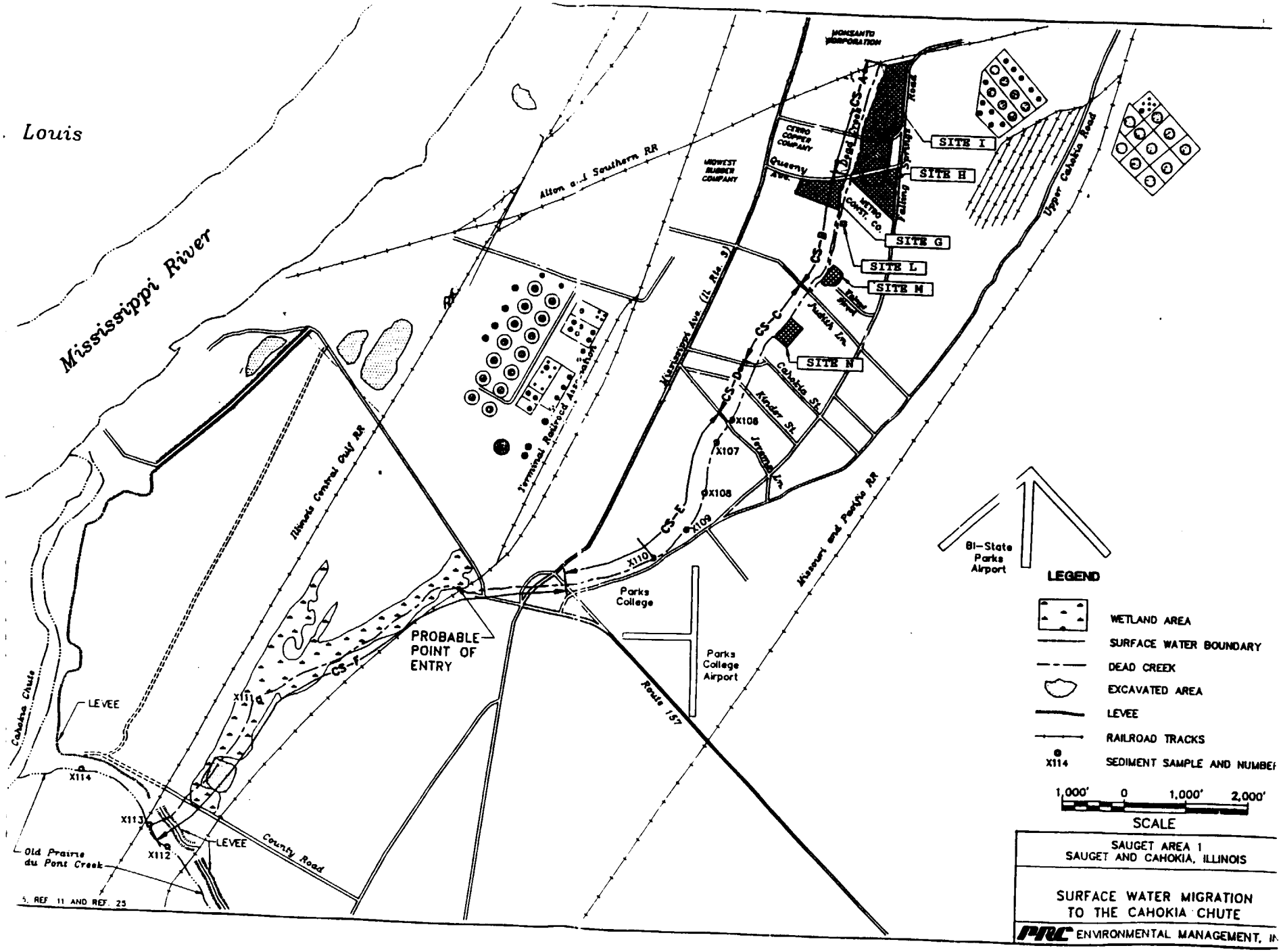
10. The term "**identify**" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

11. The term "**by-product**" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process, for example process residues, slags, or distillation column bottoms.

12. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including, but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes, solid wastes, as defined above.

13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Part 260-280, in which case the statutory or regulatory definitions shall apply.

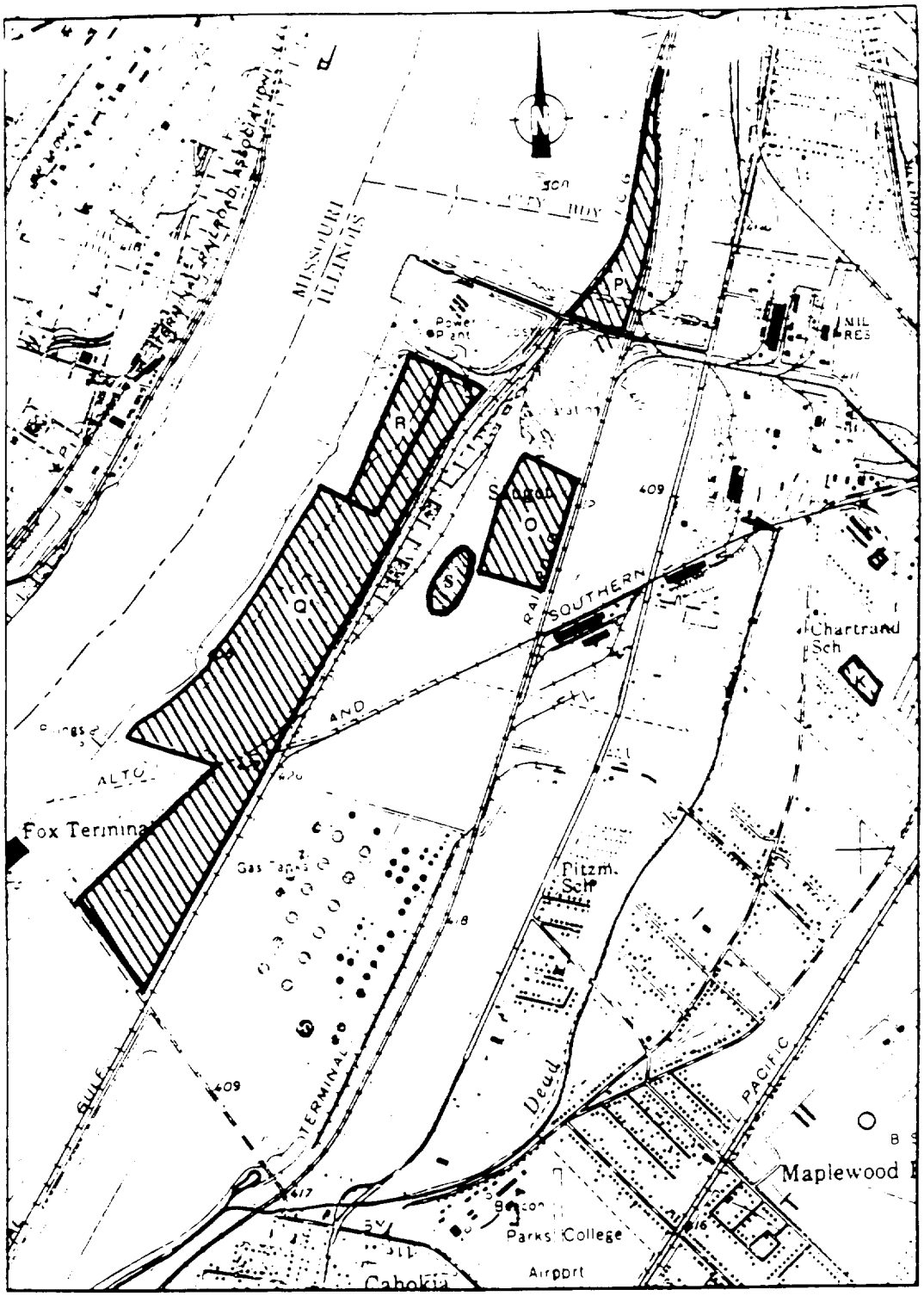
ATTACHMENT 3. SITE MAPS



SAUGET AREA 1
SAUGET AND CAHOKIA, ILLINOIS

SURFACE WATER MIGRATION TO THE CAHOKIA CHUTE

PRC ENVIRONMENTAL MANAGEMENT, IN



SOURCE: USGS Cahokia Quad, 1974.

SCALE

0 0.5 1 MILE

ATTACHMENT 4

INFORMATION REQUESTS

Sauget Areas I and II Pre-National Priorities List
Superfund Site

1. Identify all persons consulted in the preparation of the answers to this Information Request.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to this Request, and provide copies of all such documents, clearly indicating on each document the questions to which it is responsive.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and where they can be contacted.

4. List the EPA Identification Numbers for the facility.

5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances at Sauget Area Sites or at the facility during the time period specified in the instructions.

6. Identify the acts or omissions of any person, including employees, contractors, or agents, that caused or may have caused the release or threat of release of hazardous materials from the facility, as well as, any damages resulting therefrom.

7. Identify all persons, including yourself, who have arranged or may have arranged for disposal, treatment, discharge, release, or arranged for transportation for disposal or treatment, of hazardous materials at or to any Sauget Area Site, with particular attention to persons who performed these duties. For each arrangement for disposal, treatment, storage, release, or transportation for disposal, treatment or release, identify the following:

a. The persons with whom you or such other person(s) made such arrangements, including all transporters used;

b. Each date on which such arrangements took place;

c. For each transaction, the nature of the material, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;

d. The owner of the materials so accepted or transported;

e. The quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;

f. All tests, analyses, and analytical results concerning the materials;

g. The person(s) who selected the Site as the place to which the materials were to be transported;

h. The amount paid in connection with each transaction for transport or disposal, method of payment, and identity of the person from whom payment was received;

i. Whether the person(s) identified in g., above, intended to have such materials transported and all evidence of this intent;

j. Whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k. What was actually done to the materials once they were brought to the Site;

l. The final disposition of each of the materials involved in such transactions;

m. The measures taken by you to determine the actual

methods, means, and site of treatment or disposal of the materials involved in each transaction;

n. The type and number of containers in which the materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

o. Copies of all documents containing information responsive to a. - n. above;

8. Provide a detailed listing of products, including by-products, manufactured or produced at the facility.

9. Describe the manufacturing and recycling processes at the facility.

10. Specifically, identify which of the following chemicals or chemical trade names were ever used or purchased, produced or stored at the facility? (See Attachment 7, photo numbers 40,65, 66, & 72).

    a. Zinc oxide, lead free
    b. Ammonium Nitrate
    c. Garlock 900
    d. Calcium chloride
    e. Octyphenol
    f. Sodium sulfate
    g. Nalco
    h. Dicalite

11. For the chemical/chemical trade names specified in Question 10 which the facility used, purchased, produced, or stored, identify:

    A. For what purpose it was used, purchased, produced, ro stored; and
    B. Where and what was the manner of its disposition.

12. During U.S.EPA's removal action at Sauget Area I site G (see Attachment 3), the catalytic agents pictured in Attachment 7, photos numbers 11, 30, 31, 38, 46, 47, 58, 63, & 64, were found buried on site.

a. Were such agents ever used at the facility? If so,

b. For what purpose were they used; and

c. What and where was their disposition?

13. Provide information and documents concerning the facility's treatment and disposal practices and policies concerning off-specification products.

14. As the facility operations changed, describe past practices used to dispose of obsolete process equipment.

15. Describe the methods used to handle and dispose of contaminated soil, contaminated clothing/protective gear, and laboratory equipment or laboratory wastes at or from the facility. Were these items co-mingled with other hazardous or non-hazardous materials before disposal?

16. Did the facility or any of its consultants, agents, or contractors at any time secure the services of Leo Sauget or his company (later named "Industrial Salvage & Disposal, Inc."), Paul Sauget or Sauget & Company, Harold Waggoner or Waggoner and Company, to process, accumulate, treat, remove, haul or dispose of any hazardous materials and/or solid waste which the facility generated or which was used at the facility? If so, identify the companies, consultants, agents or contractors, describe the nature of these services, when they were rendered, and all contracts or agreements associated with these services. In particular, describe the arrangement with this company regarding where these materials and/or solid waste were to be disposed of.

17. Describe how the percentage of the cost responsibility was assigned to the parties participating in the 1987 clean-up of the Sauget Treatment Plant lagoons and ponds. Provide all information and documents in your possession relating to or concerning the percentage contribution of waste-water sent to the Sauget POTW by Sauget Industries.

18. Did the facility and/or other industries ever, intentionally or accidentally, spill or discharge process wastewater, sanitary discharges, liquid chemical wastes and/or petroleum products into Dead Creek? Describe these spills or discharges.

19. Describe, in detail, the methods used at the facility for handling process wastewater and sanitary discharges prior to the facility's hook up to the Village of Sauget's (then the Village of Monsanto's) process water sewer interceptor system. Also identify when the facility did hook up to this system.

20. Describe the volume, nature and characteristics of the facility's wastewater discharge into the Sauget wastewater treatment plant.

21. Provide copies of all local (e.g. Village of Sauget or Village of Monsanto) environmental permits or licenses ever granted for the facility or any part thereof concerning any portion of the sites, with the exception of Site O in Sauget Area 2.

22. Provide a copy of any annual documents required to be kept for the facilities in accordance with 40 C.F.R. § 761.180(a).

23. Provide any information you have generated or gathered on groundwater flow and groundwater quality on or around the facility or on or around any of the Sauget Area sites.

24. Describe all measures taken by the facility or its consultants which have been taken to characterize, measure, sample or in any way test for the presence of hazardous materials at or around any of the Sauget Area sites. Provide any documents created from such measures and any results of testing.

25. Provide a history of the ownership of the facility.

26. With the exception of results or reports regarding Site O in Sauget Area 2, provide copies of any sampling results or other technical reports which are responsive to any of these questions and clearly indicate on each document the question(s) to which it is responsive.

27. Provide copies of all documents including deeds, liens, leases, satisfied and unsatisfied mortgages, easements and encumbrances for all real estate as cited in Definition #3 of Attachment 2, including the facility, in which Midwest Rubber Reclaiming holds a title interest.

ATTACHMENT 5

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 et seq requires that the U.S. EPA afford you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985).] If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e) (7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e) (7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as confidential, you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or document you consider confidential. Please identify the information or document that you consider confidential by page, paragraph and sentence. You must make a **separate** assertion of confidentiality for **each response** and **each document** that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope confidential and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g. until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;

3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether the U.S. EPA or other federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e) **the burden of substantiating confidentiality rests with you.** The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as confidential, your comments will be available to the public without further notice to you.

ATTACHMENT 6. SITE HISTORY

The Sauget Area 1 and Sauget Area 2 sites are located in and around the villages of Sauget (formerly Monsanto) and Cahokia in west-central St. Clair County, Illinois.

Sauget Area 1 is composed of segments A through F of Dead Creek, and adjacent Sites G, H, I, L, M and N. Dead Creek is an intermittent creek, sometimes impounded, which, was formerly used for waste disposal. The creek segments included in the Site stretch over 3.5 miles. The Creek runs south and southwest through Sauget and Cahokia to an outlet in the old Prairie DuPont Creek floodway, located south of Cahokia. The floodway in turn discharges to the Cahokia Chute of the Mississippi River. Site G, H, and I are inactive landfills or former subsurface/surface disposal areas adjacent to Dead Creek. Based on current available information, Site G was owned by Leo and Louise Sauget and others and was active approximately during the period 1950 to 1973. Site H and I were also owned by the Sauget's and active during approximately 1931 to 1957. Site L is the location of a former surface impoundment used by, among others, Waggoner Trucking Company, a hazardous and special waste hauler, to dispose of wash water from truck cleaning operations approximately during 1971 to 1979. Site M and N are former sand pits immediately adjacent to Dead Creek, which U.S. EPA believe were excavated by the H.H. Hall Construction Company in the 1940's.

The Sauget Area 1 Site has been investigated extensively by the Illinois EPA and by private parties. U.S. EPA, Illinois EPA, and private parties have undertaken protective actions such as fencing of the most highly contaminated portions of the site. Recent history includes the remediation of Dead Creek Segment A by Cerro Copper Products, Inc., in 1990, following the signing of a Consent Decree with the Illinois EPA. Cerro removed over 22,000 cubic yards of contaminated creek sediment. In 1995, U.S. EPA conducted an extensive investigation of the Site G landfill and the surrounding area following an underground fire at Site G. After the investigation, the Agency consolidated contaminated wastes on-site and placed a soil cover over the landfill.

The Sauget Area 1 Site contains high levels of chlorobenzenes, chlorophenols, chloroanilines, nitroanilines and PCBs. The most highly contaminated parts of the Site are fenced

or covered by pavement or slag. U.S. EPA proposed the Sauget Area 1 Site to the National Priorities List in June of 1996.

Sauget Area 2 is composed of Sites O, P, Q, R, and S, as described below. Other adjacent areas may be added as the investigation continues. Site O contains four inactive sludge dewatering lagoons associated with the Sauget Wastewater Treatment Plant. Based on current available information, U.S. EPA believes the lagoons were active from 1967 to 1978. The lagoons cover about 20 acres to the south of the treatment plant buildings. Site P is an inactive landfill which available information indicates was previously operated by Sauget and Company during approximately 1972-1984. The Site P landfill is bordered on the west by Illinois Central Gulf Railroad, on the south by Monsanto Avenue and on the east by the Terminal Railroad Association tracks. Site Q is an inactive landfill which, based on current available information, was operated initially by Sauget and Company, and as active during approximately 1962 to 1975. The site covers about 90 acres and is located on the east bank of the Mississippi River, on the river side of a U.S. Army Corps of Engineers flood control levee. The north part of Site Q is presently occupied by a coal and grain unloading and transfer facility; the southern portion is unoccupied. Site R is an inactive industrial waste landfill owned by Monsanto Chemical Company which was active during approximately 1957 to 1977. Site S is located near the southeast corner of Site O. U.S. EPA believes it was used as a disposal area from about 1974 until the late 1970's. Waste materials believed to have been disposal of here include still bottom sludges and chlorinated solvents.

In 1995, U.S. EPA removed 13 drums and 297 tons of PCB contaminated soil eroding out of Site Q immediately adjacent to the Mississippi River. Site R was capped by Monsanto Corporation in 1979. Based on visual observations, Site Q and R have a long history of leachate flow into the Mississippi River. In addition to the same types of contaminants found in the Sauget Area 1 sites, some parts of Area 2 contain high levels of chlorinated solvents. The Illinois EPA and U.S. EPA anticipate that the Sauget Area 2 Site will be proposed to the National Priorities List early in 1998.

ATTACHMENT 7

PHOTOGRAPHS FROM SAUGET AREA 1, SITE G.

EPA

United States
Environmental Protection Agency
Region 5
77 West Jackson Blvd. (SM-5J)
Chicago, IL 60604

Official Business
Penalty for Private Use
$300

Fold at line over top of envelope to the right of the return address.

CERTIFIED

P 366 207 486

MAIL

5-16-97

Refused
mh3
5-20-97 No longer person

~~1004 Arlington~~
~~Aurora~~
60506

Midwest Rubber Reclaiming
Division of Empire Chemical, Inc.
ATTN: Mr. Morris Weissman
[redacted]

NOT IPC