US EPA RECORDS CENTER REGION 5
477748

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stewart Paint Manufacturing
1729 North 2nd Street
Minneapolis, MN 55411

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA, for the Enviro-Chem Corp. Site and Northside Sanitary Landfill Site in Zionsville, Indiana.

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at the Enviro-Chem Corp. Site and Northside Sanitary Landfill Site in Zionsville, Indiana (hereinafter referred to as "the Site"). This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within fifteen (15) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars ($25,000) for each day of continued noncompliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the U.S. EPA to seek penalties from a federal court of up to $25,000 for each day of continued noncompliance. "Noncompliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars ($10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. § 1001.

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 the following:

Janet Haff
U.S. Environmental Protection Agency, 5HE-12
230 South Dearborn Street
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Elizabeth Maxwell at (312)8 86-4247. If you have any technical questions, please direct such questions to Janet Haff at (312) 886-6541.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,

E. Timothy Zapelt / for
Basil G. Constantelos, Director
Waste Management Division

Enclosure

Enviro-Chem and Northside Sanitary Landfill

Information Requests

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.

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

3. In answering each Information Request, identify all contributing sources of information.

4. If information is not known or is not available to the respondent as of the date of submission of his/her response, should information later become known by or available to the respondent, respondent must supplement its response to U.S. EPA. Moreover, should the respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA thereof as soon as possible.

5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.

6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of

whether or not it is based on personal knowledge, and regardless of source.

7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of the Respondent between 1977 and 1982 concerning the Enviro-Chem Corp. Site and between 1955 and 1984 concerning the Northside Sanitary Landfill Site. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information must be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, 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. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

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 Site" or "the Facility" shall mean and include the property on or about the landfill.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.

5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

6. The terms "furnish," "describe," or "identify" or "indicate" shall mean turning over to the U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control, then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his or her full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business

entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.

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

10. "Release" 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).

11. "Transaction" means every separate act, deal, instance, or occurrence.

12. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard,

letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.

Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

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.

4. List the EPA Identification Numbers of the Respondent.

5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

6. Identify all liability insurance policies held by Respondent from 1977 to 1982 concerning the Enviro-Chem Corp. Site, and from 1955 to 1984 concerning the Northside Sanitary Landfill Site. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:

a. The persons with whom you or such other persons made

such arrangements.

b. Every date on which such arrangements took place;

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

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

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

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

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

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

i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

j. Whether the waste materials or hazardous substances 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 waste materials or hazardous substances once they were brought to the Site;

l. The final disposition of each of the waste materials or hazardous substances involved in such transactions;

m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.

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

o. The price paid for (i) transport or (ii) disposal or (iii) both of each waste material and hazardous substance.

p. All documents containing information responsive to a.-p. above, or in lieu of identification of all relevant documents, provide copies of all such documents.

q. All persons with knowledge, information, or documents responsive to a.-p. above.

REGION V
230 SOUTH DEARBORN
CHICAGO, IL 60604

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

5HE-12

U.S. OFFICIAL MAIL
CHICAGO ILL. AUG-4'87
U.S. POSTAGE 2.01

RETURN TO SENDER
MOVED ORDER EXPIRED

Stewart Paint Manufacturing
1729 North 2nd Street
Minneapolis, MN 55411

STE 29 010883N1 08/08/87
RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

at line over top of envelope to the righ
of the return address.

CERTIFIED

P-492 538 010

MAIL

5HE-12 H66

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address.
2. ☐ Restricted Delivery.

3. Article Addressed to:

Stewart Paint Manufacturing
1729 North 2nd Street
Minneapolis, MN 55411

4. Article Number
P492 538 010

Type of Service:
egistered ☐ Insured
rtified ☐ COD
xpress Mail

ys obtain signature of addressee or
and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT