Cargill, Incorporated
Responses to the United States Protection Agency's
January 16, 2015 Request for Information
South Dayton Dump and Landfill, Moraine, Ohio

INTRODUCTION

Cargill, Incorporated ("Cargill") hereby responds to the Request for Information served by the United States Environmental Protection Agency ("EPA") on Cargill pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") by letter dated January 16, 2015.

Although the expressed purpose of EPA's Request for Information is to identify wastes disposed of at the South Dayton Dump and Landfill ("SDDL"), the scope of EPA's information requests far exceeds this purpose. Few of EPA's information requests actually pertain to SDDL or seek facts that would assist EPA in identifying wastes taken to SDDL. The most burdensome of these requests ask for information related to wastes taken to disposal facilities other than SDDL over a period of 24 years.

The U.S. Supreme Court has established the following test to determine whether an administrative agency's demand for information is permissible:

> Of course a governmental investigation into corporate matters may be of such a sweeping nature and so unrelated to the matter properly under inquiry as to exceed the investigatory power. But it is sufficient if the inquiry is within the authority of the agency, the demand is not too indefinite and the information sought is reasonably relevant. The gist of the protection is in the requirement, expressed in terms, that the disclosure sought shall not be unreasonable.

United States v. Morton Salt Co., 338 U.S. 632, 652-53 (1950) (internal cites omitted).

The *Morton* test has been followed by the courts that have evaluated the scope of EPA's information demands under CERCLA Section 104(e)(2). These decisions have held that administrative agency information requests must (1) fall within the agency's authority, (2) must not be too indefinite, and (3) must be relevant to legislative purposes. *United States v. Gurley*, 384 F.3d 316 (6th Cir. 2004) (citing *Morton*); *U.S. v. Martin*, No. 99 C 1130, 2000 WL 1029188 (N.D. Ill. July 26, 2000), at *6; *U.S. v. Pretty Products, Inc.*, 780 F. Supp. 1488, 1506 (S.D. Ohio 1991). The courts are prohibited from enforcing any information request that is "arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." CERCLA Section 104(e)(B)(ii). In sum, the information demand must not be "unreasonable." *Morton*, at 652-53.

A court may order compliance with an information request only where there is a reasonable basis to believe there may be a release or threat of a release of a hazardous substance or pollutant or contaminant. See *United States v. Northside Sanitary Landfill*, No. IP 88-172-C, 1988 WL 147257, at *3 (S.D. Ind., Apr. 12, 1988). This means that an information request must pertain to

transactions involving hazardous substances. *U.S. v. Charles George Trucking Co.*, 624 F. Supp. 1185, 1187-88, fn. 3 (D. Mass. 1986), aff'd, 823 F.2d 685 (1st Cir. 1987).

The foregoing authorities disclose that EPA's information requests are overbroad and unreasonable insofar as they require information about (1) non-hazardous wastes, (2) disposal destinations other than SDDL, and (3) wastewater discharged into sewers.

Notwithstanding the unreasonable nature of most of EPA's requests for information, Cargill has gone through substantial efforts to find this information. Cargill has even retained an environmental consultant, TRC Consultants, Inc. ("TRC") to search Cargill's records for responsive information under the direction of Cargill's counsel. Cargill also made significant efforts to respond to EPA's 2002 Request for Information pertaining to SDDL. None of Cargill's records identify any wastes that were taken to SDDL, nor are any of Cargill's employees aware of any such occurrence.

Cargill has one facility located within the area of interest for SDDL. This facility is its corn mill located at 3201 Needmore Road in Dayton, Ohio (the "Corn Mill"), which processes yellow corn into food products for people and animals. The Corn Mill started operation in April 1973.

Cargill's responses to EPA's information requests provide information pertaining to the time period of April 1973 through 1996. However, Cargill does not concede that SDDL accepted wastes during that entire time period, since there is evidence to the contrary.

RESPONSES TO INFORMATION REQUESTS

The sources of information for the answer to each question are identified in brackets at the end of the question in accordance with Instruction 3.

1. **Identify all persons consulted in the preparation of the answers to these questions.** [Gina Young; Jack Van Kley]

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Cargill's response to Request No. 1 above lists all persons who were consulted in the preparation of the responses herein. In addition, Cargill obtained some of the information provided herein from the following Cargill responses to EPA's prior information requests:

Cargill's response of January 21, 2003 to EPA's December 16, 2002 Request for Information about South Dayton Dump and Landfill (SDDL);

Cargill's response of February 20, 1990 to EPA's January 8, 1990 Request for Information about the Powell Road Landfill;

Cargill's response of June 23, 1993 to EPA's May 24, 1993 Request for Information about IWD Sanitary Landfill (aka Cardington Road Landfill);

Cargill's response of August 14, 1987 to EPA's July 14, 1987 Request for Information about IWD Sanitary Landfill (aka Cardington Road Landfill);

Cargill's response of January 29, 1993 to EPA's December 22, 1992 Request for Information about the Valleycrest Landfill;

In the preparation of Cargill's responses to the prior EPA Requests for Information, Cargill interviewed employees with knowledge about Cargill's waste disposal practices. That information has been included in the responses herein. Cargill's responses to the prior EPA Requests for Information identify the persons who provided the information for those responses.

Cargill is represented by counsel in this matter, and TRC has searched for records responsive to EPA's information requests under the direction of Cargill's counsel. EPA should contact Jack Van Kley in the event it wishes to communicate with Cargill's employees or TRC concerning SDDL.

2. **Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.** [Jack Van Kley]

The sources of information for all answers herein related to SDDL are the following:

Cargill's Response of January 31, 2003 to EPA's Request for Information on SDDL;

Cargill's Motion for Summary Judgment in *Hobart Corp., et al. v. Dayton Power & Light Co., et al*., Case No. 3:13-CV-115 (S.D. Ohio) ("Hobart III"), and its exhibits;

Plaintiffs' Response to Cargill's Motion for Summary Judgment in Hobart III and its exhibits; and

Cargill's Reply in Support of its Motion for Summary Judgment in Hobart III.

Copies of these documents are enclosed.

With respect to information requests not related to SDDL, Cargill reviewed the transcript of the deposition of Cargill taken in the Valleycrest litigation pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, in which Michael Vlasak served as the witness for Cargill. Cargill is providing a copy of this transcript to EPA with this response. Cargill also used information from its answers to interrogatories in the first lawsuit (known as "Hobart I") filed by the companies that filed Hobart III. Cargill also reviewed its responses to EPA's Requests for Information listed in the response to Request No. 1, which EPA already has in its possession. Cargill also based its responses on information derived from 25 boxes of records. Providing the information to "identify" every document in these boxes, as EPA has defined the term "identify," is not a reasonable request. With respect to producing these records, see the response to Request No. 15.

3. **If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.** [Thomas Byrne]

Cargill is aware of no person who possesses information that is more detailed or complete than the information provided by the persons identified in the response to Request No. 1 above or the persons identified in Cargill's responses to the prior EPA Requests for Information. Cargill is aware of no responsive records that are in the possession of persons other than Cargill.

4. **Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.** [Thomas Byrne; Vlasak deposition transcript; prior responses to

EPA information requests; answers to interrogatories in Hobart I]

During the years covered by this information request, numerous Cargill employees have had some involvement with waste management or disposal. It is impractical to identify or list all of them. However, the following persons are believed to possess the most knowledge about the handling, storage, and/or disposal practices for hazardous substances during the relevant time period:

Art Andrade, Purchasing Supervisor at the Corn Mill in the 1980s, retired, 266 Cest Hill Avenue, Vandalia, OH 45377 (last known home address).

Valerie Conrad, Purchasing Supervisor at the Corn Mill in the 1990s. She is currently employed in Cargill's headquarters at 15407 McGinty Road West, Wayzata, MN 55391.

Mary Page supervised utilities and sanitation at the Corn Mill and later became a supervisor in maintenance. Her title was Production Supervisor. She was employed at the Corn Mill from the 1970s to at least 2002. She is retired. Her last known home address and home telephone number are 7639 Morning Mist Circle, Dayton, OH 45426, (937) 854-7915.

Brad Pervis, employed in utility duties at the Corn Mill in the 1970s.

Janice Richards (aka Janice Fong), 3694 E Surrey Lane, Fort Gratiot, MI 48059, was the Environmental Coordinator around 1990 to 1996. Her email address is wjbt4richards@yahoo.com.

The following persons served as plant managers for the Corn Mill from 1973 through 1996 and thus had the most knowledge about the plant's operations:

Mike Vlasak was an employee at the Corn Mill from 1974 to 1986. He was the Corn Plant Superintendent at the Corn Mill at the end of his employment at the plant.

Fritz Corrigan was the General Manager at the Corn Mill from 1973-1975.

Gene Helms was the General Manager at the Corn Mill from 1976 to approximately 1991.

Lionel Kilby, Tom Sasman, and Jeff Cotter were plant managers at the Corn Mill between 1991 and 1996. Tom Sasman is currently employed by Cargill as the Corporate Reliability Excellence Lead in Cargill's headquarters at 15407 McGinty Road West, Wayzata, MN 55391.

While Cargill is providing the names of plant managers in response to EPA's request for the identification of persons with knowledge of the Corn Mill's "operations," Cargill does not know how much knowledge the plant managers had about handling, storage and disposal practices for hazardous substances.

Unless stated otherwise, Cargill no longer employs the persons identified in this response.

Since Cargill is represented by counsel in this matter, EPA should contact Jack Van Kley in the event it wishes to communicate with the current Cargill employees listed in this response.

5. **State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.** [Summary judgment filings and exhibits in Hobart III; Chuck Hallier; waste tickets for waste disposal retained by Cargill for the relevant time period]

Cargill is not aware of any information indicating that it sent, brought, or moved any drums and/or hazardous substances to SDDL. Cargill has extensive, detailed records of its waste disposal at landfills, but not a single record identifies SDDL as a destination. Consequently, Cargill does not believe that any of its hazardous or non-hazardous wastes were taken to SDDL.

6. **Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.** [Summary judgment filings and exhibits in Hobart III; Chuck Hallier; waste tickets for waste disposal retained by Cargill for the relevant time period]

Cargill is not aware of any evidence that it hauled or sent any materials to SDDL.

PERMITS/REGISTRATIONS

7. **List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.** [Thomas Byrne]

By its reference to "materials" in this request, Cargill assumes the EPA meant to refer to wastes rather than raw materials or finished products. Cargill has possessed no permits or registrations for transporting or disposing wastes from the Corn Mill.

8. **Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.** [Thomas Byrne]

Since Cargill had no such permits or registrations, this question is not applicable.

9. **Were all hazardous substances transported by licensed carriers to hazardous waste Treatment, Storage and Disposal Facilities permitted by the U.S. EPA?** [Thomas Byrne]

Since the date on which the Resource Conservation and Recovery Act (RCRA) first required hazardous wastes to be treated, stored, or disposed of at facilities permitted by EPA or authorized states, or at facilities exempted by law from permitting, Cargill's hazardous wastes have been transported to such facilities. To Cargill's knowledge, hazardous substances other than hazardous wastes were transported to facilities that had EPA or state environmental permits as required by applicable law at the time. Obviously, hazardous wastes and other hazardous substances could not be transported to facilities with RCRA permits issued pursuant to RCRA or other laws pertaining to hazardous substances prior to the establishment of the permit programs established by those laws. To Cargill's knowledge, the carriers transporting its hazardous substances had whatever licenses they were required to possess for this transportation.

Some subparts to Request No. 16 below request specific information about this waste transportation such as descriptions of the wastes, names of transporters, identification of waste disposal facilities, and names of transporter's drivers. While Cargill has retained some of the records pertaining to the disposal of hazardous wastes and other hazardous substances in the 1990s, it has not been able to find records applicable to most of the hazardous substance disposal prior to that time. However, Cargill's interviews of employees and former employees have established that all hazardous substances were taken to facilities licensed for the disposal of these wastes once such licensing programs were initiated.

10. **List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.** [Thomas Byrne; NPDES permit issued by Ohio EPA]

Wastewater was discharged into a public sewer owned and operated by the City of Dayton pursuant to a discharge permit issued by the City.

Storm water and non-contact cooling water (well water passed through heat exchangers) have been discharged into a tributary of the Great Miami River pursuant to Ohio EPA discharge permit 1IN00044*HD and its predecessors.

11. **Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.** [Thomas Byrne]

The Corn Mill has never had a permit issued under RCRA or the hazardous substance laws of the State of Ohio. The Corn Mill has a RCRA Identification Number, which is OHD061698676.

12. **Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.** [Thomas Byrne]

Cargill submitted a Notification of Hazardous Waste Activity in order to obtain its RCRA identification number for the Corn Mill. The Corn Mill's RCRA Identification Number is OHD061698676. Cargill has been unable to find a copy of this notification in its files, so it does not know the other information requested in this question.

RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/ RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)

13. **Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.** [Answers to interrogatories in Hobart I; Cargill waste disposal records; Thomas Byrne; Sheila Willhoite; John Hurst; Cargill's responses to prior EPA Requests for Information]

For the reasons explained on Page 2 above, Cargill will answer this request for information with respect to the time period of April 1973 through 1996.

(a) Mary Page supervised utilities and sanitation and later became a supervisor in maintenance at the Corn Mill. She is retired. She was employed at the Corn Mill from the 1970s to at least 2002. She had knowledge about the types of wastes generated by the Corn Mill and had duties related to waste disposal in that position. Her supervisor from 1995-1996 was Greg Holler, currently an employee of AVP, Director of Food Safety Quality & Regulatory in Dayton, Ohio.

(b) Janice Richards was the Environmental Coordinator at the Corn Mill around 1990 to 1996. She is retired. She had knowledge about the types of wastes generated by the Corn Mill and had duties related to waste disposal and recycling in that position. She engaged transporters to remove wastes from the plant. Cargill no longer knows who her supervisor was.

14. **Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:** [Cargill waste disposal records; Vlasak deposition transcript; Thomas Byrne; Sheila Willhoite]

a. **the type of container (e.g. 55 gal. drum, dumpster, etc.);**

Roll-off and lugger dumpsters

Tubs (short roll-off containers, typically about 10 cubic feet in size)

Front-end loaders (boxes moved around with a fork lift)

Small amounts of miscellaneous hazardous and non-hazardous wastes were removed in drums.

b. **the colors of the containers;**

Cargill does not possess this information.

c. **any distinctive stripes or other markings on those containers;**

Cargill does not possess this information.

d. **any labels or writing on those containers (including the content of those labels);**

Cargill does not possess this information.

e. **whether those containers were new or used;**

Cargill does not possess this information.

f. **and if those containers were used, a description of the prior use of the containers.**

The transporters supplied the dumpsters, front-end loaders, and tubs, so Cargill has no knowledge of their use prior to their use at the Corn Mill. Reused drums previously held chemicals for use in the plant's process.

15. **For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.** [Cargill's waste disposal contracts and other waste disposal records; Thomas Byrne; Vlasak deposition transcript]

In some cases, Cargill and the transporter or disposal company entered into written contracts for the transportation and/or disposal of waste. In other cases, the contractual arrangements were verbal. Sometimes, a Corn Mill employee verbally notified the transporter to pick up the waste when it needed removal. Often, a transporter inspected the dumpsters on a regular basis to determine whether they were full, and then removed the full dumpsters. Cargill instructed the transporters to haul the wastes to disposal facilities that were approved by the state.

Cargill has 25 boxes, 11 of which are 24-inch long bankers' boxes, of waste tickets, invoices, receipts, manifests, and miscellaneous records related to the transportation and/or disposal of wastes from the Corn Mill. Because none of these records are related to wastes taken to SDDL, EPA's request for copies of these records is unreasonable and outside of the scope of its authority. A large number of these records are undersized invoices and cash register receipts on flimsy paper that would require considerable effort and expense to copy. Moreover, while CERCLA Section 104(e)(2) authorizes EPA to inspect and copy records at its own cost, provided they are responsive to a lawful and reasonable request, the statute provides for copying at a respondent's expense only at its "option." Accordingly, Cargill is willing to allow EPA to review and/or copy these records at EPA's expense, even though they contain no information pertinent to SDDL.

Cargill has no correspondence or records of communication between Cargill and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

Cargill has a large number of written contracts for waste transportation and disposal, most of which consist of boilerplate language attached to waste tickets. Cargill also has a large volume of waste tickets, invoices, and manifests contained in the 25 boxes of records described in the response to Request No. 15. Cargill is willing to allow EPA to review and/or copy these records at EPA's expense, even though they contain no information pertinent to SDDL.

a. State where Respondent sent each type of its waste for disposal, treatment, or recycling.

See the response to Request No. 16. k.

b. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request). [Cargill's waste disposal records; corporation records on the Ohio Secretary of State's web site; Thomas Byrne; Cargill's responses to prior EPA Requests for Information]

The transporters listed below transported waste from the Corn Mill. The addresses provided below are the haulers' addresses at the time they transported wastes from the Corn Mill.

Cargill is providing the names of the drivers who hauled Cargill wastes on behalf of The Peerless Transportation Company and Industrial Waste Disposal Co., Inc., since Plaintiffs in Hobart III have alleged that these companies transported waste to SDDL (although Cargill's records do not reveal that any Cargill waste went to SDDL). Since no other company that hauled for Cargill has been identified or even rumored to be a hauler to SDDL, it is unreasonable for EPA to request Cargill to go through thousands of waste tickets to identify the drivers for these companies.

Apollo Trucking, Inc. (a corporation), 1903 Springboro Road, Dayton, OH 45439. A trucking company.

Butch Hill's Sewer Service, 7659 Elk Creek Road, Middletown, OH 45042. A company that pumped liquid and sludges from tanks and other enclosures and hauled them away for disposal.

Clark Processing, Inc. (a corporation), 200 S. West End Avenue, Dayton, OH 45427. A recycler of used oil and other flammable wastes.

Clean Harbors Environmental Services, Inc. (a corporation), Cincinnati, OH. A waste transportation company.

Cornett Trucking Co. (a corporation), 2700 Cardington Drive, Dayton, OH 45439. A trucking company.

Gambill's Liquid Waste Disposal, 3201 Fantasia Drive, Dayton, OH 45449. A company that pumped liquid and sludges from tanks and other enclosures and hauled them away for disposal.

Industrial Waste Disposal Co., Inc. ("IWD"), 3975 Waggoner Ford Road, Dayton, OH, owned by Danis Industries Corporation until 1993 and owned by Waste Management starting in 1983. IWD's drivers are listed on Attachment A. Cargill has no contact information for these drivers.

Kincaid Paving & Excavating, 303 Cedar Street, West Carrollton, OH 45405. A company engaged in paving, excavating, and equipment rental.

Laidlaw Environmental Services, Inc. (a corporation), 2815 Old Greenbrier Pike, Greenbrier, TN 37073. A company that transports hazardous and non-hazardous wastes and owns/operates waste disposal facilities.

Moraine Transfer, Inc. (a corporation), 1903 Springboro Road, Dayton, OH 45439. A trucking company.

N & N Commercial Waste, 1577 W. River Road, Dayton, OH 45418. A trash hauling company.

Ohio Liquid Removal of Ohio, Inc. (corporation), P.O. Box 6407, Dayton, OH 45406. This company was in the business of waste transportation.

The Peerless Transportation Company, 1440 Miami Chapel Road, Dayton, OH 45408. A trash hauling company. Peerless' drivers are listed on Attachment A. Cargill has no contact information for these drivers.

Perma-Fix of Dayton, Inc. (a corporation), 300 S. West End Avenue, Dayton, OH 45427; a used oil recycler.

Resource Transportation, Inc. (a corporation), 2457 E. Livingston, Springfield, MO. A waste transporter.

Roto-Rooter Sewer & Drain Service (fictitious name owned by Nurotoco, Inc. and then by Roto-Rooter Services Company), P.O. Box 324, North Dayton Station, 45404. A company that pumped liquid and sludges from tanks and other enclosures and hauled them away for disposal.

Rust Industrial Cleaning Service, 6151 Executive Blvd., Huber Heights, OH 45424. An industrial cleaning service.

Safety-Kleen Corp. (a corporation), 4205 Lisa Drive, Tipp City, OH 45317 and various other addresses. A company that transported, treated, and recycled hazardous waste and other wastes.

Van Waters & Rogers, Inc. (a corporation), 7425 East 30th Street, Indianapolis, IN 46219-0387. A company that arranged for disposal sites on behalf of its customers and transported wastes.

Westinghouse Electric Corporation (a corporation). The address of the Westinghouse office that arranged for transportation from the Corn Mill is unknown.

Except for the companies that are identified above as corporations, Cargill does not know the type of business entity for the other companies listed in this response.

c. **If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.** [Thomas Byrne; Cargill's waste disposal records]

Cargill has no knowledge of any occasion on which it transported its own wastes.

d. **For each type of waste specify which Waste Carrier picked it up.**

See the response to Request No. 16. g.

e. **For each type of waste, state how frequently each Waste Carrier picked up such waste.**

Cargill does not know this information.

f. **For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).**

Cargill does not know this information.

g. **For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.** [Cargill's waste disposal records; Thomas Byrne; Cargill's responses to prior EPA Requests for Information]

Alloyd Insulation Co., Inc. 5734 Webster Street, Dayton, OH 45414: non-friable asbestos-containing waste on dates presently unknown to Cargill.

Apollo Trucking, Inc.: diatomaceous earth (precoat) from 1979 to 1985.

Butch Hill's Sewer Service: corn starch, corn gluten, and other corn byproducts from 1976 to 1979.

Clark Processing, Inc. 200 S. West End Avenue, Dayton, OH 45427: used waste oil. Clark Processing's removal of used oil from the Corn Mill started on a date no longer known to Cargill and lasted until 1995 when Perma-Fix of Dayton, Inc. acquired Clark Processing, Inc.

Clean Harbors Environmental Services, Inc.: miscellaneous hazardous wastes in 1993.

Cornett Trucking Co.: fly ash from 1983 to 1988; some diatomaceous earth (pre-coat) in 1985.

Gambill's Liquid Waste Disposal: settling pond sludge, syrup, corn, starch, corn gluten, and spilled corn byproducts from 1977 to 1988; a few loads of diatomaceous earth (precoat) in 1997.

Industrial Waste Disposal Co., Inc. ("IWD"): general trash, wood, corn fiber, animal feed pellets, diatomaceous earth (precoat), demolition debris, floor dri with oil or diesel fuel, concrete, contaminated soil, fly ash, syrup, settling pond sludge, starch, waste feed products, cardboard, and corn gluten from 1974 to 1996. IWD picked up sandblasting material during a 1991 painting project at the Corn Mill.

Kincaid Paving & Excavating hauled fly ash to Miami Paper Land Reclamation Site in 1990-1992.

Laidlaw Environmental Services, Inc.: miscellaneous hazardous wastes in 1994; PCBs, capacitors, ballasts, asphalt, carbon steel, aluminum, and copper on July 28, 1994.

Liquid Waste Removal of Ohio, Inc.: 20 drums of miscellaneous hazardous and non-hazardous wastes on August 27, 1990 from a plant cleanup project.

Moraine Transfer, Inc.: diatomaceous earth (precoat) from 1980 to 1985.

N & N Commercial Waste: trash from 1975 to 1989.

Ohmart Corp., 4241 Allendorf Drive, Cincinnati, OH 45209: used nuclear devices.

The Peerless Transportation hauled trash from the Corn Mill in 1974 and from 1976 to 1989.

Perma-Fix of Dayton, Inc.: used oil and oily wastewater from 1995-1996.

Power Testing, Inc./Kastle Electric: PCB-containing capacitors in 1981.

Resource Transportation, Inc.: PCB-containing wastes in April and August 1986.

Roto-Rooter Sewer Service: corn wastes and syrup from 1974 to 1989.

Rust Industrial Cleaning Service: corn gluten and corn starch in January 1995; fly ash in December 1994; fly ash in July-December 1995.

Safety-Kleen Corp. periodically picked up small quantities of miscellaneous hazardous or non-hazardous wastes from 1989 to 1996.

Van Waters & Rogers, Inc.: miscellaneous hazardous wastes in 1993 and 1995.

Westinghouse Electric Corporation: PCBs in July 1992.

h. Provide copies of all documents containing information responsive to the previous seven questions.

See the response to Request No. 15.

i. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to: [Cargill's waste disposal records; Thomas Byrne; Sheila Willhoite; Vlasak deposition transcript]

i. the type of vehicle (e.g., flatbed track, tanker truck, containerized dumpster truck, etc.);

Dumpsters were removed on flat-bed trucks or flat bed trailers pulled by trucks. Dump trucks were used to transport fly ash. Vacuum trucks were used to remove liquid wastes, such as corn byproduct wastes.

ii. names or markings on the vehicles; and

Cargill does not know this information.

iii. the color of such vehicles.

Cargill does not know this information.

j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.

See the answer to Request No. 16. b.

k. Indicate the ultimate disposal/recycling/treatment location for each type of waste. [Cargill's waste disposal records; Cargill's responses to prior EPA Requests for Information; Thomas Byrne; John Hurst]

The following disposal/recycling/treatment locations are known to have received the following wastes:

Aptus, Inc., Highway 169 North, Coffeyville, KS 67337: PCBs.

Bio Grow Systems, Inc., P.O. Box 924, Dayton, OH 45401: took settling pond water and sludge for a cleanout of the settling pond in October 1994.

Clark Processing, Inc., 200 S. West End Avenue, Dayton, OH 45427: (1) used oil; and (2) combustible liquid, coolant, and waste oil wastes that Ohio Liquid Removal of Ohio, Inc. picked up from a plant cleanup project on August 27, 1990. (Clark Processing was acquired by Perma-Fix of Dayton, Inc. in 1995.)

ELDA Recycling & Disposal Facility, 5701 Este Avenue, Cincinnati, OH 45232: resin; diesel fuel-contaminated dirt; neutralization pit sludge; settling pond sludge; fly ash; waste feed; diatomaceous earth (precoat); concrete; fire brick; insulation; and demolition debris.

Environmental Enterprises, Inc., 4650 Spring Grove Avenue, Cincinnati, OH 45232, received miscellaneous hazardous and non-hazardous wastes that Ohio Liquid Removal of Ohio, Inc. picked up from the plant cleanup project on August 27, 1990.

IWD Sanitary Landfill (aka Cardington Road Landfill): paper; plastics; common office and restroom trash; empty non-hazardous ingredient containers; corn starch dust; dust from aspiration systems; corn gluten meal; corn germ; corn gluten feed; laboratory retained samples of corn products, corn starch, and corn syrup; some small scrap steel; broken glassware; off-specification corn starch; and diatomaceous earth (precoat).

Laidlaw Environmental Services, Inc., 2815 Old Greenbrier Pike, Greenbrier, TN 37073: PCBs; capacitors; ballasts; asphalt; carbon steel; aluminum; copper.

Miami County Incinerator, 6589 N. Webster Street, Dayton, OH 45414: burnable wastes including general trash and fiber.

Miami Paper Land Reclamation Site, approximately 4300 Pinnacle Road, Dayton, OH 45449: fly ash.

Middletown Compost Co., 1600 M.A.D.E. Industrial Drive, Middletown, OH 45044: received settling pond sludge in October of 1993; it also may have received some corn-derived waste.

Montgomery County Composting Facility, 6591 Webster Street, Dayton, OH 45414, operated by SPM Systems, Inc., located next to the Miami County North Incinerator, Vandalia, OH. Received waste corn byproducts from July – December 1995. Received dirt and starch on December 20-21, 1994; received one load of resin on an unknown date.

Perma-Fix of Dayton, Inc.: used oil and oily wastewater.

Pinnacle Road Landfill: settling pond sludge; diatomaceous earth (precoat); fly ash; a fiberglass tank, concrete, floor dri, and miscellaneous wastes.

Powell Road Landfill: diatomaceous earth (precoat); dust; enzymes; fly ash; gravel; ion exchange resin; plaster or plaster and water; rock; sand or slag; settling pond sludge; starch; steel; and trash.

Recycled Fibers Midwest Region, 1516 East Thomas Avenue, Milwaukee, WI 53211: paper for recycling.

Resource Services, Inc., 7255 Industrial Park Road, Mentor, OH 44060: PCB-containing wastes transported by Resource Transportation, Inc. in April and August 1986.

Rollins Environmental Services, 2027 Battleground Rd., Deer Park, TX 77536: PCB-containing capacitors.

Stony Hollow Landfill: wood; diatomaceous earth (precoat); construction and demolition debris; general trash; starch; and waste feed products.

Systech Environmental Corp., P.O. Box 266, R.R. 2, County Rd. 176, Paulding, OH 45879: paint waste.

Valleycrest Landfill (aka North Sanitary Landfill, Brandt Pike Landfill, Peerless Landfill): trash; resin; fly ash; rock; construction debris; starch; meal; paper bags; skids; empty drums; diatomaceous earth; non-friable asbestos; stormwater settling pond sludge; plaster; precoat; gravel; sand; slag; wood; enzymes; and steel.

Vance Landfill: A load or loads of what may have been demolition debris were taken to this landfill in January 1996. The current address for Vance Environmental, Ltd. is 2101 Vance Road, Dayton, OH.

Hazardous wastes were taken to: Safety-Kleen Corp., 4205 Lisa Drive, Tipp City, OH 45317; Van Waters & Rogers, Inc., 7425 East 30th Street, Indianapolis, IN 46219-0387; Waste Technologies Industries, 1250 St. George Street, E. Liverpool, OH 43920; Laidlaw Environmental Services, Inc., 2815 Old Greenbrier Pike, Greenbrier, TN 37073; and Environmental Enterprises, Inc., 4650 Spring Grove Avenue, Cincinnati, OH 45232.

Empty drums were recycled, often by sending them back to the company that supplied the product purchased in the drums. Known recycling destinations included: Novo Nordisk, State Road 1003, Franklinton, NC 27525; and Genencor International, Inc., 1331 South 1st Street, Building 9A, Terre Haute, IN 47802.

The majority of the scrap metal was taken to Patterson Metal, 1322 East First Street, Dayton, OH 45403 and Franklin Iron & Metal Co., 2015 E. First Street, Dayton, OH 45403. Some metal may have been landfilled or incinerated.

Some of Cargill's paper was recycled at Recycled Fibers Division, Recycled Fibers of Ohio, 2601 East River Road, Moraine, Ohio 45439.

1. **Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.** [Cargill's waste disposal records; prior Cargill responses to EPA Requests for Information]

EPA already has the records submitted with Cargill's responses to EPA's Requests for Information listed in Request No. 2. With respect to Cargill's 25 boxes of waste tickets, invoices, receipts, manifests, and miscellaneous records related to the transportation and/or disposal of wastes from the Corn Mill, see Cargill's response to Request No. 15.

m. Describe how Respondent managed pickups of each waste, including but not limited to:

i. the method for inventorying each type of waste;

Cargill does not know this information.

ii. the method for requesting each type of waste to be picked up; [Sheila Willhoite; Cargill's waste disposal records]

Cargill requested pick-up by calling the hauler by telephone or the hauler regularly checked the dumpsters to determine whether they were full.

iii. the identity of (see definitions) the waste carrier employee/agent contacted for pickup of each type of waste;

Cargill does not know this information.

iv. the amount paid or the rate paid for the pickup of each type of waste; [Cargill's waste disposal records]

Cargill has 25 boxes full of waste tickets, invoices, and receipts for individual loads of waste taken from the Corn Mill over a period of 24 years that contain prices for transportation and disposal. None of these records relate to wastes taken to SDDL. The prices for waste hauling and disposal vary considerably, and would require an inordinate amount of time to compile. If EPA wishes to review these prices, Cargill is willing

to allow EPA to review and/or copy the records.

v. **the identity of (see definitions) Respondent's employee who paid the bills;** [Sheila Willhoite]

Numerous employees paid these bills over a period of 24 years, and it is impractical to identify or list all of them. However, Cargill will identify the supervisors of the accounting personnel. Sheila Willhoite supervised the payment of these bills by the persons under her supervision from May 1980 to 1990. Doug Fick was the accounting manager from 1993-1996. He currently works in Cargill's headquarters at 15407 McGinty Road West, Wayzata, MN 55391. Myrtle Moose Turnquist was the accounting manager from 1990-1993. Ms. Moose is no longer with Cargill. Her contact information is 17320 Charmy Downs, Wayzata, MN 55391, (952).473.9362. Her supervisor was Gene Helms.

vi. **and the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.** [Sheila Willhoite]

The payments were sent to companies listed in the response to Request No. 16. b. Cargill does not know the names of the individuals at these companies who received the payments.

n. **Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.** [Sheila Willhoite; Cargill's waste disposal records]

In most cases, Cargill selected the disposal facility for the waste. Janice Richards and Art Andrade made some of these selections.

o. **State the basis for and provide any documents supporting the answer to the previous question.** [Cargill's waste disposal records]

The answer to the previous question is based on records in Cargill's files revealing that Janice Richards or Art Andrade selected some of the disposal locations. With respect to EPA's request to produce Cargill's 25 boxes of waste tickets, invoices, receipts, manifests, and miscellaneous records related to the transportation and/or disposal of wastes from the Corn Mill, see Cargill's response to Request No. 15.

p. **Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:**

i. **the nature and chemical composition of each type of waste;** [Thomas Byrne; City of Dayton wastewater discharge permit]

The waste includes wastewater from the following sources:

process wastewater from the production of corn syrup, high fructose corn syrup, sucrose, corn starch, and animal feeds;

demineralizer regeneration;

condensate from evaporation processes;

cooling tower blowdown;

rail car washing;

reverse osmosis backwash from boiler;

stormwater (most stormwater is discharged from the permitted stormwater outfall, but a minor quantity goes into the sewer);

wash water from cleaning the plant;

reagents and other liquids from testing lab;

rinse water from filter cleaning and regeneration;

water softeners;

particulate/sulfur dioxide scrubber blowdown; and

domestic wastewater.

ii. **the dates on which those wastes were disposed;** [Thomas Byrne]

Wastewater has been discharged into the public sewer for 365 days per year since the Corn Mill started production in April 1973.

iii. **the approximate quantity of those wastes disposed by month and year;** [Thomas Byrne]

In 1995 and 1996, the Corn Mill discharged an average of about 1.9 million gallons per day ("MGD") and 2.1 MGD, respectively, of wastewater into the public sewer. Based on this daily average, the Corn Mill discharged about 57 and 63 million gallons into the sewer during a 30-day month in 1995 and

1996, respectively. During the years of 1995 and 1996, the Corn Mill discharged about 693.5 gallons and 766.5 gallons, respectively, into the sewer based on 365 days of operation. Cargill has no flow data for years prior to 1995.

iv. **the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pretreatment plant, Publicly Owned Treatment Works (POTW), etc.); and** [NPDES permit issued by Ohio EPA; Thomas Byrne]

Non-contact cooling water (well water passed through heat exchangers) and most stormwater have been discharged into a tributary of the Great Miami River. All other wastewater has been discharged into a public sewer owned by the City of Dayton and treated at the Dayton wastewater treatment plant. Some wastewater undergoes basic treatment prior to discharge into the sewer, as described in v. below.

v. **whether and what pretreatment was provided.** [Thomas Byrne]

Yes. The pH of the wastewater is adjusted with basic materials such as lime slurry, sodium hydroxide, or caustic soda. Some wastewater goes through a solids recovery tank for removing large solids and some wastewater goes through a tank for pH adjustment before discharge into the sewer.

q. **Identify any sewage authority or treatment works to which Respondent's waste was sent.** [Thomas Byrne]

The wastewater treatment plant that is owned by the City of Dayton and operated by the Dayton Department of Water.

r. **If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondents waste to the Site. Provide all documents which support or memorialize your response.** [Summary judgment filings and exhibits in Hobart III; Chuck Hallier; waste tickets for waste disposal retained by Cargill for the relevant time period]

As EPA knows, Hobart Corporation, Kelsey-Hayes Company, and NCR Corporation (the "Plaintiffs") have sued Cargill and many other companies in Hobart III for cost contribution for SDDL. Because the Plaintiffs have never had any evidence that hazardous wastes from Cargill were disposed of at SDDL, and still have no such evidence, Cargill has filed a Motion for Summary Judgment in Hobart III. Cargill is providing EPA with a copy of Cargill's Motion for Summary Judgment, the Plaintiffs' Memorandum in Opposition to the motion, Cargill's Reply, and the exhibits attached to these filings.

In an attempt to forestall summary judgment, the Plaintiffs produced a declaration from Deborah Grillot-Cornett stating:

> Late one night while operating Pollard[1] in the mid-1980s, my husband at that time and I saw a pile of some type of waste including food waste, possibly corn waste, on the property of Apollo Trucking ("Apollo") which was located adjacent to Pollard. The pile was near the edge of the Apollo property closest to Pollard. The pile was oblong in shape and its dimensions were about 2 feet in height and 15 feet in length at its widest point. I distinctly recall the waste pile at Apollo because it was covered by rats who were consuming it. . . . Apollo regularly hauled waste from Cargill in its dump trucks. I believe the waste in the pile I saw on the Apollo property that night was from Cargill.

See Plaintiffs' Memorandum in Opposition to Cargill's Motion for Summary Judgment ("Pl. SJ Memo."), Decl. of Deborah Grillot-Cornett, Exh. A, Doc. No. 124-1, PageIDs 1030-1031, ¶¶ 4, 6. According to a map attached to this declaration, the Apollo property is alleged to have been located on a small portion of what later became SDDL. Thus, the Plaintiffs' entire case against Cargill hinges on a single witness' statement that she saw a small pile of "some type of waste including food waste, possibly corn waste" and her speculation that she "believe[s]" the waste might have originated at Cargill's facility.

This speculation does not prove the waste came from Cargill. Moreover, Plaintiffs' have produced no evidence that the pile contained any hazardous substances, nor can they do so. Food waste, as described by Ms. Grillot-Cornett, is not a hazardous substance.

This pile appears to be the same pile of waste that is mentioned in two Ohio EPA records. Pl. SJ Memo, Exh. B, Doc. No. 124-2, SDD_00205-00206, PageID 1036-1037. A note on Ohio EPA's 1983 memorandum states that the "[m]aterial has been removed." *Id*., at SDD_00205, PageID 1036. The Plaintiffs have not contested this fact.

The Plaintiffs also produced a 1979 Ohio EPA memorandum, which contends that Cargill gave sludge to "waste scavengers that dump it indiscriminately in ditches, along fence lines, etc." ." *Id*., at SDD_00207, PageID 1038. While Cargill does not condone dumping by persons who accept Cargill byproducts under the pretense of recycling them, nothing in this memorandum indicates that these persons took any materials to SDDL. In fact, while the dumping allegedly occurred in Preble County, Ohio (see the reference to the Preble County Health Department in SDD_00207), SDDL is located in Montgomery County, Ohio. Consequently, the incident referenced in this memorandum, if it happened, did not

[1] Pollard was a trucking company.

occur at SDDL.

The Plaintiffs have made other arguments in their attempt to avoid summary judgment, but none of these arguments demonstrate that any Cargill waste made its way to SDDL. Rather than discussing these meritless arguments, Cargill refers EPA to its attached Reply in Support of Summary Judgment. The court has not yet ruled on Cargill's summary judgment motion, but instead is providing Plaintiffs with additional time to search for evidence against Cargill.

Other than the foregoing information (which does not show that any Cargill waste was disposed at SDDL), Cargill is aware of no other information showing that any Cargill waste went to SDDL.

RESPONDENT'S ENVIRONMENTAL REPORTING

17. **Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.** [Thomas Byrne]

    The EPA Identification Number for the Corn Mill is OHD061698676.

18. **Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substances or hazardous waste.** [Cargill's records related to TSCA and NRC]

    EPA and the Nuclear Regulatory Commission.

19. **State the years during which such information was sent/filed.** [Cargill's records related to TSCA and NRC]

    Reports about Cargill's radiation devices were periodically submitted to the Nuclear Regulatory Commission during the relevant time period of April 1973 to 1996. TSCA inventories were sent to EPA during at least 1991 and 1994.

20. **Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.** [Thomas Byrne]

    Ohio EPA and the State Emergency Response Commission.

21. **State the years during which such information was sent/filed.** [Thomas Byrne]

    During the relevant time period of April 1973 to 1996, it is believed that reports were submitted to the State Emergency Response Commission in 1988-1996. Cargill may have submitted annual hazardous waste reports with Ohio EPA for some of the years during the relevant time period.

22. **List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.** [Thomas Byrne; Cargill's records related to NRC and TSCA]

    Reports have been made pursuant to the Clean Water Act, TSCA, Atomic Energy Act, RCRA, EPCRA, Ohio Revised Code Chapter 6111, Ohio Revised Code Chapter 3750, Ohio Revised Code Chapter 3704, and Ohio Revised Code Chapter 3734.

23. **Identify the federal and state offices to which such information was sent.** [Thomas Byrne; Cargill's records related to NRC and TSCA]

    Information was sent to EPA, Ohio EPA, the Nuclear Regulatory Commission, and the State Emergency Response Commission.

CONCLUSION

The foregoing responses and the failure of the Hobart III Plaintiffs to find any evidence that Cargill's wastes were taken to SDDL after years of litigation demonstrate that Cargill is not a responsible party for SDDL under CERCLA. Accordingly, Cargill requests that EPA remove Cargill from its list of potentially responsible parties for that site.

Attachment A

This list provides the names of the drivers for Industrial Waste Disposal (IWD) or The Peerless Transportation Company as identified on pickup tickets filled out by the drivers who hauled waste from Cargill's Corn Mill. Some of the tickets may pertain to the delivery of products to and from the Corn Mill instead of waste.

The names were hand written on many (but not nearly all) of the tickets, and some of the names are illegible or partially legible. The tickets identified the drivers by first names only, last names only, initials only, or both first and last names. This list provides the driver names to the extent they could be read. Because some driver signatures were difficult to decipher, some of the spellings below may not be completely accurate. For the same reason, the list probably includes multiple spellings for the same drivers' names. It is also likely that many drivers signed their names differently on some occasions than others (e.g., providing only a first name on some tickets and only a last name on others).

IWD Drivers

Al
Anderson, B
Ande, Z
Bank
Banks
Banks, G
Banks, J
Bay, I
Ben
Bernie
B, G
Bill
Bill C
Bill, J W
Billy
B, J
B, Johnnie
B, Lovell
Bowers
Bowers, T
Bowers, Tedq
Boyce
Boyd
Brooks, G
Broun
Broun, B
Brown, L
Carl

Cayton, R
Clint
Crowe, K
DAJ
Da J
Dan
Dannaker, J
DAP
Dary
Dave
Dell
DOC
Driver
Forte, B
Fost
Foster
Foster, B
Foster, F
Fournier
Fred
FW
Garrett, J
Garrett, John
Gault, J
Gary
Gay
GB
Gerry
G, J
G, John
Glen
Gobannis
Gortes, F
Gowts
Grauhr
G S
Guy
Hagen, J
Hagers, Billy
Hagin, J
Hagin, R
Hague, J
Hague, John
Hall, G
Hall, Gary
Hall, P

Hall, Paul
Hall, Paul N
Hamrick, Mike
Hank, T
Haque, J
Hark, T
Hart, T
Harwick, M
Henry, Joe
Hensley, J
Hibbard, N
Hissoire
Hissoire, G
Hogue, J
Hogue, John
Hogue, T
Howard, J
Howard, Joe
Howard, Joel
Hunt, J
Hunt, T
Jackson, D
Jackson, DA
Jackson, Dan
Jackson, Dave
J B
J, D
J, Da
J, DC
Jeff
Jerry
Jifford
Jifford, R
Jim
J-O
Jo
Joe
Joe K
John
Johnnie
Johnnies
Johnson, Bob
Johnson, P
Johnson, Phil
Johnson, Phillip
Johnson, T

J S
J, T
Kashbaugh, N
Kenney
Kenny
Kibbons, N
Kithee
Klan, T
Klans, T
Kolbanks, N
Kubbrick, N
Kuhbards, N
Kuhlander, N
MAC
McGaghren, F
McCashrew
McCoghon, F
McCughon, F
Moore, R
Moore, Roger
Noble, I
Odell
O'dell
Olsen
PAF
Parker, S
Parkins
Paul
P D O
Pearson
Pedabicks
Pelis
Perkin, G
Perkins
Perkins, G
Perlis
Perlo
Perls
Person
Pete
Phil
Phillip
Pike
Pike, R
Pike, Roger
Pulis

Puls
P W
Reddick
Reddicks
Reddicks, J
Reddicks, Jim
Reddipo
Riddicks
Ritchie
Roge
Roger
Ron
Sam
Sawtt, J
Seamore
Seminole
Seminore
Sharp
Sharp, T
Shop, T
Shoun, T
Shoun, Tom
Shoup, T
Shoup, Tom
Siminoll
Sisco
Sizemore
Skorp, T
Smart, J
Smart, Joe
Smith, R
Somkas, P
Somkos, R
Sparkman, C
Sparkman, Chet
Sparkman, Clint
Sparkman, S
Srenian
S, T
Steve
Storkman, Chet
Strow
T
TAJ
Talent
Tankersley

Tankersley, P
Tankersley, Paul
Tankersley, R
Taylor
Taylor, G
Taylor, Gene
Taylor, Glenn
Taylor, O
Test
T J
Tom
T, P
T Y
Turner, Gary
Ukaver, Tim
Verp
Vest
Vince
Wagers
Wagers, B
Wagers, Billy
Wagies, B
Waylen, B
Weaver, P
Weaver, T
Weaver, Tim
Welk, L
Wells, S
Wells, Sonnie H
Wells, Sonny
Wells, Sonny H
Wertz
Wesley, J
West
Wilmer
Woodlin, Kenny
W, P

The Peerless Transportation Company[2]

Abbes
Baker, R
Bassett
Beirwolt

[2] This is a partial list of the Peerless Transportation drivers whose names are written on the waste tickets. Cargill will supplement this list as soon as it can.

Bennie
Berry, J
Bill
Bleller
Boyd, B
Boyer
Bryant, B
Buch, William C.
Burdett
Byrd, B
Carter
Collins
Collins, B
Cooper, J
Crishor, DeValle
Dehart
Edgington
Frigate, M
Fugate
Fugate, D
Fuigison
Fumjoin
Harehs
Hatfield, H
Henry
Hillard
Hurst
Jackson, C
Jackson, P
Jordan
Kidd
Kohns
Lakes
Lakes, P
Lowe, Kehen
Lunsford
Lykins
Manning
Manny
McClellan
McCoy, Mike
Meece-Shaw
Morgan, Jim
Morton, J F
Newport
Pollard

Pollard, J
Popp
Rabold
Ray
Rentz
Richardson
Roberts
Roy R.
R F
R P
Schoder
Scrubb, M
Setsen
Shaw, David
Shep, Joe
Shepard
Simpson
Shoop
Sing
Stephens
Stephens, R
Stepp, Tom
Stovall
Stovall, J
Strickland, C
Styeska
Swim, J
Tempest
Tipton
Tullock, Robert
Turner
Vance, L
Westeudorf, S
Williams

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 gathered and evaluated 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 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 fine and imprisonment for knowing violations.

Gavin Atkinson

Gavin Atkinson
Vice President - Director of Operations and Engineering – North American Corn Milling, Cargill, Incorporated

Date: March 23rd, 2015