0714 4.2

40049978
OU-00 SUPERFUND RECORDS

0714

Site: West Lake LDF
ID #: MDD079900932
Break: 11.6
Other: McCullough, William 5-14-91

MAY 14 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William E. McCullough
423 S. Van Buren
St. Louis, Missouri 63122

Re: CERCLA 104(e) Information Requests to William E. McCullough.

Dear Mr. McCullough:

The United States Environmental Protection Agency ("EPA") is currently investigating the source, nature, and extent of the release or threatened release of hazardous substances, pollutants, contaminants, or hazardous wastes at the Westlake Landfill in Bridgeton, Missouri ("the site"). This investigation requires inquiry into the (1) identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at, or transported to, the site, and (2) the nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from the site. The site is located near the intersection of I-70 and I-270 in Bridgeton, Missouri, which is a suburb of St. Louis, Missouri. The U.S. Nuclear Regulatory Commission ("NRC") has performed investigations at the site which have revealed the presence of hazardous substances (radioactive material) in the soil and groundwater.

Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9604(e) ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") gives EPA the authority to require any person who has or may have information relevant to materials generated, treated, stored, or disposed of or transported to the site, the nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from the site, or the ability of a person to pay for or perform a cleanup of the site to furnish such information to EPA upon reasonable notice. Accordingly, to aid

WSTM:SPFD:SAFE:NEWMAN:final:bah:5/9/91:G:dnewman\mccullf.104

SAFE	SAFE	SAFE	CNSL	CNSL	SPFD	WSTM
NEWMAN	SHEEHY	FLOURNOY	BACON	SCHILLER	MORBY	WAGONER
DS Newman 5/9/91	PES	KAF 5/10/91	5/9/91	BED 5/10/91	KAF for RLM 5/10/91	

WJM 0001

EPA in its investigation, you are hereby requested to provide the following information within thirty (30) days of receipt of this letter.

INSTRUCTIONS

In responding to the requests for information, please describe the source of your information.

1. You are required to provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.

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

3. If information or documents not known or not available to you on the date of submission of your response to this Information Request should become known or available to you at a later date, you must supplement your response to EPA. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

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

5. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F); Section 3007(b) of RCRA, 42 U.S.C. § 6927(b); and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

6. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h)(1988), notwithstanding your assertion that all or part of it is confidential business information. Please be advised that EPA intends to disclose all response to this Information Request to its contractor, which EPA has retained to organize and analyze the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within (10) days of receiving this Information Request.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this information request:

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, unincorporated association, partnership, corporation, trust or other entity.

3. The terms "the site" or "the facility" shall mean and include the property on or about the West Lake Landfill located near the intersection of I-70 and I-270 in Bridgeton, Missouri, which is a suburb of St. Louis, Missouri.

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

6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.

7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

8. The term "waste" shall mean hazardous waste and/or solid waste.

9. The term "materials" shall mean all substances that have been generated, treated, stored, disposed of, or otherwise handled at, or transported to the Site; including, but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes as defined above.

10. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.

11. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous wastes.

12. The term "identify" means, with respect to a natural person, to set forth the person's 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.

13. 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.

14. 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.

15. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.

16. The terms "document" and "documents" shall include: (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any contract, permit, license, invoice, receipt, endorsement, check, bank draft, canceled 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; (b) microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; (c) 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, tape or other type of memory); and (d)(1) every copy of each document which is not an exact duplicate of a document which is produced, (2) every copy which has any writing, figure or notation, annotation or the like of it, (3) drafts, (4) attachments to or enclosures with any document and (5) every document referred to in any other document.

17. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

18. The term "arrangement" means every separate contract or other agreement between two or more persons.

19. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

20. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. or regulatory definitions shall apply.

FINANCIAL BACKGROUND DEFINITIONS

22. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

23. The term "asset" shall include the following; real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies customer lists, accounts receivable, interest in insurance policies, interests in

partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

REQUESTS FOR INFORMATION

The following information requests are directed to William E. McCullough ("Respondent"):

1. Identify each person who assisted, or is assisting, in the preparation of the answers to this request for information.

2. Please provide the following information:

   2.1 Name and address of the Respondent's current employer(s);

   2.2 Respondent's title; and

   2.3 Names and addresses of Respondent's former employers since 1962.

3. Is the Respondent an officer or director of any profit or non-profit corporations? If so, provide the name, address, type of business, and principal place of business of corporation.

4. Is the Respondent currently a registered agent for any companies or has the Respondent been a registered agent in the past for any companies? If so, please describe.

5. Describe Respondent's current and/or past property interest in the site and how, when, and from whom Respondent obtained this interest. If you no longer have a property interest in the site, when and to whom was Respondent's interest conveyed? Provide copies of any documents related to conveyance of the site property interest to Respondent or from Respondent.

6. Provide the date quarry operations first began at the West Lake Landfill site. Also provide the date when waste was initially disposed of in the landfill.

7. Provide information and copies of documents pertaining to the ownership of the West Lake Landfill since it began operations as a quarry and as a landfill.

8. Provide details of the relationship between West Lake Landfill, Inc., Rock Road Industries, West Lake Quarry and Material Company, West Lake Ready Mix Company, Red Bird Ready Mix Company, Laidlaw Waste Systems (Bridgeton), Inc., Laidlaw Waste Systems Inc., the Archdiocese of St. Louis, the Shrine of St.

Jude, and the Society for the Propagation of Faith and Respondent's relationship to each.

9. Provide maps of the property encompassing the active and inactive quarry and landfill.

10. Provide a list of all companies and transporters (names, addresses, and EPA Identification numbers) disposing of waste at the West Lake Landfill by year. If the waste was or is being disposed of pursuant to a written contract, provide a copy of any contracts or agreements.

11. Provide the names, addresses, and telephone numbers of all persons responsible for the financial recordkeeping for West Lake Landfill, past and present.

12. Identify all persons directly involved in overseeing activities at the site, including employees who have knowledge, information or documents about the quarry and landfill operations.

13. Describe any clean-up or removal of hazardous substances as defined in CERCLA § 101(14); 42 U.S.C. § 9601(14), at the site.

14. Provide copies of boring logs, geologic reports, well logs, well locations, soil samples, and all sampling data including sampling locations of all such samples for the site.

15. Provide a description of the method of waste disposal (e.g. whether the waste was compacted or crushed prior to disposal), the thickness of waste deposited, and the amount of clean cover on top of the waste.

16. Provide information as to any waste West Lake Landfill, has ever had transported offsite, including but not limited to:

16.1 Shipping manifests;

16.2 Shipping logs;

16.3 Receipts;

16.4 Weight tickets; and/or

16.5 Permits.

17. Has the landfill ever been closed or shut down for any period of time? If so, provide the dates and circumstances under which the landfill was closed.

18. Provide copies of the meeting minutes of the corporate directors' meetings, for all the years during which Respondent held an interest or was affiliated with the site.

19. Do you have any knowledge of releases of hazardous wastes or hazardous constituents (see 40 C.F.R. Part 261, Appendix VIII) into the environment (air, surface water, groundwater, or soil) from the site at any time in the past or present? If yes, provide a complete description of each release, including but not limited to:

19.1 Location of release;

19.2 Waste or constituents released;

19.3 Quantities of release;

19.4 Date of release;

19.5 Cause of release;

19.6 Environmental impact of release;

19.7 Response actions taken; and

19.8 Measures taken to prevent the recurrence of release.

20. Provide a detailed description of the area where radioactive materials were deposited at West Lake Landfill, including a legal description.

21. Describe in detail, the relationship between West Lake Landfill, Inc. and the Cotter Corporation, and the relationship between Respondent and the Cotter Corporation, regarding the disposal of hazardous substances at West Lake Landfill.

22. Provide information describing the location and amount of radioactive waste disposed at West Lake Landfill. Provide information about the ownership of the radioactive waste before its disposal at the landfill.

23. With respect to all hazardous substances disposed at West Lake Landfill provide the following information:

23.1 Time period(s) over which each substance was disposed;

23.2 Quantity (weight and volume) of each substance disposed;

23.3 Nature and condition of any containers in which these wastes were placed before disposal;

23.4 Company name, address, and telephone number of each transporter of these substances; and

23.5 Results of any sample analyses performed on these wastes before disposal.

24. If you are unable to obtain or provide any of the above information, please indicate the names and addresses of those individuals and/or corporations who would possess such information.

Compliance with this information request is mandatory. Failure to respond fully and truthfully to the request within thirty (30) days of receipt of this letter may result in enforcement action by EPA to seek penalties of up to $25,000 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

Your response to this Information Request should be mailed to:

U.S. EPA, Region VII
Diana L. Newman
Superfund Branch
726 Minnesota Avenue
Kansas City, Kansas 66101
(913) 551-7887

If you have any legal questions, please direct such questions to Nancy E. Bacon of the Office of Regional Counsel at (913) 551-7545. If you have any technical questions, please direct such questions to Diana L. Newman, at the above address, or at (913) 551-7887.

Thank you for your cooperation in this matter.

Sincerely yours,

David A. Wagoner
Director
Waste Management Division

cc: Steve Sturgess, MDNR

23.4 Company name, address, and telephone number of each transporter of these substances; and

23.5 Results of any sample analyses performed on these wastes before disposal.

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Thank you for your cooperation in this matter.

Sincerely yours,

David A. Wagoner

David A. Wagoner
Director
Waste Management Division

cc: Steve Sturgess, MDNR

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. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Mr. William McCullough
423 S. Van Buren
St. Louis, MO 63122

4. Article Number
P 402 728 101

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X William McCullough

6. Signature — Agent
X

7. Date of Delivery

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

ST. LOUIS, MO. PARKWOOD BR.
MAY 13 1991

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SAINT LOUIS MO 631
PM
18 MAY
1991

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

U. S. EPA SAFE SECTION
726 Minnesota Avenue
Kansas City, Kansas 66101

DNewman

P 402 728 101

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Mr. William McCullough
423 S. Van Buren
St. Louis, MO 63122

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

☆U.S.G.P.O. 1989-234-555