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

INTRODUCTION

On March 23, 2015, Cargill, Incorporated ("Cargill") responded to the Request for Information of January 16, 2015 that the United States Environmental Protection Agency ("EPA") served on Cargill pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). The purpose of this submittal is to produce four items of information that Cargill has obtained since its initial responses.

First, Attachment A of Cargill's prior responses indicated that Cargill would supplement its list of drivers employed by the Peerless Transportation Company ("Peerless Transportation") who had picked up loads of materials from Cargill's corn mill located at 3201 Needmore Road in Dayton, Ohio (the "Corn Mill"). Since Cargill's initial responses, Cargill has contracted with Robert Half Legal to provide paralegal services to review six boxes of Peerless Transportation waste tickets in Cargill's possession in order to identify additional drivers. Cargill has updated its list of Peerless Transportation drivers to include drivers identified by the paralegal's review.

Second, Cargill has enclosed Peerless Transportation's responses to discovery propounded by Plaintiffs Hobart Corporation, Kelsey-Hayes Company, and NCR Corporation (the "Plaintiffs") in their CERCLA contribution action against Cargill, Peerless Transportation, and other defendants. Peerless Transportation's responses state that it has no knowledge that it delivered any wastes to South Dayton Dump and Landfill ("SDDL").

Third, Cargill has obtained a declaration from Deborah L. Grillot-Cornett about the pile of food waste deposited at the Apollo Trucking property that provides a more complete portrayal of facts than the declaration used by the Plaintiffs in their lawsuit. Among other useful information, the new declaration reveals that the waste pile was promptly removed from Apollo Trucking after its temporary staging at that location.

Fourth, the Plaintiffs have voluntarily withdrawn their claims against Cargill, and the Court has dismissed the claims against Cargill. A copy of the Plaintiffs' motion for leave to dismiss the claims and the Court's order granting the motion are enclosed.

SUPPLEMENTAL RESPONSES TO INFORMATION REQUESTS

The sources of information for the supplemental 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 [supplemental] answers to these questions.** [Jack Van Kley]

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Cargill is represented by counsel in this matter, and Robert Half Legal has searched for driver identities 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 Robert Half 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]

Cargill contracted with Robert Half Legal to review six boxes of Cargill records to identify names of Peerless Transportation drivers who picked up waste from the Corn Mill. These six boxes are among the 25 boxes referenced in Cargill's prior responses to EPA's information request.

Cargill also obtained the enclosed declaration from Deborah L. Grillot-Cornett.

Cargill reviewed the enclosed responses by Peerless Transportation to discovery propounded by the Plaintiffs in their CERCLA contribution action against Cargill, Peerless

Transportation, and other defendants.

Cargill has enclosed the Plaintiffs' motion to release Cargill from the Hobart lawsuit and the court's order approving the dismissal.

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.**

   Cargill is still 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.**

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

16.

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).** [Six boxes of Cargill's waste disposal records]

   Attachment A hereto is a supplemental list of drivers employed by The Peerless Transportation Company who picked up materials from the Corn Mill. Attachment A incorporates and supplements the driver names listed in Attachment A of Cargill's original responses to EPA's information requests. However, although these Peerless Transportation drivers may have picked up Cargill's materials, Peerless Transportation's responses to Plaintiffs' discovery requests reveal that Peerless Transportation has no knowledge that it ever transported anyone's wastes to SDDL.

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.** [Declaration of Deborah L. Grillot-Cornett; Peerless Transportation responses to Plaintiffs' discovery requests]

Cargill's prior responses to this information request discussed a 2012 declaration signed by Deborah L. Grillot-Cornett and produced by Plaintiffs in their CERCLA contribution action against Cargill. Because the Plaintiffs had filed and continued to litigate their lawsuit against Cargill without possessing any evidence that any Cargill wastes were taken to SDDL, Cargill filed a motion for summary judgment against the Plaintiffs. The Plaintiffs obtained and filed Ms. Grillot-Cornett's declaration in an attempt to avoid summary judgment. This declaration stated that Ms. Grillot-Cornett had seen a small pile of "some type of waste including food waste, possibly corn waste" on Apollo Trucking property that may now be part of the SDDL site. Her declaration also speculated that she "believe[s]" the waste might have originated from Cargill.

Ms. Grillot-Cornett's first declaration did not establish that any Cargill wastes remained at SDDL, nor did it indicate that the pile on Apollo Trucking's property contained any hazardous substances. Nevertheless, subsequent to Cargill's prior responses to EPA's information requests, Cargill's counsel contacted Ms. Grillot-Cornett to discuss her declaration. The product of this conversation was a second declaration signed by Ms. Grillot-Cornett that describes the pertinent facts more completely than her earlier declaration. As documented in her second declaration, the small pile of material described in her first declaration was promptly removed from Apollo Trucking's property after she initially saw it there. Apollo Trucking's property consisted solely of a building and a parking lot, and Ms. Grillot-Cornett could see whether the parking lot held a waste pile or showed signs of soil disturbance indicative of buried waste. She saw piles on two or three other occasions, but all of the materials were subsequently removed. On no occasion was there any soil disturbance that would indicate that the materials might have been buried on-site.

Ms. Grillot-Cornett's second declaration also reveals that she did not actually know that any waste in Apollo Trucking's parking lot came from Cargill. She was never familiar with the appearance of Cargill's wastes, and no one told her that the waste piles came from Cargill. She merely assumed the piles came from Cargill, because she had heard that Apollo Trucking had hauled Cargill materials.

In summary, despite years of searching for a link between Cargill and SDDL, the Plaintiffs have found nothing and have dismissed their claims against Cargill. Cargill is aware of no such evidence either.

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 renews its request 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 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. This list supplements and replaces the list of Peerless Transportation drivers included in Attachment A of Cargill's responses of March 23, 2015.

Most of the driver names on the tickets were hand written, 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 and initials 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).

The Peerless Transportation Company

Abbes
Ables
Allen
Allen, K.
Allen, W.
Bailey, D. B.
Bailey, D. B. L.
Baker, R.
Ball
Ballin
Banwhett
Bassett
Beirwolt
Bennie
Berry, J.
Bill
Bleller
Boyce
Boyd, B.
Boyer
Bozarth
Bragg, J.
Brandenburg
Brandenburg, R.
Bryant
Bryant, B.

Buch, William C.
Buck
Buck, C.
Burdett
Burnett, C.
Buschett
Byrd, B.
Carlson
Carter
Collin, A.
Collin, D.
Collins
Collins, A.
Collins, Arnold
Collins, B.
Cooper, J.
Covely
Cox
Crishon, DeValle
Crishor, DeValle
Dales
D. B.
Dehart
Ealginton
Edgington
Erra, F.
Evora
Evora, F.
Farris
Farris, Ray
Finnell
Finnell, W. M.
Ford, Lewis
Fox
Frigate, M.
Fugate
Fugate, D.
Fugate, M.
Fumjoin
Fuigison
Furgison
Fyee
Getter
Gettor, M.
Harehs
Hartley, J.

Hartly, James
Hatfield, H.
Hemmger
Hemminger
Henderson
Henry
Heterson
Hillard
Holly
Homan
Hurst
Hurst, Paul
Irvin
Irvin, B.
Jackson, C.
Jackson II, C.
Jackson, P.
Joe
Jordan
Jordan, H.
Jordan, J.
J. B.
J. P.
Kidd
Kohns
Kuhns
Laf, Thomas
Lakes
Lakes, P.
Lowe
Lowe, J.
Lowe, K.
Lowe, Kehen
Lunsford
Lykins
Manning
Manning, John
Manny
McCallough
McClellan
McCoy
McCoy, Mike
McCullough
Mcullough
Meece-Shaw
Messenger, A.

Michel
Moen, Don
Morgan
Morgan, Jim
Morton, J.
Morton, J. F.
Newport
Ney
O'Blillen
Ogden
Ozias
Patchin
Poling
Pollard
Pollard, J.
Popp
Popp, Bernard P.
Proof, S.
Rabold
Rabold, R.
Ray
Rentz
R. F.
Richardson
Rif
Rigsby
Rigsby, Dave
Robbins
Roberts
Roberts, D.
Rose, Rick
R. P.
R., Roy
Ruby
Ruby, Joe
Sapochak
Schoder
Schooler
Scrubb, M.
Seiber
Seiber, L.
Setsen
Setser
Shaw
Shaw, David
Shelly

Shep
Shep. J.
Shep, Joe
Shepard
Shephard
Shoop
Simpson
Sing
Sisler, R.
Stephen
Stephens
Stephens, R.
Stephens, Robert
Stephes
Stepp, Tom
Stoval
Stovall
Stovall, J.
Stovll
Strausburg
Strausbury
Strickland, C.
Styeska
Swim, J.
Tanner
Tayler
T. E.
Tect
Tect, Spot
Tempest
Tipton
Tullock, R.
Tullock, Robert
Turner
Vance
Vance, L.
Wayne
Westeudorf, S.
West, Howard E.
Westiadorf, Shawn
Wiggina
Williams
Williams, Robert
Yoder

CERTIFICATION

I certify under penalty of law that this document and its attachment 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
Vice President - Director of Operations and Engineering – North American Corn Milling, Cargill, Incorporated

Date: December 5th, 2016