UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 04 2014

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER
PROMPT REPLY REQUESTED WITHIN 30 DAYS
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Linde North America Inc.
Attn: Legal Department
575 Mountain Ave.
Murray Hill, NJ 07974

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35th Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that Praxair (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35th Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34th Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. The Company operated in Birmingham, Alabama at 3155 27th Avenue N. Birmingham, AL 35207 (Facility) which is located in or around the 35th Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 30 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended**. This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars ($37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

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

The Company's response to this Information Request should be mailed to:

Carolyn McCall
U.S. Environmental Protection Agency
SEIMB 11th Floor
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct legal questions to Mariaanne Lodin at 404-562-9547 and all other questions to Ray Strickland at 404-562-8890 or Carolyn McCall at 404-562-8874. If you are unable to reach the person at the time of your call, provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall

Carolyn McCall
Enforcement Project Manager
SEIMB – Superfund Division

Enclosures – Definitions/Questions

Enclosure A
Request for Information Pursuant to Section 104 of CERCLA
35th Avenue Superfund Site (Site)
Birmingham, Alabama

Instructions

1. Please provide a separate narrative response to each 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 the Company as of the date of submission of a response to this Information Request should later become known or available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the Company must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request, 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 possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 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 the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the Company. The Company 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.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

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

2. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State or any interstate body.

3. The terms "Site" and "35th Avenue Site" shall include Residential Properties, Five Mile Creek, and the 34th Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama.

4. The term "the Company" shall mean the recipient of this Information Request.

5. The term "Facility" shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 3155 27th Avenue North, Birmingham, Alabama which is located in or around the Site..

6. The term "34th Street North Ditch" shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42nd Avenue North to the south, 44th Avenue North to the north, and 37th Street North to the west, and shall also include the drainage areas that flow into the 34th Street North Ditch.

7. 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 mixtures of hazardous substances with petroleum products or other nonhazardous substances.

8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.

9. The term "identify" means, with respect to a corporation, partnership or other business entity (including a sole proprietorship), to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.

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

11. The terms "document" or "documents" includes any written, recorded, computer generated or visually or orally reproduced material of any kind in any medium in your possession, custody or

control or known by you to exist, including originals, all prior drafts and all non-identical copies. These may include by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which it produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

12. The term "release" shall mean 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 or pollutant or contaminant.

13. 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.

14. 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.

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

Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.

2. For every question contained herein, identify all persons consulted in the preparation of responses.

3. For every question contained herein, identify all documents consulted, examined or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.

4. Provide the name, title, address and phone number of the individual to whom any future correspondence regarding this matter should be directed.

5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.

6. Provide the following information about the Facility:
    a. Dates of operation;
    b. Describe the manufacturing processes;
    c. Summarize the production volumes; and
    d. Describe the use, storage and disposal of foundry brick or sand.

7. Name all parent, corporate successors and subsidiaries to the Prest-O-Lite Company, Inc., located at 3155 27th Avenue North, Birmingham, Alabama.

8. List all raw materials, hazardous and non-hazardous, that were used in the manufacturing processes.

9. List all products generated by the manufacturing at the facility.

10. List all wastes, hazardous and non-hazardous, produce by the manufacturing processes used at the facility.

11. Identify how all wastestreams were disposed at the facility.

12. Identify any off-site disposal facility and what wastestreams went to those off-site disposal facilities.

13. Identify any on-site disposal and what wastestreams went into those on-site disposal facilities.

14. Were there lime ponds on-site?
    a. If so, what were the purposes of the lime ponds?
    b. What wastestreams were disposed into the lime ponds?
    c. Were the lime ponds lined or unlined?

d. Were the lime ponds closed pursuant to the Resource Conservation and Recycling Act (RCRA)?

   i. If so, describe what steps were taken to close the lime ponds.
   ii. If not, identify the regulations the lime ponds were closed and provide a narrative of how the lime ponds were closed.

15. List all permits, licenses, certifications, etc., issued by the State of Alabama, Jefferson County, and the City of Birmingham.

16. List any violation of any permits, licenses, certification, etc., issued by the State of Alabama, Jefferson County, and the City of Birmingham.

17. Identify any releases of hazardous and non-hazardous substances from the facility either by air, surface water or groundwater. Also, include any releases from the facility via stormwater runoff or through any flooding of the facility.

18. Provide an explanation of the stockpiles of waste contained on the property which were indicated on the enclosed Tax Card.

    a. How was this stockpile disposed of?
    b. Provide an invoice showing when and where this waste material was
    c. removed and the disposal location.

19. Identify if the facility was subject to stormwater impact?

    a. Did any of the facility's stormwater run off-site?
    b. Did the facility have stormwater diversion and/or collection system? If so, where was the stormwater diverted?
    c. Was the stormwater released to the municipal sewer?

20. Was the Site subject to flooding?

    a. If so, where did the floodwater go?
    b. Did floodwaters come unto the facility or did floodwater flow from the facility?