UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 25 2015

REPLY TO THE ATTENTION OF:
SR-6J

Ref:	Date: 25Aug15		SHIPPING:	4.49
Dep:	Wgt: 1.00 LBS		SPECIAL:	2.50
			HANDLING:	0.00
	DV:	1.00	TOTAL:	6.99

Svcs: PRIORITY OVERNIGHT D&R
TRCK: 5654 4177 9511

Royal Adhesives and Sealants
2001 West Washington Street
South Bend, Indiana 46628

Subject: Request for Information Pursuant to Section 104(e) of CERCLA regarding Beck's Lake Superfund Site located in South Bend, St. Joseph County, Indiana
CERCLIS ID#: IND980904379

To Whom It May Concern:

This letter seeks Royal Adhesives and Sealants' (Royal) cooperation in providing information and documents relating to the Beck's Lake Superfund National Priorities List Site (Site) in South Bend, St. Joseph County, Indiana. This Site is contaminated with hazardous substances that may present a threat to human health or the environment. The U.S. Environmental Protection Agency is investigating the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site. Historical aerial photographs indicate that dumping occurred for over 40 years at the Site. Currently, EPA is identifying activities, materials, and parties that contributed to contamination at the Site.

This information request inquires into O'Brien Varnish's (O'Brien) generation, storage, treatment, transportation, and disposal of hazardous substances that have been, or threaten to be, released from the Site. Royal Adhesives and Sealants' is the ultimate successor to O'Brien Varnish. O'Brien and its successors have operated within the vicinity of the Site at 2001 West Washington Street, South Bend, Indiana since approximately 1882.

Ultimately, EPA, or by agreement, responsible parties, will study the effects of these substances on the environment and public health and implement required response actions, as appropriate. EPA believes that Royal possesses information that may assist the Agency in its investigation of the Site. Enclosure 1 provides background and historical information concerning the Site, and Enclosure 2 provides a map of the Site including, but not limited to, what is now known as LaSalle Park.

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We make this request under Section 104(e) (2) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601, *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986) which gives EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to clean up those sites. Under CERCLA, EPA has information-gathering authority that allows the Agency to require persons and corporations to furnish information and documents. Enclosure 3 is a summary of the Agency's legal authority under CERCLA.

We encourage Royal to give this matter your immediate attention. Instructions to guide Royal in the preparation of the response are in Enclosure 4. Definitions of the terms used in this Information Request are provided in Enclosure 5. The Information Request itself is found at Enclosure 6. Royal is required under law to provide a complete and truthful response to this Information Request and its questions, as well as to provide all requested documents. We request that Royal respond to this Information Request and provide requested documentation within thirty (30) business days of your receipt of this letter.

Royal may consider the information that EPA is requesting confidential. Under CERCLA, Royal may not withhold information on that basis, but Royal may ask EPA to treat the information as confidential. To request that the Agency treat Royal's information as confidential, you must follow the procedures outlined in Enclosure 7, including the requirement that Royal support its claim for confidentiality.

Compliance with this Information Request is mandatory. CERCLA provides that failure to answer the questions fully and truthfully and within the prescribed time frame can result in an enforcement action and penalties. Other statutes provide that the submission of false, fictitious statements, or misrepresentations can result in sanctions.

EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Royal's response to the information request should be sent back to EPA within thirty (30) business days of your receipt of this letter. The response should be sent to:

Jenny Davison, Remedial Project Manager
U.S. Environmental Protection Agency
Region 5, Superfund Division
77 W. Jackson Blvd., SR-6J
Chicago, IL 60604-3590

If you have any legal questions, please call Mary Fulghum, Associate Regional Counsel, at (312) 886-4683, e-mail fulghum.mary@epa.gov. If there are any questions about this Site, you may call Jenny Davison, Remedial Project Manager at (312) 886-0184, e-mail davison.jenny@epa.gov.

We appreciate your assistance and look forward to Royal's prompt response to this Information Request.

Sincerely yours,

Joan Tanaka

Joan Tanaka, Chief
Remedial Response Branch 1
Superfund Division

Enclosures

Enclosure 1

SITE BACKGROUND

The Beck's Lake Site is located in the vicinity of Washington Street and Falcon Street on the northwest side of South Bend, St. Joseph County, Indiana. Beck's Lake, an 8-acre lake, is part of LaSalle Park, a 40-acre park owned by the City of South Bend. The park is situated north of Washington Street, south of Linden Avenue, east of Falcon Street, and west of Kaley Street in Portage Township of South Bend. The property now known as Beck's Lake/LaSalle Park in South Bend, Indiana was once a dumping area. Historical aerial photos indicate that dumping occurred for over 40 years at the Site. In the 1950s, the City of South Bend began to develop this area into the park and residential housing it is today.

Beginning in 1985, EPA and Indiana Department of Environmental Management (IDEM) conducted a series of site inspections at the Beck's Lake Site including a Preliminary Assessment, Site Inspection and an expanded Site Inspection, that, in 1996, resulted in a No Further Remedial Action Planned designation. In 2003, the Site investigation was reopened as a result of the findings of a Brownfield Environmental Assessment. The findings of IDEM's reassessment revealed that arsenic levels in surface soils at the nearby neighborhood, especially south and west of the Site were elevated compared to the surrounding area. In 2009, an expanded Site Inspection Report 2 collected additional data to better characterize the soil exposure pathway for the Hazardous Ranking System, and to identify potential sources of the arsenic contamination in the LaSalle Park area. Elevated levels of arsenic among other heavy metals have been found in the soils present at the Site. In December 2013, the Beck's Lake Site was listed on the National Priorities List.

Enclosure 2

SITE MAP

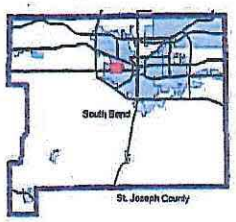
Site Location Map
Beck's Lake
EPA ID Number IND980904379
South Bend, St. Joseph County

N
W E
S

Beck's Lake/LaSalle Park

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.
Mapped By:
Kim Vedder, Office of Land Quality
Date: 1/6/2010

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Sample Locations - Collected by IDEM through digital interpolation, based on 2003 sample results.
Map Projection: UTM Zone 16 N Map Datum: NAD83



0 115 230 460 Feet
0 25 50 100 Meters

Enclosure 3

DESCRIPTION OF LEGAL AUTHORITY

The federal Superfund law, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.,* as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986) (commonly referred to as CERCLA or Superfund) gives EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

To enable U.S. Environmental Protection Agency to conduct comprehensive investigations of sites, Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), provides EPA with broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;

B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility; and

C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Enclosure 4

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.

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

3. In answering each question, identify all persons and contributing sources of information and identify each individual who assisted or was consulted in the preparation of the response to this information request.

4. Although the U.S. Environmental Protection Agency seeks your cooperation in this investigation, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.

5. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. The supplemental response must be provided within a reasonable time but no longer than twenty days from the date that the information becomes known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.

6. For any document submitted in response to a question, indicate the number of the question to which it responds.

7. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.

8. Your response must be accompanied by the following statement, or one that is substantially equivalent:

   I certify under penalty of law that this document and all enclosures 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 submitted 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.

The individual who prepared the response in paragraph 8, or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Please include the full title of the individual who prepared the response or the corporate official signing the response.

9. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.

10. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 7.

Enclosure 5

DEFINITIONS

The term ***any***, as in ***any documents*** for example, shall mean "any and all."

The terms ***document*** and ***documents*** shall mean any object that records, stores, or presents information, and includes 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 invoice, manifest, bill of lading, 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, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

The term ***facility*** shall have the same definition as that contained in Comprehensive Environmental Response, Compensation, and Liability Act (CERLCLA) Section 101 (9) including a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

The term ***hazardous material*** shall mean any hazardous substances, pollutants or contaminants, hazardous wastes, or hazardous waste constituent as defined below.

The terms ***hazardous substance*** shall have the same definition as that contained in Section 101(l4) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.

The term ***hazardous waste*** shall have the same definition as that contained in Subsection 1004(5) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6903(5), and 40 C.F.R. Part 261.

The term ***hazardous waste constituent*** shall have the same definition as that contained in 40 C.F.R. Part 260.10 and 40 C.F.R. Part 261.24.
The term ***identify*** means, with respect to a natural person, to set forth the person's full 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.

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.

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.

The term ***material*** or ***materials*** shall mean any objects, goods, substances, or matter of any kind, including scrap metal, batteries, scrap material, and electrical equipment, together with liquid or wastes contained therein.

The term ***person*** as used herein includes in the plural as well as the singular any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise. See Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21).

The terms ***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.

The term ***release*** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.

The term ***Site*** referenced in these documents shall mean the Beck's Lake Site/LaSalle Park facility located in the vicinity of Washington Street and Falcon Street on the northwest side of South Bend, St. Joseph County, Indiana (See Enclosure 2).

The terms ***you*** or ***your company*** or ***Respondent*** refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors including Royal Adhesives and O'Brien Varnish (and all subsidiaries, divisions, affiliates, and branches) as well as all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.

All terms not defined herein will 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 will apply.

Enclosure 6

INFORMATION REQUEST

1. For each and every question contained herein, please state the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this information request.

2. Provide the following information about your company (Respondent):

    a. The complete and correct legal name of your company.

    b. The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.

    c. The state of incorporation of the company and the company's agents for service.

    d. The name(s) of all subsidiaries, affiliates, or parent companies to your company.

    e. The state of incorporation and agents for service of process in the state of incorporation for those entities listed in (d) above.

    f. The status of all subsidiaries, affiliates, or parent companies to your company.

3. Is Royal Adhesives and Sealants the successor to liabilities, including those under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, of O'Brien Varnish?

4. If the answer to number (3) above is "no," respond fully to the following questions: Describe in detail Royal's past and current relationship with O'Brien and the facility (operations) located at 2001 West Washington Street, South Bend, Indiana. Respond to each of the following questions:

    a. State the date on which Royal acquired ownership or an interest in O'Brien. State the prior owners, if any, of O'Brien and its operations in South Bend, Indiana. Submit a copy of all documents relating to Royal's purchase of O'Brien operations.

    b. Did you company sell or otherwise divest itself of any stock, assets, or other interest in O'Brien or any other company that operated at a manufacturing facility at 2001 West Washington Street, South Bend, Indiana?

    c. If the answer to (b) is "yes," fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets and submit all documents relating to such transaction, including all documents

pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.

d. Did Royal retain the liabilities of O'Brien for events prior to the sale?

5. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this information request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:

   a. the document retention policy(ies) beginning in 1920 to present;

   b. a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;

   c. a description of the type of information that would have been contained in the documents;

   d. the name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and

   e. the name and most current address of any person(s) who may possess documents relevant to this inquiry.

6. Describe and provide any documents relating to the financial arrangement(s) between Royal and O'Brien.

7. Describe and provide any documents relating to the corporate relationship between your company and O'Brien's successors, predecessors, subsidiaries or affiliates. If your company ever merged, owned, acquired or became a subsidiary of O'Brien, its successors, predecessors, subsidiaries or affiliates, describe the past relationships including dates of these transactions. State the names, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding these mergers or acquisitions of O'Brien.

8. Identify all O'Brien's plant operations, processes, manufacturing methods and/or procedures that were in effect during the period that O'Brien was located in South Bend, Indiana.

9. Identify all persons, including you, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance (including any material that contained a hazardous substance) at or to the Site. Please provide each person's title and department/office. In addition, please provide the requested information in Question 9, (a) through (f) below:

    a. Identify the name of persons or entities who received the hazardous substances from the persons described in Question 9 above. Please include their names, addresses, and telephone numbers.

    b. Identify any person with whom the persons described in Question 9 made such arrangements. Include their names, addresses, and telephone numbers.

    c. Identify every date when each person described in Question 9 made such arrangements.

    d. Identify the steps you or other persons, including persons identified in Question 9 above took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a business's spill control policy) which address the management of spills and leaks prior to 1960.

    e. Identify any amount paid by you or other persons referred to in Question 9 above in connection with each transaction for such arrangement, the method of payment, and the identity of the persons involved. Please provide any contracts, written agreements, or documentation reflecting the terms of the agreements.

    f. Identify any amount of money received by you or other persons referred to in Question 9 above for the sale, transfer, or delivery of any material containing hazardous substances. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?

10. How long did your company have a relationship with the Site owner(s) and/or operator(s) of the Site?

11. Describe in detail and list the types of material that your company sent to the Site. In your response, please also give the generic name of each type of material shipped to the Site and:

    a. For each type of waste produced by, or material used in, your operations, describe and provide documents relating to your contracts, agreements, or other arrangements for its disposal at the Site. If you do not have such documents and/or materials, please so state.

    b. Identify whether any type of the materials that were sent to the Site contained a hazardous substance, pollutant, contaminant or hazardous waste constituent.

c. State whether any of the materials that your company sent to the Site was ever tested and, if so, whether the substances exhibited any of the characteristics of a hazardous waste.

d. Describe what was done to materials once they were brought to the Site, including any further processing of the materials and how the hazardous substances typically were used, handled, or disposed of at the Site.

e. Provide any additional information and all documents that are related to the type, nature and characteristics of the materials you sent to the Site.

f. List the years in which your company sent materials to the Site and/or its broker for disposal.

12. Provide names, addresses and telephone numbers of any individuals, including former and current employees, who may be knowledgeable of O'Brien's operations and hazardous substances handling, storage and disposal practices.

13. Describe your company's role at the Site, including what duties your company had at the Site, if any.

14. With respect to all transactions at the Site involving hazardous substances, at the time of the transaction, specify the measures your company took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information your company had about the treatment and disposal practices at the Site. What assurances, if any, was your company given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials your company sent there?

15. If not already provided in your response to a previous question, specify the dates and circumstances when your company's waste or material was taken to the Site, and identify the companies or individuals who transported your waste/material to the Site. Provide any documents which support or memorialize your response including but not limited to shipping manifests, shipping logs, receipts, weight tickets and/or permits.

16. Did your company have any influence over waste disposal activities at the Site? If so, how?

17. What percentage of your company's total annual waste or materials from your company's operations located at 2001 West Washington Street, South Bend, Indiana went to the Site?

18. Has any contaminated soil ever been excavated or removed at your company's operations or property located at 2001 West Washington Street, South Bend, Indiana and deposited at the Site? If so, please identify:

    a. The amount of soil excavated;

b. The manner of disposal and/or storage of the soil at the Site;

c. Dates of soil excavation;

d. The identity of persons who excavated or removed the soil, including the name and address of the persons;

e. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;

f. All analyses or tests performed and all test results of analyses performed on the soil that was removed ; and

g. All persons, including contractors, with information about (a) through (f) of this request, including contact information.

19. What efforts, if any, did your company take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?

20. Identify (see Definitions) all federal, state and local (e.g., county or city) offices to which your company has sent or filed hazardous substance or hazardous waste information regarding your company's operations in St. Joseph County, Indiana.

21. State the years during which such information was sent/filed regarding your company's operations in St. Joseph County, Indiana.

22. List all federal, state and local (e.g., county or city) environmental laws and regulations under which you, on behalf of Royal, its subsidiaries, affiliates, predecessor and successors, have reported to federal or state governments regarding your company's operations in St. Joseph County, Indiana, 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*.

23. Identify the federal, state and local offices to which such information identified in Question 22 was sent.

24. Provide copies of all of your company's casualty, liability and/or pollution insurance policies, and any other insurance contracts related to or that may apply to your company's property, business operations, and/or liabilities of Royal or O'Brien in St. Joseph County, Indiana (including, but not limited to, General Liability, Environmental Impairment Liability,

Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance) that provide liability insurance for damage to third party property.

25. To the extent not provided in Question 24 above, provide copies of all of your company's insurance policies that may provide your company with insurance for bodily injury, property damage and/or environmental contamination that may apply to or relate in any way to your company's property, business operations and/or liabilities in St. Joseph County, Indiana. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.

26. To the extent not identified in Questions 24 or 25 above, provide all other evidence of casualty, liability and/or pollution insurance issued to your company that may apply to or relate in any way to your company's property, business operations and/or liabilities in St. Joseph County, Indiana.

27. If there are any such policies from Questions 24, 25, or 26, of which you are aware but you neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:

    a. Each insurer and of the insured;

    b. Each type of policy and policy numbers;

    c. The per occurrence and aggregate policy limits of each policy;

    d. The effective dates for each policy;

    e. The issuing insurance company; and

    f. The issuing insurance broker.

28. With respect to your company's business property or operations, identify all insurance brokers or agents who placed insurance for your company at any time since 1920 that may apply to or relate in any way to your company's facilities, business operations and/or liabilities in St. Joseph County, Indiana, and identify the time period during which such broker or agent acted on behalf of your company. Identify by name and title, if known, individuals at the agency or brokerage most familiar with your company's pollution and/or liability insurance program and the current whereabouts of each individual.

29. Identify all previous settlements by your company (or predecessors) with any insurer that relates in any way to environmental liabilities and/or to the policies referenced in Questions 24 to 28 above, including:

a. The date of the settlement;

b. The scope of release provided under such settlement; and

c. The amount of money paid by the insurer pursuant to such settlement.

d. Provide copies of all such settlement agreements.

30. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of such company under any insurance policy referenced in Questions 24 to 29 above. Include any responses, including claim determinations such as denial letter, reservation of rights letters and agreements to provide defense, from the insurer with respect to any claims.

31. Identify any and all insurance, accounts paid or accounting files that identify your company's insurance policies that may have applied to or related to property, business operations and/or liabilities of Royal or O'Brien in St. Joseph County, Indiana. Provide copies of all such insurance policies.

32. List all named insured on property, pollution and/or casualty liability insurance policies providing coverage to your company that may be related to or apply to your company's property, operations and/or liabilities of Royal or O'Brien in St. Joseph County, Indiana, and the date such named insured appeared on each policy. State the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents.

33. Identify any person or organization requiring evidence of your company's casualty, liability and/or pollution insurance that may be related to or apply to your company's property, operations and/or liabilities of Royal or O'Brien in St. Joseph County, Indiana, including the nature of the insurance requirement and the years when the evidence was required.

34. Please provide copies of financial statements, reports, or projections prepared by, for, or on behalf of your company during the past four years. Your answer should include, but not be limited to, all those filed with the Securities and Exchange Commission, state agencies, and all financial institutions such as banks.

35. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons, their contact information, and the additional information or documents that they may have.

Enclosure 7

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq.* require that the EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq*. (September 1, 1976); 43 Federal Register 4000 *et seq*. (December 18, 1985).) If no such claim accompanies the information when the EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.*; because as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the EPA to treat the information or record as "confidential," you must advise the EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;

3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether the EPA or other federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination,

enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information; and

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(i). If you make this assertion, explain how the disclosure would tend to lessen the ability of the EPA to obtain similar information in the future; and

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. The EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as "confidential," your comments will be available to the public without further notice to you.