UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

October 25, 2011

BY OVERNIGHT DELIVERY

Pfizer Inc.
c/o Ian C. Read
President and CEO
235 East 42nd Street
New York, NY 10017-5755

Re: Newtown Creek Superfund Site, Kings County and Queens County, New York
Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Sir:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release and threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at www.epa.gov/superfund.

EPA has documented the release and threatened release of hazardous substances into the environment at the Newtown Creek Superfund Site ("Site"). The Site includes a body of water located in Kings County and Queens County in the City of New York and the State of New York. Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary that forms the northwestern-most border between the New York City boroughs of Brooklyn and Queens. It is a tributary of the East River and includes Newtown Creek proper and its five branches (or tributaries) which are known, respectively, as Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills, along an approximately 3.8-mile reach. References in this letter to "Newtown Creek" are meant to include Newtown Creek proper and its tributaries.

In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

The Site has been listed pursuant to Section 105 of CERCLA, 42 U.S.C. Section 9605, on the national priorities list of releases and threatened releases of hazardous substances, based upon the relative risk or danger to public health or welfare or the environment, for the purpose of taking action pursuant to CERCLA at such sites. Newtown Creek was listed pursuant to EPA

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rulemaking by publication in the *Federal Register*, on September 29, 2010. A remedial investigation and feasibility study at the Site is currently being undertaken, under EPA oversight, by a group of potentially responsible parties pursuant to an administrative settlement agreement and order on consent. The remedial investigation focuses on a Study Area which includes the sediments and the waters of Newtown Creek.

Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities dating from the 1800's, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap.

The Newtown Creek area of Brooklyn and Queens has a history of extensive industrial development stretching back to the 1800s. By the second half of the nineteenth century, the area surrounding and adjacent to Newtown Creek had become highly industrialized. This development resulted in major reworking of the Creek banks and channel for drainage, municipal discharges, and navigation purposes. Hazardous substances discharged by industrial, municipal, and other sources over the years ended up in the Creek. Currently the predominant land use around Newtown Creek includes industrial, manufacturing, warehousing, transportation, municipal infrastructure, and utility facilities. Residential development is planned for the areas near the mouth of the Creek on both the Brooklyn and Queens sides.

The Site includes contaminated sediments for which there are numerous possible sources. Sampling events have shown the sediments in the Creek to be contaminated with a variety of hazardous substances which traverse almost the entire length of the Creek, and which include a wide variety of metals, pesticides, polycyclic aromatic hydrocarbons, phthalates, polychlorinated biphenyls and volatile organic contaminants.

As part of its investigation of potential sources of contamination to Newtown Creek, EPA is seeking information regarding entities which operated in the vicinity of Newtown Creek. Your company is receiving this letter because EPA believes that Pfizer, Inc., or its related predecessors, formerly owned and operated a facility at 295 Lombardy Street, from 1924 to 1964 adjacent to Newtown Creek that may have discharged or released hazardous substances directly or indirectly into Newtown Creek or its associated wetlands. Please note that EPA's investigation of the source of contamination to Newtown Creek is expected to occur in phases. Thus, as EPA obtains information concerning the Site, the Agency may seek further information from your company about its ownership or operation of your company's facilities.

INFORMATION REQUEST

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response to the attached Request for Information should be submitted to EPA within 45 days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows the Agency to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant or other waste materials at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included with the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information; it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information should be sent to:

Michael A. Mintzer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866
mintzer.michael@epa.gov

with a copy to:

Caroline Kwan
Remedial Project Manager
New York Remediation Branch
Emergency and Remedial Response Division

U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866
kwan.caroline@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Mintzer at (212) 637-3168.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

A. Carpenter

Angela Carpenter, Chief
Special Projects Branch
Emergency and Remedial Response Division

Attachments

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.

2. Identify each answer with the number of the question to which it is addressed.

3. For each document produced in response to this Request for Information, indicate on the document, or in some other clear manner, the question to which it applies.

4. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains.

5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.

6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.

7. If you have reason to believe that an individual other than one employed by your Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.

8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.

9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.

10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.

11. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

12. If a response to any question is answered completely by a response to another question, or a request for a document has been addressed by a separate production, you may cross reference the responses so that you do not need to provide a duplicate response or duplicate documents.

13. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may 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), and 40 C.F.R. Section 2.203(b).

14. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

    a. the portions of the information which are alleged to be entitled to confidential treatment;
    b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
    c. measures taken by you to guard against the undesired disclosure of the information to others;
    d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
    e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
    f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

    To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

    All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information entitled to confidential treatment will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term "Newtown Creek" shall refer to Newtown Creek, and shall include its five branches or tributaries, respectively Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills.

2. As used herein, the term "Site" shall refer to Newtown Creek and any areas that have been a source of contamination to Newtown Creek, or are places where releases of such contamination to Newtown Creek have come to be located.

3. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.

4. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(3), (5) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.

5. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses <u>any</u> of the following characteristics:

   a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
   b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
   c. it has a pH less than 2.0 or greater than 12.5;
   d. it reacts violently when mixed with water;
   e. it generates toxic gases when mixed with water;
   f. it easily ignites or explodes;
   g. it is an industrial waste product;
   h. it is an industrial treatment plant sludge or supernatant;
   i. it is an industrial byproduct having some market value;
   j. it is coolant water or blow down waste from a coolant system;
   k. it is a spent product which could be reused after rehabilitation; or
   l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.

6. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

7. As used herein, the term "Company" refers to the addressee of this letter and its current and past constituent and affiliated entities that may have owned, controlled, leased or operated or had rights to operate at the Facility.

8. As used herein, the term "affiliate" or "affiliated" refers to all entities now or formerly controlling, controlled by or in common control with the Company, and whether currently in existence or no longer in existence.

9. As used herein, the term "Pfizer's Brooklyn Plant" refers to the plant operated by the company from about 1849 to about 2007 and located in the neighborhood of 11 Bartlett Street, Brooklyn, NY.

10. As used herein, the terms:
    a. "Facility" shall mean the real property formerly owned by Pfizer facility and located at 295 Lombardy Street, Brooklyn, New York (current Borough of Brooklyn, Block 295, Lot 10) together with the structures, infrastructure and other improvements located thereon; and
    b. "Other Newtown Creek Property(ies)" shall mean all other properties or facilities, if any, now or formerly owned or operated by the Company or any affiliate of the Company within the area extending one-thousand feet from the shoreline of Newtown Creek (including each branch or tributary of Newtown Creek).

11. As used herein, the term "Pfizer's Brooklyn Plant" shall mean all manufacturing and administrative facilities from time to time owned or operated by the Company, located in the Williamsburgh-Bedford Stuyvesant area or in other areas in Brooklyn, New York.

12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, 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, business trust, etc.), a brief description of its business and its ultimate parent corporation.

14. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA or in their implementing regulations, in which case the statutory or regulatory definitions apply.

REQUEST FOR INFORMATION

Section 1.0 Company Information

1. Company Identification: Provide the following information with respect to the Company.
   a. The full legal, corporate name and mailing address.
   b. The state and date of incorporation, the date of qualification to do business in the State of New York, and the agents for service of process in the state of incorporation and in New York State.
   c. The Chief Executive Officer or other presiding officer of the entity and the mailing address of that officer.
   d. If the Company is a successor by merger, acquisition or other activity to any other entity, identify each such entity and describe the nature of the succession. Please provide purchase and sale documents that related to such merger, acquisition or other activity including any indemnities associated with such activity.
   e. If the Company is a subsidiary, division, branch or affiliate of another corporation or other entity, identify each of those other entities and those entities' Chief Executive Officers or other presiding officers. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each entity identified in your response to this question.

2. Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

Section 2.0 Owner/Operator Information

3. Separately provide a brief summary of the Company's relationship to the Facility (see Definition number 10.a for "Facility") and each Other Newtown Creek Property (see Definition number 10.b for "Other Newtown Creek Property"), including:
   a. Nature of the Company's interest in the Facility and each Other Newtown Creek Property;
   b. Corporate identity of any entity affiliated with the Company that holds or held such interest;
   c. Address, Borough, Block and Tax Lot Identification and map or schematic locating the Facility and each Other Newtown Creek Property;
   d. Dates of acquisition and date of disposition of interest and identity of transferor and transferee;
   e. Dates of operation and date of cessation of operation and identity of lessor, licensor or other person with paramount interest (e.g., property owner, prime leaseholder);

f. The principal business and each other line of business conducted by the Company at the Facility and at each Other Newtown Creek Property; and

g. Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, purchase and sale agreements, partnership agreements, etc.).

4. Identify all entities who concurrently with the Company exercise or exercised actual control or who held significant authority to control activities at the Facility, including:
   a. Lessees, sublessees, partners, joint venturers or holders of easements.
   b. Contractors, subcontractors, licensees or licensors that exercised control over any materials handling, storage, or disposal activity.
   c. Pipelines providing delivery of materials to, distribution within or shipment from the Facility;
   d. Railroads or rail lines providing delivery of materials to or shipment from the Facility;
   e. Truckers providing delivery of materials to or shipment from the Facility;
   f. Barge service companies providing delivery of materials to or shipment from the Facility; and
   g. Any other person with activities and/or easements regarding the Facility.

5. Identify all current or prior owners that you are aware of for the Facility. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:
   a. the dates of ownership and operations conducted at such times;
   b. any corporate or real estate affiliation between the Company and each such prior owner; and
   c. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior owners owned the Facility with such details as you are aware of.

6. Identify all current or prior operators that you are aware of for the Facility. For each such operator, further identify, if known, and provide copies of any documents you may have regarding:
   a. the dates of operation;
   b. any corporate or real estate affiliation between the Company and any prior operator of the Facility,
   c. the nature of the operations at such times; and
   d. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior operators were operating the Facility.

7. Litigation and Administrative Activity:

   a. Has the Company or an affiliate been a party to any litigation, whether as plaintiff or defendant, where an allegation included liability for contamination of or from the Facility, any Other Newtown Creek Property or any other facility within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, identify such litigation and its disposition, briefly describe the nature of the Company's involvement in the litigation and provide a copy of the pleadings and any final order.

   b. Has the Company or an affiliate been identified by the U.S. Environmental Protection Agency or by any New York State or New York City agency as a party responsible for environmental contamination with respect to a facility located within 1,000 feet of Newtown Creek? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.

8. Ownership of Newtown Creek: At the present time or at any past time, has the Company or any affiliate:

   a. Owned any portion of Newtown Creek or wetlands associated with Newtown Creek.

   b. Asserted control or exclusive rights to use any area of Newtown Creek or wetlands associated with Newtown Creek, for any purpose including, without limitation, dredging, filling, construction, maintenance or repair of any facility located in the waters, the associated wetlands or sediments, including, by way of example, bulkheads, rip rap, pipes, wharfs, piers, docking, loading or unloading facilities, cranes or over-water facilities.

   c. If the answer to either subparagraph "a" or "b" of this paragraph is yes, please identify the areas owned or controlled, or over which the company has a right to use, provide an explanation of how and from whom the Company acquired such ownership or control, provide a copy of all title documents, leases, permits or other instruments where such right was derived, and describe all activities conducted pursuant thereto.

9. Operations In, Under or Over the Waters or On the Sediments of Newtown Creek:

   a. Describe all activities at the Facility that were conducted over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, industrial waste, petroleum or other waste materials and whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek.

   b. Has the Company, or any affiliate, at any time, constructed or operated any facility in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities.

c. Has the Company, or any affiliate, at any time constructed, operated or utilized any facility under the waters or sediments of Newtown Creek, including withour limitation pipes, pipelines, or other underwater or under sediment facilities.

d. If the answer to subparagraph "b" or "c" of this paragraph is yes, please provide details including the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, all permits associated with the construction or operation and the nature of the Company's authorization to construct or maintain such facilities in Newtown Creek including from whom the operating rights were obtained, and provide copies of relevant deeds, leases, licenses and permits.

e. Provide a summary of over-water activities conducted at the Facility, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, cleaning, maintenance, or repair.

f. Utilized barges, tankers or other ships in any operations on Newtown Creek and, if so, provide details. With respect to barge, tanker and shipping operations,

    i. Identify all products and raw materials transferred to or from barges, tanks and ships and the dates of such operations;

    ii. Describe the method of transfer to and from barges or other ships during all periods of such activities;

    iii. Identify the types of barges or ships utilized and the depth of the water where barges or ships were moored;

    iv. Describe barge, tanker or other ship cleaning operations, if any, including the cleaning methods that were used, how cleaning waste was handled; and

    v. Describe spill prevention controls that were utilized in delivery or pick-up of materials.

g. State whether any of the operations required to be identified above resulted in disposal or spillage of any materials into Newtown Creek or the re-suspension of any sediments of Newtown Creek. If the answer is a "yes" please provide details and documentation of such events.

10. Identify each and every Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), that your Company presently or previously owns (or owned), leases (or leased), manages (or managed), operates (or operated), controls (or controlled), or otherwise has or had rights to use, manage or operate, within the area extending one-thousand feet from the shoreline of Newtown Creek (Definition number 1 above defines "Newtown Creek" to include all tributaries or branches of Newtown Creek).

Section 3.0 Description of the Facility

11. Provide the following information for the Facility, including a description responsive to each question and depictions by map, drawing, survey or otherwise:
    a. Address and borough, block and lot;
    b. historic photographs, including without limitation, aerial photographs, photographs showing construction, industrial or commercial processes, sanitary and storm sewer systems, outfalls, indoor and outdoor storage of materials or products, and photographs during construction;
    c. all surveys and drawings of the Facility in your possession showing current configurations and improvements as well as previous configurations and improvements;
    d. sanitary sewer system information, including drawings, sewer easements, surveys or maps showing location and configuration both as currently configured and previous configurations;
    e. storm water sewer system information, including drawings, surveys or maps showing location and configuration both as currently configured and previous configurations;
    f. all below-ground structures, including, pipes, pipelines, sumps, wells, dry-wells and other structures for storage or conveyance of solid, gaseous or liquid materials, whether above ground or below ground , and whether owned or operated by you or by another, and as presently configured and as previously configured;
    g. all above-ground structures, including buildings and including all facilities for storage or transport of solid, liquid or gaseous materials, whether owned or operated by you or by another, and as presently configured and as previously configured;
    h. all over-water or in-water facilities (e.g., piers, docks, cranes, bulkheads, pipes, treatment facilities, containment booms, etc.);
    i. all treatment or control devices for all media and pursuant to all environmental laws and regulations (e.g., surface water, air, groundwater, hazardous waste, solid waste, etc.);
    j. groundwater wells, including drilling logs; and
    k. information related to any other outfalls, ditches, direct discharge facilities or other conveyance features and any discharges associated therewith.

12. For all items identified in subparagraphs d., e, f, g, h, i, j, or k, locate each such item on a Facility map or plan, provide the date of installation, identify all permits associated with each item, state whether such items are still in service or, if not, when they were removed from service, identify all leaks or spills, if any, associated with each, and identify any closure of any such item.

13. For each permit identify the type of permit, the agency or governmental authority issuing the permit and provide a copy of the permit and any reports required to be generated by the permit.

14. With regard to the placement of Fill at the Facility:
    a. Was any fill placed on the Facility during the Company's ownership or operation or during the initial development of the Facility by the Company? If so, identify all areas of the Facility where fill was placed, the lateral extent of the fill and the depth of the fill, the purpose of the placement, the source of the fill, the amount of the fill in each area, and the identity of the contractors involved in work related to the fill. State whether the fill has ever been characterized, either before placement or thereafter and, if so, provide a copy of the sampling/characterization results.
    b. Were any portions of the Facility historically part of Newtown Creek or did the Facility formerly include any marshlands or wetlands associated with Newtown Creek. Please depict any such areas on a survey, drawing or schematic. Please provide your understanding of who filled any such wet areas, the approximate date of such fill, and the lateral extent and depth of such fill, the source of the fill, the composition of the fill and, if any sampling has ever been done of such filled areas, provide a copy of the sampling results.

15. Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) on the Facility. For each such unit or area, provide the following information:
    a. a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;
    b. dated aerial photograph of the site showing each unit/area;
    c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;
    d. the dates that the unit/area was in use;
    e. the purpose and past usage (e.g., storage, spill containment, etc.);
    f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area;

g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area; and

h. If the unit/area described above is no longer in use, explain how such unit/area was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.

17. Provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, or ditches discharging into Newtown Creek from the Facility:

    a. the location and nature of each sewer line, drain, or ditch;

    b. the date of construction of each sewer line, drain, or ditch;

    c. whether each sewer line, drain, or ditch drained any hazardous substance, waste, material or other process residue to Newtown Creek; and

    d. provide any documentation regarding but not limited to the following on any and all outfalls to Newtown Creek which are located within the boundaries of the Facility. Your response should include, but not be limited to:

        i. whether the Facility is serviced by or otherwise drains or discharges to the outfalls and, if so, the source of the outfall;

        ii. the identify of upland facilities serviced by the outfalls;

        iii. the upland geographic area serviced by the outfalls; and

        iv. the type of outfall (i.e., storm water or single or multiple facility outfall).

18. Provide copies of any storm water or Facility drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any stormwater pollution prevention, maintenance plans, or spill plans developed for different operations during the Company's operation of the Facility.

19. Connections to New York City sewer system:

    a. State whether the Facility is connected to the New York City sewer and the date that the Facility was first connected;

    b. State whether the Facility has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;

    c. State whether the Facility participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;

    d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;

e. Provide copies of all permits and permit applications for Industrial Wastewater discharge permits;
f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;
g. Copy of Baseline Monitoring Reports submitted to NYC in connection with the Company's application for an industrial wastewater discharge permit;
h. Copies of all surveys, reports or analyses delineating or characterizing the company's liquid wastes;
i. Copies of all periodic monitoring reports for wastes discharged through the sewer system; and
j. Copies of all invoices from NYC or the NYC Water Board for water and/or wastewater charges including any wastewater allowances.

Section 4.0 Company's Operational Activities

20. Describe the nature of your operations or business activities at the Facility. If the products or processes, operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased. Also, please provide the following:
    a. Identify and describe the business or other operations conducted at the Facility;
    b. Identify each industrial process employed at the Facility and the raw materials used and the wastes generated;
    c. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Company's operations, from time to time, on the Facility;
    d. Provide a schematic diagram that indicates which part of the Company's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials;
    e. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from the Company's operations;
    f. Provide copies of any Material Safety Data Sheets (MSDSs) and Right-to-Know Notices for raw materials used in the Company's operations at the Facility;
    g. Provide copies of MSDSs for each product produced at the Facility; and
    h. Provide product literature and advertising materials for each product produced at the Facility.

21. Did the Company store or combust coal at the Facility during the time of its ownership or operation? If your answer is yes, please respond to the following requests for information for all periods of time that the company operated at or owned the Facility:
    a. Identify the purposes for such coal storage or combustion, including if used in energy production, the processes in which the energy was used at the Facility;

b. State the means by which the shipments of coal were delivered to the Facility, whether by barge, rail, truck or other, and identify the shipper and the vendor. Describe how the coal was received at the Facility and transported to storage facilities;

c. Identify the volume of coal received at the Facility, the type or types of coal (i.e. bituminous, anthracite, etc.) received and consumed on an annual basis during the period of the Company's ownership or operations, including changes over time;

d. Describe the means of storage of coal at the Facility, including whether the Facility employed coal pockets or other storage areas, the dimensions and volume of such storage facilities, and whether such storage was indoors or outdoors and covered or uncovered. Identify on a Facility map or diagram the location of the coal storage facilities. Describe the means of transport of the coal from the storage facilities to the combustion point;

e. Identify how the coal ash was managed including the location and storage facilities for the coal ash and whether it was stored indoors or outdoors, covered or uncovered, the means of conveying the ash to the on-site storage facilities, the location of the storage facilities, and, if sent for disposal, identify the disposal companies. State whether the ash was ever used at the Facility, whether as fill or for any other purpose, or if it was in any other manner disposed of at the Facility and, if so, describe the circumstances and identify the areas of disposal on a Facility map;

f. State whether there were Company written manuals providing for coal purchase, storage, maintenance of storage facilities, transport, consumption, or ash management and, if so, provide a copy of such written materials; and

g. State whether there were any permits associated with the coal receipt, storage or consumption or ash management and, if so, provide a copy of such permits.

22. Describe the receipt, storage and off-shipment of chemicals, raw materials, intermediary product, and final product (including, without limitation petroleum) at the Facility. For each question, identify the time period covered by your response. Please provide a copy of Company manuals that over time were in effect describing these procedures.

a. For receipt of materials, please identify:

i. all such materials (including, without limitation, petroleum) received, stored at or shipped from the Facility;

ii. its method of shipment to the facility (e.g., pipeline, barge, rail, tanker, truck, or other);

iii. testing, if any, upon receipt of such material, for quality, for conformity to specification, for contamination or otherwise; and

iv. treatment, if any, at the Facility of any material shipped to the facility, prior to storage in tanks at the facility.

b. For petroleum storage, identify storage procedures including sampling or testing of petroleum products following initial storage; procedures for filtering or rerefining or cleaning petroleum products at the Facility in order to remove contamination or impurities or to meet specifications for petroleum products.

c. For tank and infrastructure cleaning: Describe tank cleaning and infrastructure cleaning procedures, the identification of materials removed in such cleaning operations, the volume of waste generated in such operations and the storage, and the treatment and disposal of such wastes. Identify the contract and the contractors used to perform the cleaning for the Company.

d. For metals and metal compounds (including but not limited to raw materials, scrap, byproducts, ash, wastewater and wastes containing metals or metal compounds but not including metals as components of structures or equipment): Identify any metals and metal compounds previously or currently used or otherwise present at the Facility; the purpose for each of them; any testing done on such materials; and the method and location of use, storage and other handling of such materials at the Facility. Identify all spills, emissions, discharges and releases of any such substances at or from the Facility since the time that your Company owned or operated the Facility. Please provide any MSDSs for each such substance.

e. For polychlorinated biphenyls ("PCBs"): Identify any PCBs previously or currently used or otherwise present at the Facility, including, but not limited to (i) PCBs in plasticizers, fire retardants, paints, water-proofing, railroad ties, heat stabilizing additives for adhesives, and other materials; (ii) PCBs in capacitors, transformers, vacuum pumps, hydraulic systems, and other devices; and (iii) PCBs in raw materials, wastes, wastewater, scrap, and byproducts. Identify the purpose for each of them; any PCB testing done on such materials; and the method and location of use, storage and other handling of PCBs at the Facility. Identify all spills, emissions, discharges and releases of any PCBs at or from the Facility since the time that your Company has owned the Facility. Please provide any MSDSs for PCBs at the Facility.

f. Provide copies of any records, including Company manuals or written procedures that you have in your possession, custody or control relative to the activities described in this Question.

23. Describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on the Facility. Provide the brand name of all pesticides or herbicides used.

24. For all periods of the Company's ownership or operation of the Facility, describe how wastes transported off the Facility for disposal or treatment were handled, stored, and/or treated prior to transport to the disposal facility.

25. Describe all wastes disposed by the Company into drains at the Facility, including but not limited to:

a. the nature and chemical composition of each type of waste;

b. the approximate quantity of those wastes disposed by month and year;

c. the location to which these wastes drained (e.g. septic system or storage tank at the Facility, oil-water separator, pre- treatment plant, New York City sewer system); and

d. whether and what pretreatment was provided.

26. Identify all oil/water separators at the Facility during the Company's ownership or operation including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.

27. Identify each fixed above-ground storage tank and each fixed below-ground storage tank that is or was situated on the Facility during the Company's ownership or operation. For each tank, identify the date of installation, the dates and nature of major modifications, the dates and nature of spill detection equipment, the dates and nature of cathodic protection equipment, and description or drawings of tanks, identity of contents that have been stored in the tank both before (if known) or during the Company's ownership or operation, and the practices of cleaning at the time of any change in items stored, and the manner of ultimate disposal of wastes from the tank. Identify procedures for addressing spills from the tanks and identify all spills that have occurred during the Company's ownership of the Facility. Provide a copy of all permits relating to the tank and provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, addressing use and maintenance of such tanks.

28. Identify each pipeline serving the Facility that is or was situated on the Facility property (either above- or below- ground) during the Company's ownership or operation. For each pipeline, identify the owner and the operator for the pipeline and the owner or operator of the pipeline to which such segment is connected, and provide a copy of all permits relating to the pipeline on the Facility, the date of installation, all materials transported to the Facility through the pipeline, including crude petroleum or petroleum products, additives, other refining materials, batch separators, natural gas, manufactured gas, other fuel sources, chemicals and/or other materials. Describe pipeline cleaning processes and procedures for handling and disposal of wastes in the pipelines including mixed batches of materials in the pipeline. Identify procedures for addressing spills from the pipelines and identify all spills that have occurred during the Company's ownership of the Facility. Please provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, which address or regulated use and maintenance of such pipelines.

Section 4.1 Waste Disposal at the Facility From "Pfizer's Brooklyn Plant."

29. With respect to Pfizer's Brooklyn Plant (see Definition number 11) for the period 1924 to 1964:

a. Identify all products and intermediary products manufactured or produced at Pfizer's Brooklyn Plant;

b. Identify all SIC codes (Standard Industrial Classification System) applicable to Pfizer's Brooklyn Plant;

c. Identify each manufacturing or industrial processes conducted at Pfizer's Brooklyn Plant in connection with products and intermediary products produced;

d. Identify all raw materials used in manufacturing processes and provide MSDSs or other analysis showing the constituent chemicals in such materials;

e. Identify each waste stream generated at Pfizer's Brooklyn Plant (whether for manufacturing, cleaning of machinery or other activity, and identify all hazardous substances contained in each such waste stream;

f. Identify the nature of the wastes from Pfizer's Brooklyn Plant, whether liquid, solid or gaseous and the activity associated with the generation of such waste stream;

g. Identify the total amount of wastes produced in each year at Pfizer's Brooklyn Plant and identify all waste disposal sites where such wastes were disposed;

h. Identify the total amount of wastes disposed of at the Facility for each year between 1924 and 1964;

i. Identify the method of waste collection and disposal from Pfizer's Brooklyn Plant between the years 1924 and 1964 and all waste disposal sites used by the Company;

j. Identify where at the Facility wastes were disposed and state whether wastes of any kind were disposed of into Newtown Creek whether directly by dumping or through pipes or conveyances of any kind;

k. Describe all methods employed by the Company to contain the wastes disposed of at the Facility;

l. Describe all buildings and improvements located at the Facility between 1924 and 1964, including specifically all improvements relating to waste treatment, storage or disposal;

m. Identify all investigations of environmental conditions at the Facility whether before, during or after the period of 1924 to 1964 and provide all documentation relating to such investigations; and

n. Identify all investigations by federal, state or local regulatory authorities relating to waste management practices, waste disposal or environmental conditions relating to the Company's ownership or operation of the Facility, and provide copies of all communications and records relating thereto.

30. With respect to Pfizer's Brooklyn Plant (See Definition number 11) for the period 1924 to 1964, describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:

a. the types of materials used to clean/maintain this equipment/machinery;
b. the monthly or annual quantity of each such material used;
c. the types of materials spilled in the Company's operations;
d. the materials used to clean up those spills;
e. the methods used to clean up those spills;
f. where the materials used to clean up those spills were disposed of;
g. provide copies of Company manuals or procedures relating to cleaning of equipment and machinery and the Facility; and
h. provide copies of all records of such cleaning and maintenance including internal records and records from any outside vendor for such services.

Section 5.0 Regulatory Information

31. Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation at the Facility, the activity regulated, and the applicable federal, state and local statute or regulation from which such regulation was derived.

32. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Facility related to environmental concerns. Provide copies of all documents associated with each occurrence described.

33. Provide a list of all local, state, and federal environmental permits which have been applied for or issued to the Company with respect to the Facility for any media, e.g., water (including SPDES and NPDES, NYC sewer permit, Industrial Pretreatment Program permit or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, industrial wastewater, etc. under any environmental statute or regulation. Provide a copy of each federal and state permit, the applications for each permit.

34. Has the Company or any affiliate, contractor, or agent associated with the Company or an affiliate, or any individual associated with any of the foregoing ever been accused of any criminal violation in connection with any operation at the Facility. If so, describe the disposition of such accusation and provide details on such accusation.

35. Was a Notification of Hazardous Waste Activity ever filed with EPA or New York State for any activity at the Facility during the period that the Company or any affiliate owned or operated at the Facility. If so, provide a copy of such notification and the response given by EPA or New York State including the RCRA identification number assigned.

36. Did the Company or any affiliate ever have "interim status" under RCRA at the Facility? If so, and the Facility does not currently have interim status; describe the circumstances under which the Facility lost interim status.

37. Identify all state or city offices to which the Company has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

38. Has the Company or the Company's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the New York State Department of Environmental Conservation or New York City Department of Environmental Protection or any other state or city agency concerning an incident, accident, spill, release, or other event involving the Facility or involving Newtown Creek? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between the Company or its agents and NYSDEC, NYCDEP, NYSDOH, NYCDOH or any other state or city agency.

Section 6.0 Facility Releases, Investigations and Remediation

39. Identify all leaks, spills, or releases into the environment of any waste, including hazardous substances, pollutants or contaminants, industrial waste or petroleum, that have occurred at or from the Facility. In addition, identify and provide copies of any documents regarding:
    a. the date of each releases;
    b. how the releases occurred, e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated;
    c. the identity of the material released and the amount of each released;
    d. where such releases occurred;
    e. activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release and the remediation and the regulatory disposition concerning such release; and
    f. identify all fires, explosions or other similar events that have occurred at the Facility during the Company's ownership or operation that required response either by a Facility employee or a New York City responder or that was the subject of a subsequent investigation by a New York City agency. Identify the location on a Facility map where each of the events occurred and identify the items that were combusted in whole or part, including, without limitation, hazardous substances, pollutants or contaminants, industrial waste or petroleum. Provide a copy of all reports of the event, whether such reports are the Company's private reports or are public reports in the Company's possession.

40. Was there ever a spill, leak, release or discharge of waste, or process residue, including hazardous substances, pollutants, contaminants, industrial waste, or petroleum into any subsurface disposal system or floor drain inside or under a building on the Facility? If the answer to the preceding question is anything but an unqualified "no", provide details of each event and any communication with any federal, state or city regulatory body.

41. Has any contaminated soil ever been excavated or removed from the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
    a. Reason for soil excavation;
    b. location of excavation presented on a map or aerial photograph;
    c. manner and place of disposal and/or storage of excavated soil;
    d. dates of soil excavation and amount of soil excavated;
    e. all analyses or tests and results of analyses of the soil that was removed from the Facility;
    f. all confirmatory analyses or tests and results of analyses of the excavated area after the soil was excavated and removed from the area; and
    g. all persons, including contractors, with information about (a) through (f) of this question.

42. Have you treated, pumped, or taken any kind of response action on groundwater under the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
    a. reason for groundwater action;
    b. whether the groundwater contains or contained hazardous substances, pollutants, contaminants, industrial waste, or petroleum, what the constituents are or were which the groundwater contained, and why the groundwater contained such constituents;
    c. all analyses or tests and results of analyses of the groundwater;
    d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and
    e. all persons, including contractors, with information about (a) through (d) of this question.

43. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into Newtown Creek from any equipment, structure, or activity occurring on, over, or adjacent to the Creek? If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:
    a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
    b. the dates of each such occurrence;
    c. the amount and location of such release;

d. whether sheens were created on the Creek by the release ; and

e. whether there ever was a need to remove or dredge any solid waste, bulk product, or other material from the Creek as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.

44. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality on or about the Facility. Provide copies of all data, reports, and other documents that were generated by the Company or any contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.

45. Describe any remediation or response actions that you or your agents or consultants have ever taken or are currently taking at the Facility, either voluntarily or as required by any state, local or federal entity. If not otherwise already provided under this Information Request, provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on the Facility.

46. State whether you are planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Facility? If so, identify: the purpose, nature, and scope of such investigations and the dates when you plan to undertake such investigations.

47. Provide a copy of all environmental investigation reports of the Facility including investigations undertaken at the times of acquisition and transfers of the Facility by the Company.

Section 7.0 Compliance with this Request and Financial Information

48. Persons and Sources Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all sources that the Company reviewed in responding to this request, including, but not limited to:

a. the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and

b. a description and the location of where all sources reviewed are currently located, and the questions to which such sources relate.

49. Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage,

recycling, or sale of the Company's wastes). Also provide each such 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 the Company's waste management.

50. Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years.

51. Insurance and Indemnification:
    a. Provide a schedule of liability insurance policies that provided coverage for the Company with respect to the Facility. Please list all policies from the Company's initial ownership or initial operation of the Facility to the current date, showing the insured, insurer, broker or agent from whom you procured such insurance (if any), policy number, effective dates of the policy, and liability limits. Provide a copy of the Declaration Page for each such insurance policy. For any insurance policy that the Company no longer has in its possession, provide a copy of relevant records tending to show the existence of such policy;
    b. Provide a schedule of casualty insurance policies since the time of initial ownership or operation of the Facility, with the same information called for in the previous subparagraph that may provide coverage for cleanup of the Facility;
    c. Has the Company made claims under any policy in connection with environmental liability or environmental casualty in connection with the Facility? If the Company has ever made such a claim, provide a copy of all notices and correspondence in connection with such claim, and state the disposition of such claim;
    d. Identify each entity that may have a duty to indemnify the Company for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and
    e. Identify each entity that the Company has agreed to indemnify for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity and provide a copy of any document that reflects a requirement to indemnify by the Company.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
NEWTOWN CREEK SUPERFUND SITE

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

_____
NAME (print or type)

_____
TITLE (print or type)

_____
COMPANY NAME

_____
SIGNATURE

Sworn to before me this _____ day of _____, 201__

_____
Notary Public

My commission expires: _____

[STAMP OR SEAL]