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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via UPS

February 4, 2020

David M. Foulkes, CEO
Brunswick Corporation
26125 N. Riverwoods Boulevard, Suite 500
Mettawa, Illinois 60045

Re: CERCLA Section 104(e) Information Request Letter
Orange County North Basin Study Area, Orange County, California

Dear David M. Foulkes:

The U.S. Environmental Protection Agency is spending public funds to investigate actual or threatened releases of hazardous substances, pollutants, and contaminants at the Orange County North Basin ("OCNB") Study Area, located in Orange County, California. The OCNB Study Area includes portions of Fullerton, Placentia, and Anaheim where groundwater is contaminated with volatile organic chemicals ("VOCs"). EPA is seeking Brunswick Corporation's cooperation in providing information and documents related to this investigation. This letter requests information you may have pertaining to the former ownership and operations of Brunswick Corporation and its former subsidiary Vapor Corporation (together, "you" or the "Company"), formerly located at 1111 N. Brookhurst Street, Anaheim, California (the "Facility") that will assist in EPA's investigation of the groundwater contamination in the OCNB Study Area. You are requested to answer the questions in Enclosure B. Definitions and instructions on how to respond are provided in Enclosure A.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, 42 U.S.C. §9600 *et seq.*) Section 104(e) provides EPA with broad information-gathering authority allowing 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) Information relating to the ability of a person to pay for or perform a cleanup.

The information provided may be used by EPA in administrative, civil, or criminal proceedings.[1] The Company's response should include the name, address, and telephone number of the person to whom EPA should direct future correspondence regarding this information request.

[1] This request for information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1); see also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a).

You may consider some of the information requested herein to be confidential. You may not withhold information on that basis. If you wish EPA to treat the information as confidential, you must advise EPA of that request following the procedures outlined in Enclosure A, including following the requirements for supporting your confidentiality claim.

Compliance with this information request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to CERCLA §104(e)(5), which authorizes EPA to seek penalties of up to $57,317 per day of noncompliance. Additionally, provision of false, fictitious, or fraudulent statements or representations could subject you to criminal penalties under 18 U.S.C. §1001.

We encourage you to give this request your immediate attention and request that you provide a complete and truthful response **within thirty (30) calendar days of your receipt of this letter**. EPA is committed to moving forward with its investigation, and extensions of time for responses will only be granted on a showing of good cause. If you anticipate that you will need an extension, please request one as soon as possible; requests for extensions made at or near the deadline will not be viewed favorably. The Company's response to this letter should be prepared in the form of a letter together with any enclosures, and signed by a duly authorized representative. If possible, please submit your response as an electronic document, rather than mailing physical documents.

The response to this information request should be directed to:

Kim Muratore, Case Developer (SFD-7-5)
Email address: muratore.kim@epa.gov
Mailing address: U.S. EPA, Region 9, 75 Hawthorne St. San Francisco, CA 94105

To the extent that the Company has been, or is currently, working with a State or local regulatory agency, such as the Regional Water Control Board ("RWQCB") or Department of Toxic Substances Control ("DTSC"), you should continue to do so. EPA's investigation into current and historic potential sources to groundwater contamination is intended as a concurrent activity.

If you have any questions, please contact Ms. Muratore at (415) 972-3121 or send her an email. Questions regarding the OCNB Study Area's cleanup status should be directed to the Remedial Project Manager, Kathleen Aisling, at (213) 244-1823 or aisling.kathleen@epa.gov. Legal questions can be directed to Bethany Dreyfus at (415) 972-3886 or dreyfus.bethany@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

Loren Henning, Manager
CERCLA Enforcement Section
Superfund and Emergency Management Division

Enclosures (2)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions in Enclosure B. For each question, if information responsive to this information request is not in the Company's possession, custody, or control, identify any persons from whom such information may be obtained.

2. Number Each Answer. When answering the questions in Enclosure B, precede each answer with the corresponding number of the question and subpart to which it responds.

3. Number Each Document. For each document produced, indicate on the document, or in some other reasonable manner, the number of the question to which the document corresponds.

4. Provide the Best Information Available. Provide responses to the best of the Company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. The Company should seek out responsive information from current and former employees and agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this information request.

5. Identify Sources of Answer. For each question, identify all persons and documents that the Company relied on in producing its answer.

6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this information request become known or available to the Company after your response has been submitted, EPA hereby requests, pursuant to CERCLA §104(e) that the Company supplement its response.

7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of the Company, its attorneys and consultants, or any of their agents, consultants, or employees.

8. Confidential Information. The information requested herein must be provided even if the Company may contend that it includes confidential information or trade secrets. The Company 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 Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). For each piece of information over which the Company makes a claim of confidentiality, that claim must be proven. Accordingly, for each document or response the Company claims as confidential, it must separately address the following points:

   (a) Identify the specific portions of the information alleged to be entitled to confidential treatment;

   (b) Identify the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, permanently);

(c) Identify measures taken by the Company to guard against the undesired disclosure of the information to others;

(d) Explain the extent to which the information has been disclosed to others and the precautions taken in connection therewith;

(e) Provide 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) State whether the Company asserts that disclosure of the information would likely result in substantial harmful effects to the Company's 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.

(g) To make a confidentiality claim, please stamp, or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. The Company should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit the Company's response so that all nonconfidential information, including any redacted versions of documents, are in one envelope and all materials for which the Company desires confidential treatment are in another envelope.

(h) All confidentiality claims are subject to EPA verification. It is important that the Company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that the information is not and has not been obtainable by legitimate means without the Company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). 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 the Company.

9. Disclosure to EPA's Representatives. Information that the Company submits in response to this information request may be disclosed by EPA to authorized representatives of the United States pursuant to 40 C.F.R. §2.310(h), even if the Company asserts that all or part of it is confidential business information (CBI). EPA may also share this information with other parties, such as co-regulatory agencies, if the Company has been notified in advance. Parties to which EPA intends to disclose information contained in the Company's response are as follows:

Department of Toxic Substances Control
California Environmental Protection Agency

Regional Water Quality Control Board
California Environmental Protection Agency

Toeroek Associates, Inc.
EPA Contract Number EP-S9-16-01

Arctic Slope Mission Services, LLC
EPA Contract Number EP-W1-7011

Any subsequent additions or changes to this list of who may be granted access to the Company's response to this information request will be published in the Federal Register. This information may be made available to these entities for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; to provide expert technical review of the contents of the response; or as a co-regulatory agency. Pursuant to 40 C.F.R. §2.310(h), the Company may submit comments on EPA's potential disclosure of any confidential information to these entities within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If the Company has objections to some or all of the questions contained in the information request, it is still required to respond to each of the questions.

Definitions Applicable to Enclosure B, Information Request:

1. Any reference to Brunswick Corporation, Vapor Corporation, or the "Company" should be interpreted to include, but not be limited to, all officers, directors, shareholders, general partners, limited partners, managers, employees, contractors, assigns, agents, trustees, predecessors, successors, subsidiaries, operating divisions, affiliates and branches.

2. The term "person" includes any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.

3. The term "waste" or "wastes" includes trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid or sludge.

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

5. The term "hazardous substance" has the same definition as that contained in CERCLA §101(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

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

7. The term "pollutant or contaminant" has the same definition as that contained in CERCLA §101(33) and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.

8. The term "materials" means all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.

9. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

10. The term "Facility" includes the entire property as defined or any discrete portion thereof. If the Company's answer refers only to a discrete portion of the Facility, it should specify which portion is being referred to.

ENCLOSURE B: INFORMATION REQUEST

1. State the full legal name, address, telephone number, email address, and position(s) held by any individual answering any of these questions on behalf of Brunswick Corporation and its former subsidiary Vapor Corporation (together, the "Company").

2. Identify the individuals who are or were responsible for environmental matters at the Company's facility located at 1111 N. Brookhurst Street, Anaheim. California (the "Facility") during its ownership and operation of the Facility. Henceforth, the term "Facility" shall be interpreted to include both the real property at 1111 N. Brookhurst Street and any improvement thereto. For each individual responsible for environmental matters, provide his/her full name, current or last known address, current or last known telephone number, position titles, and the dates the individual held such positions.

3. Identify all current and former employees who have knowledge of the Company's operations at the Facility that relate to the creation, use, storage, or disposal of PCE, TCE, 1,1,1-TCA, 1,1-DCE, 1,4-dioxane, or perchlorate. This includes individuals whose job functions included operations which utilized or generated these hazardous substances, or who were responsible for storing/ filling/disposing of hazardous substances and/or wastes containing the above-identified chemicals. For each individual, provide his/her full name, current or last known address, current or last known telephone number, position title, and the dates the individual held such position.

4. Identify all current and former employees who have knowledge of the Company's operations at the Facility that relate to the physical layout of each operational area of the Facility, who could explain the day-to-day flow of the operations, and who know the location of physical features such as clarifiers, degreasers, and above and below ground storage tanks. For each individual, provide his/her full name, current or last known address, current or last known telephone number, position title, and the dates the individual held such position.

5. Explain the Company's present corporate status (e.g., active, suspended, defunct, merged, dissolved) as well as its operational status (e.g., whether and where business operations are occurring).

6. Provide the date and in which state the Company was incorporated, formed, or organized.

7. Identify the dates the Company, under any of its current or former business structures, owned and/or operated the Facility.

8. Identify the business structure (e.g., sole proprietorship, general partnership, limited partnership, joint venture, or corporation) under which the Company currently exists or operates, and identify each business structure under which it existed or operated while at the Facility location. For each business structure and name under which the Company has existed or operated at the Facility, provide the corresponding dates that it existed or operated under that business structure and name.

9. If the Company operated at the Facility as a subsidiary, division, or other business unit of a different corporation, provide this information and identify where it fits into the larger company's structural organization.

10. If the Company is now using or has ever used a fictitious business name while operating at the Facility, identify the fictitious names and the owners of each fictitious name.

11. If the Company sold the Facility property, provide the date on which the Facility property was sold and the buyer's name. To the extent known, indicate whether you understood that the buyer planned to continue the same or similar business operations at the Facility to that conducted by the Company. To the extent you are aware of any operational changes planned by the buyer regarding operations that involve the use, storage, or disposal of PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate (e.g., plans to add or dismantle clarifiers, change the types of solvents being used), include this information.

12. If the Facility was previously operated by other parties prior to the Company's operations, describe those previous operations to the extent known. Describe any physical changes the Company made to the Facility over the period of time that the Company operated at the Facility and describe any changes made to operations that either increased or decreased the use or disposal of PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate.

13. For any period of time in which the Company owned the Facility under any of its current or former business structures, provide the name, address, and phone number of any tenants and/or lessees.

14. For any period of time in which the Company, under any of its current or former business structures, operated at, but did not own, the Facility, provide the name, address, and phone number of the Facility's owner and/or lessor.

15. Describe the size of the Facility, the approximate number of people employed by the Company at the Facility over time, and any products manufactured or services performed at the Facility. Describe any significant change in Facility size, the Company's number of employees, and the products manufactured or services performed over time.

16. Provide a map of the Facility showing the locations of significant buildings and features at the time that the Company occupied the Facility. Indicate the locations of any maintenance shops, machine shops, degreasers, clarifiers, plating areas, painting areas, cooling towers, liquid waste tanks, chemical storage tanks, and fuel tanks. Provide a physical description of the Facility and identify the following:

    a. Surface structures (e.g., buildings, tanks, containment areas, storage areas);
    b. Subsurface structures (e.g., underground tanks, sumps, pits, clarifiers);
    c. Past and present stormwater drainage system and sanitary sewer system, including septic tanks and subsurface disposal fields;
    d. Any and all additions, demolitions, or changes of any kind to physical structures on, under, or about the Facility or to the property itself (e.g., excavation work) and the dates on which such changes occurred; and
    e. The location of all waste storage or waste accumulation areas as well as waste disposal areas (e.g., dumps, leach fields, burn pits).

17. Indicate on a map of the Facility or in narrative form each location where any of the following chemicals were used, stored, generated, spilled, or disposed of: PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate. Describe any manufacturing or treatment processes in which any of these chemicals were used.

18. Provide copies, both originals and updates, of hazardous material business plans and chemical inventory forms submitted to city, county, and/or state agencies for the Facility.

19. Provide a list of all chemicals and hazardous substances used at the Facility that contained any of the following: PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate.

20. For any PCE, TCE, 1,1-DCE, 1,1,1-TCA, 1,4-dioxane, or perchlorate used at or transported to or from the Facility, identify and provide the following information:

    a. The trade or brand name, chemical composition, and quantity used for each chemical or hazardous substance;
    b. The locations where each chemical or hazardous substance is or was used, stored, and disposed of;
    c. The kinds of wastes (e.g., scrap metal, construction debris, motor oil, solvents, waste water), the quantities of wastes, and the methods of disposal for each chemical, waste, or hazardous substance;
    d. The quantity purchased (in gallons) and the time period during which it was used; and
    e. Copies of Material Safety Data Sheets for all hazardous substances used that contain any of these chemicals.

21. Provide copies of all investigation and sampling reports containing environmental data or technical or analytical information regarding soil, water, and air conditions at the Facility, including, but not limited to, data or information related to soil contamination, soil sampling, soil gas sampling, geology, groundwater, surface water, and hydrogeology.

    a. State whether the documents provided represent a complete listing of all soil, soil gas and groundwater sampling conducted at the Facility. If you are aware of any other investigations or sampling reports for which the Company does not have a copy, describe the date and type of sampling conducted, and provide information on where EPA might obtain the report and related documents.
    b. State whether the Company is aware of any planned future soil, soil gas, or groundwater sampling at the Facility, and if so, please explain.

22. Identify and provide copies of all agency orders, correspondence, and/or workplans that discuss proposed soil, soil gas, and/or groundwater sampling at the Facility for which the sampling was never conducted. Explain to the extent of your knowledge why the proposed sampling was not conducted.

23. Provide copies of any due diligence reports or property transfer assessments related to the Facility.

24. Identify, and provide the following information for, all groundwater wells located at the Facility:

    a. A map with the specific locations of the groundwater wells;
    b. Dates of well construction;
    c. Depth to groundwater, depth of well, and depth to and of screened intervals;
    d. Uses of each well;
    e. Date each well was abandoned, if applicable;
    f. Date each well was sampled;

g. All constituents analyzed for during groundwater sampling events; and
h. All groundwater sampling results, reports of findings, and analytical data.

25. Provide copies of any applications for permits or permits received for the Facility under any local, state, or federal environmental laws and regulations, including any waste discharge permits (e.g., national pollutant discharge elimination system [NPDES] permits).

26. For each waste stream generated at the Facility, describe the procedures for (a) collection, (b) storage, (c) treatment, (d) transport, and (e) disposal of the waste stream.

27. If the Company discharged any of its waste stream at the Facility to the sewer, provide copies of all permits and all analyses performed on discharged water, and identify all locations where waste streams were discharged.

28. Provide a detailed description of all pre-treatment procedures performed on waste streams at the Facility prior to transport to a disposal site.

29. Describe the method used by the Company to remove waste streams from sumps at the Facility.

30. Identify all wastes stored at the Facility prior to shipment for disposal. Describe the storage procedures for each waste stored.

31. Identify all leaks, spills, or other releases into the environment of any hazardous substances or pollutants or contaminants that have occurred at or from the Facility. Identify and provide supporting documentation of:

    a. The date each release occurred;
    b. The cause of each release;
    c. The amount of each hazardous substance, waste, or pollutant or contaminant released during each release;
    d. Where each release occurred and what areas were impacted by the release; and
    e. Any and all activities undertaken in response to each release, including the notification of any local, state, or federal government agencies about the release.

32. Provide copies of any correspondence between the Company and local, state, or federal authorities concerning the use, handling, or disposal of PCE, TCE, 1,1,1-TCA, 1,1-DCE, 1,4-dioxane, or perchlorate at the Facility, including but not limited to any correspondence concerning any of the releases identified in response to the previous question.

Muratore, Kim

From: UPS Quantum View <pkginfo@ups.com>
Sent: Thursday, February 6, 2020 8:18 AM
To: Muratore, Kim
Subject: UPS Delivery Notification, Tracking Number 1ZA46W472469448111

Your package has been delivered.

Delivery Date: Thursday, 02/06/2020
Delivery Time: 10:10 AM

At the request of EPA MAILROOM this notice alerts you that the status of the shipment listed below has changed.

Shipment Detail

Tracking Number:	1ZA46W472469448111
Ship To:	DAVID M. FOULKES, CEO BRUNSWICK CORPORATION 26125 N RIVERWOODS BLVD METTAWA, IL 60045 US
UPS Service:	UPS NEXT DAY AIR
Number of Packages:	1
Weight:	1.0 LBS
Delivery Location:	DOCK BARTELLS
Signature Required:	A signature is required for package delivery
Reference Number 1:	SFD-7-5
Reference Number 2:	K.MURATORE

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