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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

FEB 26 1999

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(b) (6)
[redacted]

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the R.J. Refining site, La Barge, WY

Dear (b) (6) [redacted]:

The United States Environmental Protection Agency, Region VIII (EPA) has conducted a Removal Action at the R.J. Refining site, located near La Barge, Wyoming (hereinafter "the Site"). Such action was necessary in order to address the threat of release of hazardous substances at the Site. The Removal action was conducted pursuant to EPA's authority under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq. (CERCLA).

This letter constitutes a request for information pursuant to section 104(e) of CERCLA, as amended, 42 U.S.C. § 9604(e). EPA is seeking information relating to your activities at the Site and historical operations of this facility.

Pursuant to the authority of section 104(e) of CERCLA, you are hereby requested to respond to the enclosed Information Request.

Your response to this request should be mailed no later than ten days after your receipt of this request, to:

why not std 30 days?

Maureen O'Reilly, Enforcement Specialist
U.S. Environmental Protection Agency
999 18th Street, Suite 500/8ENF-T
Denver, Colorado 80202-2405

Your response to this request must be accompanied by a notarized certificate that you have signed and dated. The notarized certificate must state that the response submitted to EPA is complete and contains all information responsive to this request that is known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request.

WTS 8ENF-L 2/18/99

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Thank you for your cooperation in this matter. Should you have any questions regarding this information request, please contact Maureen O'Reilly, Enforcement Specialist at (303) 312-6402, or you may contact Wendy Silver, Enforcement Attoreny, at (303) 312-6637.

Sincerely,

Michael T. Risner, Director
Legal Enforcement Program

Sharon D. Kercher, Director
Technical Enforcement Program
Superfund Enforcement

Enclosures

cc w/enc.: (b) (6) [redacted]
M. O'Reilly, ENF-T
W.Silver, ENF-L

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Thank you for your cooperation in this matter. Should you have any questions regarding this information request, please contact Maureen O'Reilly, Enforcement Specialist, at (303) 312-6402, or your attorney may contact Wendy Silver, Enforcement Attorney, at (303) 312-6637.

Sincerely,

Michael T. Risner, Director
Legal Enforcement Program

Mike doesn't want to see these info req.

Sharon D. Kercher, Director
Technical Enforcement Program
Superfund Enforcement

Enclosures

cc w/enc.: (b) (6) [redacted]
M. O'Reilly, ENF-T
W.Silver, ENF-L

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R.J. Refining Site
INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each question in this Information Request (Request).

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

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, 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 of this fact as soon as possible and provide EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.

5. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or proprietary information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information submitted to EPA pursuant to this Request, provided such claim is allowed by section 104(e)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. § 9604(e). A confidential business information claim may be asserted in the manner described by 40 C.F.R. § 2.203(b). Information covered by a claim of confidentiality will be disclosed by EPA only to the extent and by means of the procedures set forth at 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), 50 Fed. Reg. 51,661 (1985)). If no confidentiality claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

6. All questions asked in the past tense should be interpreted to apply to the present as well.

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Definitions

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

1. The term "you" shall mean the addressee of this Request.

2. The term "person" shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

3. The term "identify" means, with respect to a natural person, to set forth the person's 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.

4. 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.

5. 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), and the substance or the subject matter.

6. 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, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (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.

7. The term "Site" means the R.J. Refining site, located near 723 Calpet Road, La Barge, Lincoln County, Wyoming.

8. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

9. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601 et seq., RCRA, 42 U.S.C. § 6901 et seq., or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq., respectively, in which case the statutory or regulatory definitions shall apply.

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QUESTIONS

1. Identify the person or persons answering these Questions.

2. For each Question contained herein, identify all persons consulted in the preparation of the answer.

3. For each Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the Question and provide accurate copies of all such documents.

4. Provide the legal description of any and all real property owned by you that is located at or within one mile of the Site. Include in your response the date on which you became the owner of the property. Indicate whether you purchased the property or obtained it through inheritance.

5. Provide copies of any tax certificates that may entitle you to purchase real property located at or within one mile of the Site. If you have purchased real property at or within one mile of the Site as a result of a tax sale, provide copies of all related documentation regarding that sale.

6. Did you run, or help others run, a business or conduct operations at or near the R.J. Refining site? If so, were any such businesses incorporated, or general or limited partnerships (provide documentation of any incorporated or partnership entities). Indicate what your position and title was in each business entity you were involved in, and describe in detail what duties your position encompassed.

7. If your response to question 6 is yes, during what time period(s) did you run, help others run, or function as an employee of a business or other operations at the Site?

8. If your response to question 6 is yes, describe in detail what the nature of the business or operations were that you ran, or helped others run, at the Site. Include detailed information about the kinds of materials you utilized, the volumes of materials utilized, operating processes and procedures, products produced, inventory volumes and storage procedures utilized, and what your disposal practices were for wastes generated at the Site.

9. If your response to question 6 is yes, did your business or operations at the Site require state or federal permits of any kind in order to operate? If so, provide copies of any such permits. If you are no longer in possession of the permits, describe the contents of the permits in detail.

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10. Did you bring drums of materials onto the Site? If so, describe the number of drums, what was in these drums, the volume of the drums, how the materials in the drums were used, how much of the material in the drums was used, and how you disposed of empty or partially empty drums after use. If you are aware of others who brought drums on to the Site, provide their names, last known addresses, and telephone numbers if possible.

11. Did you utilize the laboratory facility located on or near this Site? If so, describe during what time frame you utilized this facility, for what purposes, and what laboratory procedures or practices you used to assure proper handling and storage of chemicals, reagents, and other materials contained in the laboratory. List any chemicals, reagents, and other materials that you brought on to the Site or arranged to have brought on to the Site. If you are aware of others who used the laboratory at the Site, provide their names, last known addresses, and telephone numbers if possible.

12. Provide any information you have access to regarding any wastes that could be buried at the Site. Include in your response the type of wastes, location of burial site, and the approximate volumes of the buried wastes.

13. Describe the lease arrangements you have or had at the Site with each of the following parties: 1) Mark Johnson; 2) Reland J. Johnson; 3)any other party who has leased real property or tanks or other equipment from you at or within one mile of the R.J. Refining site over the last fifteen years. Include in your response information about the term of each lease, the amounts of rent that were charged and paid, what uses and activities the leases allowed for and what activities and uses were expressly forbidden, and how each lease was terminated. Provide copies of each lease document you have executed for real property located at the Site in the last fifteen years.

14. If you have entered into any verbal lease agreements regarding real property at the Site, describe in detail the terms of any such agreements and with whom you have or have had such agreements over the last fifteen years.

15. Do you own tanks of any kind which are located at the Site? If your response is yes, indicate when you purchased these tanks, for what purpose you purchased these tanks, how you have used these tanks, how others you have authorized through lease or other agreements have used these tanks, how you have maintained these tanks and what actions you take, and how often you take such actions, to assure that these tanks are in good working order and that those who are authorized by you to use these tanks are doing so in accordance with relevant laws and regulations.

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16. Provide the name, address and telephone number of anyone known to you who may have information regarding the questions outlined above.

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NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person responding to the Environmental Protection Agency's (EPA's) Request for Information concerning the R.J. Refining site.

2. I have made a complete and thorough review of all documents, information, and sources relevant to the Request.

3. I hereby certify that the enclosed response to EPA's Request is complete and contains all information and documents responsive to the Request.

_____
(Signature)

_____
(Print Name)

Subscribed and sworn to me this _____ day of _____, 1999.

[SEAL] _____
Notary Public

My Commission Expires _____

My address is:

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