UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

JUL 0 5 2011

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ingram Barge Company
c/o Ingram Marine Group
Craig E. Philip
Chief Executive Officer
4400 Harding Road
Nashville, TN 37205-2290

Re: Gulfco Marine Maintenance Superfund Site, Freeport, Brazoria County, Texas
SSID No. 06JZ

Dear Mr. Philip:

The U.S. Environmental Protection Agency (EPA) requests information and documents from Ingram Barge Company relating to the Gulfco Marine Maintenance Superfund Site (Site), located in Freeport, Brazoria County, Texas. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Ingram Barge Company's response will also help the EPA develop a better understanding of activities that occurred at the Site.

Your company is receiving this letter because documentation in the EPA's possession shows you may have had a business relationship with one or more of the owners and operators of the Site. This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require Ingram Barge Company to respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and ***we request Ingram Barge Company respond to this request for information within thirty (30) days of its receipt of this letter.*** Failure to respond to this information request within thirty days of receipt of this letter may result in the EPA seeking penalties of up to $37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001. You may designate another official of Ingram Barge Company with the requisite authority to respond on behalf of the company.

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Please provide a written response to Mr. Kevin Shade, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Shade at (214) 665-2708. For legal questions concerning this letter, please have your legal counsel contact Ms. Anne Foster, Assistant Regional Counsel, at (214) 665-2169. Thank you for your attention to this matter.

Sincerely yours,

Richard A. Doster

for Wren Stenger, Associate Director
Technical and Enforcement Branch
Superfund Division

Enclosures (4)

ENCLOSURE 1

GULFCO MARINE MAINTENANCE SUPERFUND SITE
INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e), 42 U.S.C. §9604(e). Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Kevin Shade, the designated Enforcement Officer for the Site, at phone number (214) 665-2708, fax number (214) 665-6660 or via email at shade.kevin@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Kevin Shade, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. Anne Foster at phone number (214) 665-2169, fax number (214) 665-6660 or via email at foster.anne@epa.gov. For contact via mail, use the following address:

Ms. Anne Foster, Assistant Regional Counsel
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Site is a former barge cleaning, sand blasting, and repair facility operated from 1971 to 1998. Current information indicates Gulfco Marine Maintenance, Inc., was the original operator of the facility from 1971 to 1979. Barges brought to the facility were cleaned of waste oil, caustics, and organic compounds, and wash waters were stored in surface impoundments. Fish Engineering and Construction operated the facility from 1979 to 1989. During its ownership and operation of the facility, chemical barges were drained and residual product heels were removed. Cleaning using hot water and a detergent solution then took place, followed by barge repairs. Product heels were stored on-site until sold and wash waters were stored in impoundments until sent off-site. During Fish Engineering and Construction's ownership, the impoundments were closed in accordance with a closure plan approved by the Texas Water Commission. Three feet of clay was used to cap the impoundments. Hercules

Offshore Corporation, and their subsequent entities, operated the Site from 1989 through their bankruptcy in 1998. Operations paralleled those of Fish Engineering and Construction. LDL entities then acquired the majority of Site through bankruptcy in 1999. LDL leased the Site to Eco-Terra Technologies Group, LLC for five months in an attempt to start a oil recycling facility.

Investigations have indicated the surface storage tanks located in the concrete berm area contained volatile organic compounds including benzene, chloroform, dichloroethane, and trichloroethylene until they were removed during a PRP conducted Removal Action in Spring 2011. Site contaminants include polycyclic aromatic hydrocarbons, pesticides, chlorinated hydrocarbons, and metals. The Gulfco Restoration Group, comprised of four potentially responsible parties, is currently conducting the Remedial Investigation and Feasibility Study under a Unilateral Administrative Order. More information is provided in the Site Status Summary (Enclosure 4)

ENCLOSURE 2

GULFCO MARINE MAINTENANCE SUPERFUND SITE
INFORMATION REQUEST

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) 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 the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.

5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.

6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

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

DEFINITIONS

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

1. 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.

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

3. The term "arrangement" means every separate contract or other agreement between two or more persons.

4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, 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 the 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.

5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

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

8. The term "material(s)" shall mean all substances that have been produced, generated, treated, stored, transported, disposed of, or otherwise handled by Respondent, including but not limited to all hazardous substances, pollutants, contaminants, hazardous waste, and all mixtures of such hazardous substances, pollutants, contaminants, and hazardous waste with any other substances.

9. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).

10. The term "Respondent" or "you" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.

11. The term "Site" shall mean and include the approximately forty (40) acre facility located at 906 Marlin Ave., Freeport, Brazoria County, Texas.

12. The term "Site owners and/or operators" shall mean Gulfco Inc., Gulfco Marine Maintenance, Inc., Fish Engineering and Construction, Inc., Hercules Marine Services Corporation, LDL Coastal Limited L.P., LDL Management LLC, and any other entities which currently or previously own(ed) or operate(d) any portion of the Site.

13. 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 as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

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

ENCLOSURE 3

GULFCO MARINE MAINTENANCE SUPERFUND SITE
INFORMATION REQUEST

QUESTIONS

General Information Concerning Respondent

1. Provide the full legal name and mailing address of the Respondent.

2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.

Specific Information relating to Site Operations

4. Identify and include a brief description of the nature, timeframe(s) and status of the Respondent's business relationships with Gulfco Inc., Gulfco Marine Maintenance, Inc., Fish Engineering and Construction, Inc., Hercules Marine Services Corporation, LDL Coastal Limited L.P., LDL Management LLC, and any other previous or current owner or operator of the Site.

5. Identify all transactions with the Site owners and/or operators of the Site that resulted in materials being sent to the Site by you for any purpose, including but not limited to barge cleaning. Identify and provide all documents related to each transaction, including but not limited to invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:

    a. The type and purpose for the transaction;
    b. A description of the materials involved, including their quantity and chemical content and characteristics;
    c. Any amounts paid by you in connection with each transaction;
    d. The date of each transaction; and
    e. The date the materials were sent to the Site.

6. Identify all persons, including the Respondent, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and/or hazardous wastes (materials) from various facilities to the Site. This information shall identify and state, but not be limited to the following:

    a. The persons with whom the Respondent made such arrangements;
    b. The precise locations from which these materials originated;

c. The nature, including the chemical content, characteristics, physical state (e.g., solid or liquid) and quantity (e.g., volume or weight) of all materials involved in each such arrangement;
d. All tests, analyses, analytical results, and manifests concerning each material involved in such transactions;
e. The persons who selected the location to which the materials were to be disposed and/or treated. In particular, the persons who selected the Site as a location for disposal and/or treatment of the materials. This information shall include where these persons intended to have the materials involved in each arrangement treated or disposed and all evidence of their intent;
f. The amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each payment transaction; and
g. Provide contracts or other documents reflecting such arrangements for transportation, disposal, and/or treatment of materials.

7. Identify the corporate relationship(s) (such as successor by name change, successor by merger, etc.) between the named recipient of this request and its related entities as named at the time materials were sent by Respondent to the Site. Provide the corporate records which document that corporate relationship[s], including but not limited to documents related to mergers, acquisitions, sales, and assignments of liability.

8. List all federal, state, and local permits, identification numbers, and/or registrations issued to the Respondent's operation for the storage, transport, and/or disposal of materials. Include respective permit numbers.

9. Provide names and addresses for all carriers who transported materials on behalf of Respondent to hazardous waste treatment, storage, or disposal facilities permitted by EPA or the State.

10. Identify whether a Notification of Hazardous Waste Activity was ever filed with EPA or the corresponding agency or official of the State. This information shall include, but not be limited to the following:

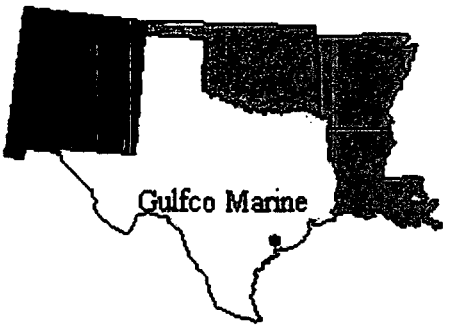
    a. The date of such filing;
    b. The wastes described in such notice:
    c. The quantity of the wastes described in such notice; and
    d. The identification number assigned to such facility by EPA or the State.

11. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.

ENCLOSURE 4

GULFCO MARINE MAINTENANCE SUPERFUND SITE
SITE STATUS SUMMARY

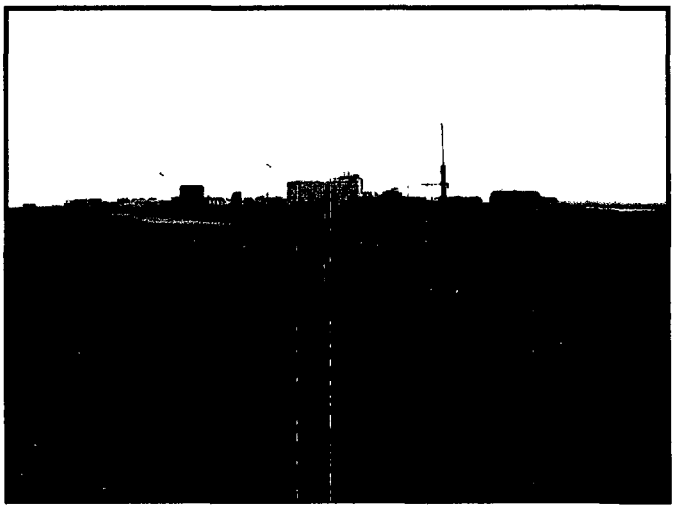
Gulfco Marine Maintenance
SUPERFUND SITE
Freeport, Brazoria County, Texas



EPA Region 6
EPA ID: TXD055144539
Site ID: 0602027
State Congressional District: 25

Contact: Gary Miller 214-665-8318
Updated: June 2011

Background



The Site is located in Freeport, Texas at 906 Marlin Avenue (also referred to as County Road 756). The Site consists of approximately 40 acres along the north bank of the Intracoastal Waterway between Oyster Creek (approximately one mile to the east) and the Texas Highway 332 bridge (approximately one mile to the west).

Marlin Avenue divides the Site into two primary areas. The property to the north of Marlin Avenue (the North Area) consists of undeveloped land and the closed surface impoundments, while the property south of Marlin Avenue (the South Area) contains a dry dock, sand blasting areas, and two barge slips connected to the Intracoastal Waterway. Adjacent property to the north, west, and east of the North Area is unused and undeveloped. Adjacent property to the east of the South Area is currently used for industrial purposes. The property to the west of the South Area is currently vacant and previously served as a commercial marina. Residential areas are located south of Marlin Avenue, approximately 300 feet west of the Site, and 1,000 feet east of the Site.

The site operated as barge cleaning and repair facility from 1971 to about 1998. Barges brought to the facility were cleaned of waste oils, caustics, and organic chemicals. Three surface impoundments in the North Area were used for storage of waste oils, caustics, various organic chemicals, and waste wash waters generated during barge cleaning activities until 1981. The impoundments were closed in 1982. Shallow groundwater (salt water) below the former impoundments has been found to contain various organic chemicals including 1,1,1-trichloroethene, tetrachloroethene, and trichloroethene.

In October 2010 the EPA and the Gulfco Respondents signed a Consent Order, which required the Respondents to remove the storage tanks located in the southern part of the site. The removal work began in November 2010 and was completed by February 2011 with the exception of six roll-off containers which remain on-site waiting on disposal facility capacity. These roll-off containers were removed in March 2011.

Current Status

The EPA issued a Unilateral Administrative Order, effective July 29, 2005, to the Gulfco Respondents to perform a remedial investigation to define the nature and extent of contamination at the site, and to prepare a Feasibility Study to identify and screen remedial action alternatives. The Human Health and Ecological Risk Assessments have been completed. The Remedial Investigation Report, which describes the nature and extent of the contamination, has also been completed, and the draft Feasibility Study is currently undergoing regulatory review.

Benefits

Remediation of the contaminated area will reduce human health and ecological risks associated with the contaminants at the site. Further, revitalization of the area will encourage reuse or redevelopment plans.

National Priorities Listing (NPL) History

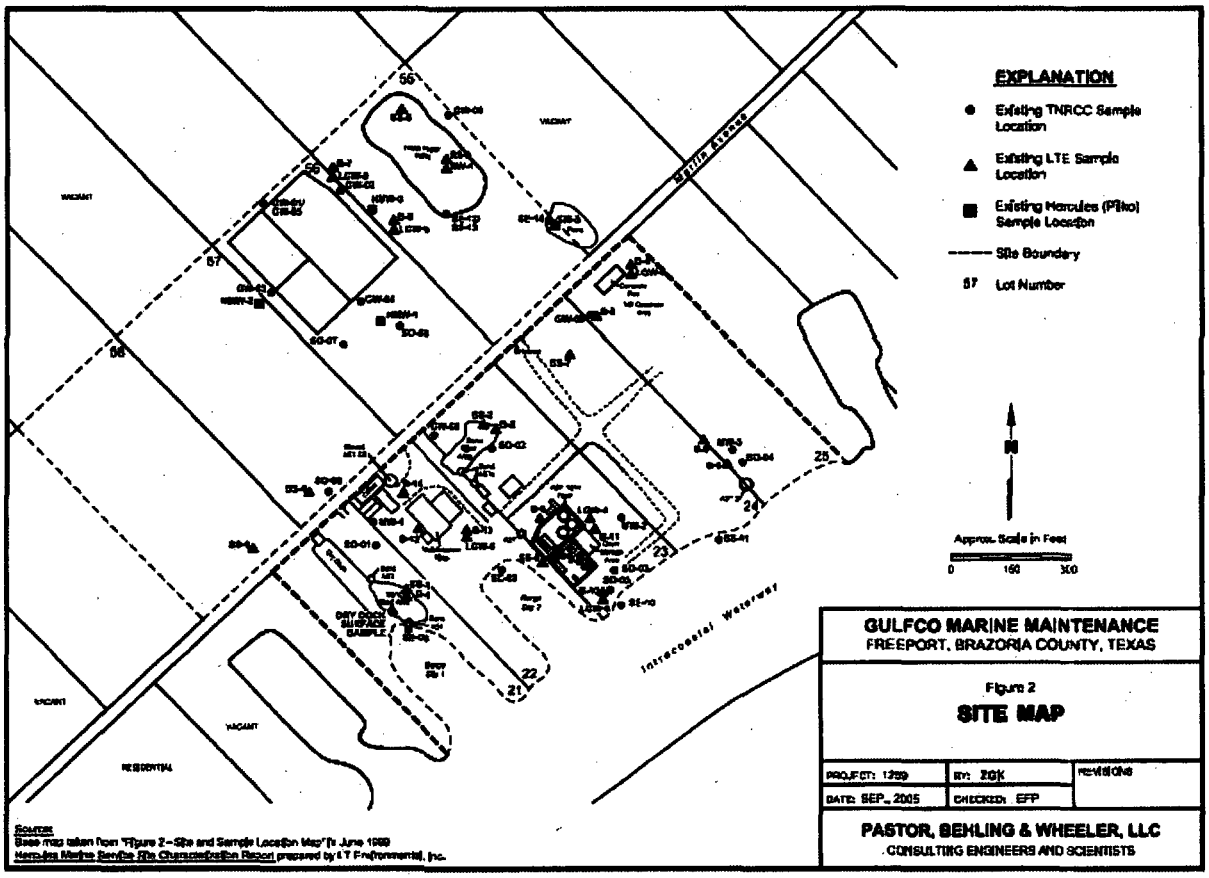
Proposal Date: September 2, 2002
Final Listing Date: May 30, 2003

Population: A residential area is located near the site to the southwest. Approximately 78 people live within the one square mile area surrounding the Site, and 3,392 people live within 50 square miles of the Site. The population of the City of Freeport is 12,800.

Setting: The Gulfco site lies along the north bank of the Intracoastal Waterway between Oyster Creek to the east and the Old Brazos River Channel and the Dow Barge Canal to the west. It is approximately 40 acres in size. The site property north of Marlin Avenue consists of undeveloped land and closed surface waste impoundments. The property south of Marlin Avenue was developed for industrial uses with two barge slips connected to the Intracoastal Waterway. A fence has been installed around the property south of Marlin Avenue to restrict land access. A wetland area is located north of the site.

Hydrology: The two primary hydrogeological units beneath the site are the Chicot and Evangeline Aquifers. The shallower Chicot Aquifer is subdivided into two zones: the Lower and Upper Chicot. The Upper Chicot is made up of interconnected sands that are found within 300 feet below ground surface. Ground water flow in the aquifer is reported to be to the southwest. A shallow, briney ground water zone also exists within a few feet of the surface.

Site Map



Wastes and Volumes

A barge cleaning, sand blasting, and repair facility operated at the site from 1971 to 1998. As part of this operation, residual product recovered from the barges was stored in tanks and sold. Wash waters from barge cleaning were stored in three surface waste impoundments in the north area until closed in 1982. Following closure of the impoundments, the wastewater was stored in a floating barge or storage tanks at the site.

Surface storage tanks located in the concrete berm area contain volatile organic compounds including benzene, chloroform, dichloroethane, and trichloroethylene. Site contaminants include polycyclic aromatic hydrocarbons, pesticides, chlorinated hydrocarbons, and metals. The nature and extent of contamination at the site will be determined during the remedial investigation.

Health Considerations

There is a potential health risk from direct contact with contaminated soils on-site or from the chemicals stored in the tanks. The contaminants also pose environmental risks to the adjacent wetlands via surface runoff or contaminated ground water migration into the wetlands.

The site's Environmental Indicator status is currently "insufficient data" to determine the human exposure under control and ground water migration under control indicators.

Record of Decision

No Record of Decision has been signed for the site. The final remedy (cleanup alternative) for a site is published in a Record of Decision (ROD). The ROD is the official documentation of how the EPA considered the remedial alternatives and why the EPA selected the final remedy.

Before a ROD can be finalized, the EPA must provide a Proposed Plan for public review and comment. This plan summarizes the remedial alternatives presented in the analysis of the remedial investigation and feasibility study, and identifies the preferred alternative, the rationale for that preferred alternative, and documents that support the EPA's decision. The general public will be notified when the Proposed Plan is open for public review and comment.

Community Involvement

Involvement Plan:	November 2004
Open Houses:	October 2005; August 22, 2003
Proposed Plan:	Following completion of remedial investigation & feasibility study.
Public Meeting:	Following development of the Proposed Plan
Technical Assistance Grant:	September 26, 2002 and May 15, 2003 No Final Applications received
Information Repository:	Freeport Branch Library 410 Brazosport Boulevard Freeport, Texas 77541 (979) 233-3622

Site Contacts

EPA Remediation Project Manager:	Gary Miller	(214) 665-8318
State Project Manager:	Luda Voskov	(512) 239-6368
EPA Community Involvement:	June Hoey	(214) 665-8522
State Community Relations Coordinator	John Flores	(512) 239-5674
EPA Public Liaison	Donn R. Walters	(214) 665-6483
EPA Site Attorney:	Barbara Nann	(214) 665-2157
EPA Toll-Free Telephone Number:		(800) 533-3508