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

MAY 10 2013

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED #70102780000243571045

Brigadier General Joanne Sheridan
Office of the Adjutant General
6400 St. Claude Ave
New Orleans, LA 70117

Re: Explo Systems, Inc., Minden, Webster Parish, Louisiana
SSID No. A6GH

Dear Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the Louisiana National Guard (LNG) in providing information and documents relating to the Explo Systems, Inc., site (Site). 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. The response from the LNG will also help the EPA develop a better understanding of activities that occurred at the Site.

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 a business to respond to this information request (see Enclosure 1). We encourage you to give this matter its full attention, and ***we respectfully request that you respond to this request for information within thirty (30) days of receipt of this letter.*** You may designate another official of this entity with the requisite authority to respond on behalf of the company. However, failure to respond to this information request 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.

Please provide a written response to Ms. Cynthia Brown, Removal Enforcement Coordinator, 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.

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If you have any questions regarding this letter, contact Ms. Brown at (214) 665-7480. For legal questions concerning this letter, please have your legal counsel contact Mr. George Malone, Assistant Regional Counsel, at (214) 665-8030. Thank you for your attention to this matter.

Sincerely yours,

for Ben Banipal, Acting Associate Director
Technical and Enforcement Branch
Superfund Division

Enclosures (3)

ENCLOSURE 1
EXPLO SYSTEMS, INC.
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). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(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 Ms. Cynthia Brown, the designated Enforcement Officer for the Site, at phone number (214) 665-7480, fax number (214) 665-6660 or via email at Brown.Cynthia@EPA.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Cynthia Brown, Removal Enforcement Coordinator
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

If you or your attorney have legal questions that pertain to this information letter request, please contact Mr. George Malone at phone number (214) 665-8030, fax number (214) 665-6460 or via email at Malone.George@EPA.gov. For contact via mail, use the following address:

Mr. George Malone, Assistant Regional Counsel
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Explo Site consists of 132 acres on Camp Minden, owned by the Louisiana National Guard. Camp Minden was formerly the Louisiana Army Ammunition Plant. In January 2005, DOD transferred the property to the Louisiana National Guard. Explo Systems, Inc., under contract with the DOD, conducted recycling of explosive powders and/or explosives from military munitions (cartridges for Howitzers) for commercial use starting in November 2006.

On October 15, 2012, the explosion of a magazine at Explo Systems, Camp Minden, LA, prompted attention from the EPA, and the Louisiana State Police (LSA). On November 27, 2012, the LSP served a warrant to Explo and identified 6-9 million pounds of unsecured M6 Propellant. From November 28, 2012 through December 7, 2012, the town of Doyline, LA (approximately 400 homes) was evacuated during operational hours. Currently, a total of 97 magazines are filled to capacity with approximately 17 million pounds of M6 Propellant. LSP estimates that approximately 1 million pounds of the M6 Propellant is currently unsecured The current volume of unsecured M6 Propellant requires a minimum of a 4,000 foot safe distance, due to risk of explosion.

In addition to the M6 Propellant, there are other hazardous materials onsite including Red or Pink Water which is a waste generated by the operations at Explo and contains trinitrotoluene (TNT) and potentially cyclotrimethylenetrinitramine (RDX). There is also approximately 700 pounds of plastic/tar/TNT waste mixture, in addition to approximately 130,000 pounds of Tritonal which is aluminum powder contaminated with TNT. The Tritonal is a highly volatile explosive which reportedly originated from a bomb demilitarization process under a previous contract. Currently the most serious concerns surround the Tritonal which is the most unstable of the materials onsite.

ENCLOSURE 2
EXPLO SYSTEMS, INC.
INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

Under the authority of Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e) (2), the EPA is requesting you to respond to this Information Request. Compliance with this Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties.

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in the Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.

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

4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.

5. Continuing Obligation to Provide/Correct Information. Pursuant to CERCLA Section 104(e)(2), if additional information or documents responsive to this Request become known or available to you after you respond to this Request, you must supplement your response to EPA.

6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant 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). To prove your claim of confidentiality, each document must separately address the following points:

A. the portions of the information 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. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit both a clean and a redacted version of any documents or response for which you claim confidential in a separate envelope. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

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, 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 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 the EPA, it may be made available to the public by the EPA without further notice to you.**

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information.

8. 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 a separate sheet(s), and marked as "Personal Privacy Information".

9. Objections to Questions. Even if you have objections to some or all the questions within the Information Request, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in Information Request. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act ("RCRA"), in which case the statutory or regulatory definitions shall apply.

1. The terms "and" and "or" shall be construed either conjunctively or disjunctively 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" (e.g., as in "any documents"), shall mean "any and all."

3. The term "arrangement" shall mean every separate contract or other agreement between two or more persons, whether written or oral.

4. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

5. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material into or on any land or water, including ground water.

6. The term "document(s)" 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, telescope, 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, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

7. The term "generator" shall mean persons who arranged for the disposal or treatment of hazardous substances at the Explo Systems Site where the hazardous substances were released.

8. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.

9. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and includes any mixtures of such hazardous substances with any other substances.

10. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C., Section 6903(5), and 40 CFR Part 261.

11. The term "identify" shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.

12. The term "identify" shall mean, 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.

13. The term "identify" shall mean, with respect to a document, to provide the type of document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.

14. The term "identify" shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.

15. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.

16. The term "operator" shall mean those persons who once owned or operated the place (i.e., Explo Systems at 1600 Java Road, Minden, Webster Parish, Louisiana, where hazardous substances were released.

17. The term "owner" shall mean the person who now owns the property (i.e., Explo Systems, Inc.,) where the hazardous substances were released or person(s) who previously owned the property.

18. The term "person" shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C., Section 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.

19. The terms "pollutant" or "contaminant," shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C., Section 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.

20. The term "property interest" shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

21. The term "real estate" shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.

22. The term "release" has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C., Section 9601(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.

23. The terms "Site" or "Facility" shall mean and include operations at the business located at1600 Java Road, Minden, Webster Parish, Louisiana.

24. The term "solid waste" shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C., Section 9603(27), and 40 CFR Part 261.

25. The terms "transaction" or "transact" shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

26. The term "transporter" shall mean persons who selected the place (i.e., Explo Systems, located at 1600 Java Road, Minden, Webster Parish, Louisiana), where the hazardous substances were released as a disposal site and transported the hazardous substances to that place.

ENCLOSURE 3
EXPLO SYSTEMS, INC.
QUESTIONS FOR LOUISIANA NATIONAL GUARD

1. Is Explo Systems, Inc., currently located on the property owned by the Louisiana National Guard (LNG) and has Explo Systems, Inc., ever occupied other properties owned by the Louisiana National Guard?

2. Did/does the LNG lease the property to Explo Systems, Inc.? Provide a copy of all leases involving property leased to Explo Systems, Inc.

3. Please provide documents that list the buildings and bunkers/magazines currently and previously leased to the Explo Systems, Inc.

4. Did the LNG authorize the storage of materials including but not limited to ammonium picrate, M30 propellant, other propellants, potassium nitrate, nitrocellulose, Tritonal/TNT mixture and/or conventional weapons that appear to be originally generated by the Army? Please list or identify the name, number or designation assigned to the building where the materials including but not limited to ammonium picrate, M30 propellant, other propellants, potassium nitrate, nitrocellulose and Tritonal/TNT mixture are stored.

5. How much money did the LNG receive from Explo Systems, Inc., for each year of the lease of property where there facility/facilities are/were located and for any leased bunker/magazine space?

6. Is Explo Systems, Inc. behind in the lease payments? If so, by how much?

7. Provide an explanation and documents related to the source of the of materials including but not limited to ammonium picrate, M30 propellant, other propellants, potassium nitrate, nitrocellulose and Tritonal/TNT mixture, such as type of munitions or equipment that contained the materials.