UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

FEB 11 2016

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Williams K. Urban Renewal and Redevelopment, LLC
c/o Mrs. Kimberly Williams, Agent
12 Adeline Court
Belleville, Illinois 62226

Re: Murphy Building Site
230 Collinsville Street, East St. Louis, St. Clair County, Illinois
Site Spill Identification Number: C5G3
General Notice of Potential Liability and Request for Information

Dear Mrs. Williams:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from Murphy Building Site (the Site) located at 230 Collinsville Street, East St. Louis, St. Clair County, Illinois, and has spent public funds to control and investigate these releases. This action was taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

EPA conducted the following actions at the Murphy Building Site:

1. Developed and implemented a Site Health and Safety Plan, a Site Contingency Plan and an Air Monitoring/Sampling Plan;

2. Established and implemented an Asbestos-Containing Material (ACM) debris management plan, including appropriate control mechanisms (e.g. wetting);

3. Secured the perimeter fence, as needed;

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4. Inventoried and performed hazard characterization on substances contained in drums, and other containers;

5. Removed and disposed of solid waste to facilitate removal activities;

6. Performed sampling and analysis to determine disposal options;

7. Transported and disposed of all ACM, or identified hazardous substances, pollutants, ACM-impacted wastes, or contaminants at an EPA-approved disposal facility in accordance with EPA Off-Site Rule (40 CFR § 300.440); and

8. EPA has taken any other necessary response actions to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the EPA determined may pose an imminent and substantial endangerment to the public health or welfare or the environment.

EPA has received information that Williams K. Urban Renewal and Redevelopment, LLC owned the Site. By this letter, EPA notifies you, as an owner/agent of Williams K. Urban Renewal and Redevelopment, LLC, of its potential liability with regard to this matter and encourages it, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date. EPA is willing to discuss the entry of an appropriate administrative consent order under which Williams K. Urban Renewal and Redevelopment, LLC would reimburse EPA for its costs.

If a consent order cannot be promptly concluded, EPA may take the necessary steps under Section 106 and 107 of CERCLA, requiring Williams K. Urban Renewal and Redevelopment, LLC to reimburse EPA for its costs. Under Sections 106 and 107 of CERCLA, Williams K. Urban Renewal and Redevelopment, LLC may be liable for reimbursement of EPA's costs. If Williams K. Urban Renewal and Redevelopment, LLC is a qualified small business, enclosed is a *U.S. EPA Small Business Resources Information Sheet*, which may be helpful if it is subject to an EPA enforcement action.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA. The Administrator of EPA has the authority to require any person who has, or may have, information relevant to any of the following to furnish EPA with such information: (a) the identification, nature or quantity of materials which has been or are generated, treated, stored or disposed of at, or transported to, a facility; (b) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (c) the ability of a person to pay for the past cleanup.

Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit the information concerning the Site requested in Enclosure 1. This request is directed to you, your company, its officers, directors and employees and its subsidiaries, divisions, facilities and its officers, directors and employees. **EPA asks that you respond completely and truthfully to this information request and its questions in Enclosure 2 within 7 calendar days of receipt of this correspondence.** While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Failure to respond fully and truthfully to this request, or to

adequately justify any failure to respond, may result in an enforcement action against you by EPA under Section 104 of CERCLA, as amended.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA pursuant to this Information Request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001. EPA has the authority to use the information requested herein in any administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

We encourage you to give this matter your immediate attention. Enclosure 1 is a Summary of the Information that EPA has about the Site and of the Agency's activities at the Site. Enclosure 2 contains the Information Request Questions. Instructions to guide you in the preparation of your response are in Enclosure 3. Definitions of the terms used in this Information Request and in the Questions are set forth in Enclosure 4.

You are entitled to assert a claim of business confidentiality in the manner described in 40 C.F.R. § 2.203(b) covering any part or all of the information you provide. Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the request for information is submitted, EPA may make this information available to the public without further notice to you. Additional instructions about claims of business confidentiality are provided in the Information Request Instructions and Definitions, Enclosure 5. Enclosure 6 is a summary of EPA's legal authority.

Your responses to both the notice of potential liability and this Information Request letter are due within 7 calendar days of receipt of this letter and should be sent to:

Mike R. Rafati, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement and Compliance Assurance Branch
Enforcement Services Section 2, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If EPA does not receive a timely response, EPA will assume that Williams K. Urban Renewal and Redevelopment, LLC does not wish to negotiate a resolution of its potential responsibility in connection with the Site.

Your response should indicate the appropriate name, address and telephone number for further contact regarding Williams K. Urban Renewal and Redevelopment, LLC. If it is already involved in discussions with state or local authorities, or involved in a lawsuit regarding the Site, activities

should continue as the Williams K. Urban Renewal and Redevelopment, LLC sees fit. This letter is not intended to advise Williams K. Urban Renewal and Redevelopment, LLC or direct it to restrict or discontinue any such activities already underway; however, Williams K. Urban Renewal and Redevelopment, LLC is advised to report the status of those discussions or actions in its response to this letter and to provide a copy of it to any other parties involved in those discussions or actions.

If you have any legal questions, please call Nola Hicks, Associate Regional Counsel, at (312) 886-7949, e-mail hicks.nola@epa.gov. If there are technical questions about this Site, call Kevin Turner, On Scene Coordinator, at (618) 525-3665, e-mail turner.kevin@epa.gov. Address all other questions to Mike Rafati, Enforcement Specialist, at (312) 886-0390, e-mail rafati.mike@epa.gov.

Due to the nature of the legal ramifications, EPA strongly encourages Williams K. Urban Renewal and Redevelopment, LLC to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

Samuel Borries, Chief
Emergency Response Branch 2

Enclosures:

1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information
6. Description of Legal Authority
7. Small Business Administration Fact Sheet

Enclosure 1

SITE HISTORY

The Murphy Building Site was located at 234 Collinsville Avenue just west of the intersection of Collinsville Avenue and St. Louis Avenue in East St. Louis, St. Clair County, Illinois, 62201.

The Site was a six-story former professional office building that was not properly maintained and fell into disrepair. The Site is in the middle of the downtown business district of East St. Louis, Illinois. The light-rail MetroLink rapid transit system serving the Illinois side of the St. Louis Metropolitan area is to the southwest and directly behind the Site property. Extensive water damage, disrepair to the building, trespasser and vandalism to the asbestos containing materials, created hazardous human health conditions. The building's poorly maintained and dilapidated state caused loose and friable asbestos conditions, creating an on-going release of asbestos fibers.

Every room of the Murphy Building contained extensive amounts of building debris and rubble from weather eroded conditions of the building construction materials. As stated earlier, vandalism and scrap-steel theft contributed to the problem. The basement and first-floor had piles of building materials that stood as high as 4-feet. The fire escapes and concrete landings located on the backside of the building had fallen, and posed a significant safety concern. Vandalism scrapping activities left a large amount of ACM pipe-wrap, ACM impacted rubble, and extensive building material debris on the Site, exposed to weathering conditions.

Friable asbestos is a listed hazardous substance under 40 C.F.R. § 302.4. The Illinois Environmental Protection Agency (IEPA) and EPA testing found friable asbestos within the structure and debris at the Site. Friable asbestos in the debris had the potential to leave the Site via airborne migration.

Due to the deteriorated condition of the Murphy Building, the City of East St. Louis attempted to get the owner of the building to address the structural and asbestos concerns. Additionally, the City issued a Notice of Condemnation for the building.

On September 21, 2011, representatives from the IEPA Regional Office in Collinsville conducted an inspection of the Site and collected samples of ACM impacted building materials. Most notably these samples came from debris piles strewn about inside and outside the building. The IEPA lab sample results concluded that ACM was present inside and outside the building and comingled with debris piles.

The IEPA officially referred the Site to the Agency on March 20, 2012. As a result of that referral, the U.S. EPA took steps to conduct a Site Assessment on May 30 and 31, 2012,

and to document the known threats to human health and the environment. Observation made during the Site Assessment and previous site tours found extensive water damage to the building. These conditions caused the previously mentioned loose and friable asbestos conditions. Although there was a locking gate to the front facade entrance to the site, scrap metal and vandalism access was observed from the backside of the building. Also, evidence of the unfettered access indicated that homeless persons had placed mattresses on the floors of several rooms. Scrap steel theft and vandalism was observed within the building during the Site assessment. Degradation of interior building systems was creating additional ACM and asbestos fiber release(s) in construction rubble and debris.

The City of East St. Louis concluded that the Murphy Building was a public safety hazard and a health concern. In December 2015, the owner of the building Kimberly Williams was served with a summons to tear down the building. On April 30, 2015, the City started the process of demolishing the building.

Enclosure 2

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to the questions of this Information Request.

2. Identify all documents consulted, examined or referred to in the preparation of the answers to the questions of this Information Request and provide copies of all such documents.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question of this Information Request or who may be able to provide additional responsive documents, identify such persons.

4. If Respondent is a partnership, provide copies of the Partnership Agreement.

5. If Respondent is a limited liability corporation, identify the officers of the limited liability corporation and identify all corporations that are a Parent Corporation and/or have ownership interests in Respondent.

6. Describe in detail the nature of your business.

7. Describe in detail the purpose(s) for which the Respondent used the property at the Murphy Building Site.

8. Please provide a copy of the purchase agreement for the assets purchased by you for the Murphy Building Site location.

9. Prior to purchase of the Murphy Building Site assets, did you conduct any environmental assessment work at the Site? Please provide a summary of findings of any assessment work conducted and copies of any documents generated during any assessment processes that you conducted.

10. Please describe the condition of the property at the time that you acquired the Murphy Building Site assets.

11. List all bank accounts held in your name, including the name and address of each bank, the account numbers, the years such accounts were active, and the current balance on each existing account from 2011 to the present.

12. Provide copies of all federal tax returns (income tax, gift tax, estate tax, or other) for you from 2011 to the present.

13. Provide copies of all state tax returns (income tax, gift tax, estate tax, or other) for you from 2011 to the present.

14. Identify and provide copies of all income statements for you from 2011 to the present.

15. Identify and provide copies of all financial statements, financial reports, and financial projections (whether audited or unaudited), including accompanying footnotes and auditor's reports, that were prepared by, for, or on your behalf.

16. Identify and provide copies of all documents showing the amount, source, and accounting basis of initial and subsequent transfers to you.

17. Identify and provide copies of all documents that memorialize or evidence distributions of corpus or of income from you including but not limited to:

    a. Fair market value;
    b. Basis of property to beneficiaries; and
    c. Gain or loss on in-kind distribution.

18. Identify and provide copies of all documents showing actual or proposed agreements between you and other persons.

19. Identify and provide copies of all documents that memorialize or evidence:

    a. Investments by you, including but not limited to investments in real estate, notes, and stock; and
    b. The subsequent disposition of these investments.

20. Identify all documents that memorialize or evidence liability and/or life insurance owned by you, including but not limited to:

    a. Name, address, and social security number of the insured;
    b. Name and address of insurance company;
    c. Policy number and face amount of insurance policy; and beneficiaries.

21. Identify those individuals and entities who have performed accounting functions, or who have prepared financial statements or tax returns, or similar functions for you from 2011 to the present.

22. At any time during your ownership of Murphy Building Site, did any respondents ever enter into any contract or informal agreement whereby any person was granted access to Murphy Building Site or granted the right to remove materials from the Site?

23. If the answer to the preceding question is affirmative:

    a. Identify all parties to the contract or agreement;
       The beginning date and ending date (if know) of the contract or agreement; and
    b. The terms of the contract or agreement, including but not limited to the scope of the permission given, to enter the parcel, the compensation given to the property owner(s) in return for the permission, any specific on what type of equipment could be used or left on the parcel, and any specifics on what actions could be taken on the parcel, or what could be removed from the parcel.

24. At any time during your ownership of the Murphy Building Site, did anyone move (or remove) any materials on (or from) the Murphy Building Site?

25. If the answer to the preceding question is affirmative:

    a. Identify who moved (or removed) materials;
    b. Describe the materials moved (or removed);
    c. Identify which of the three parcels, and the location of such parcel from which materials were moved (or removed);
    d. Identify the location to which the materials were moved (or removed), if known;
    e. Identify the time frames (or dates) of such movement (or removal); and
    f. Describe what equipment (or tools) were used to move (or remove) the materials.

26. At any time during your ownership of Murphy Building Site, did you operate (or lease out any or all of the previously described Site property for) any mechanical, chemical, industrial, or other processes for any purposes?

27. If the answer to the preceding question is affirmative:

    a. Identify the nature of any and all operations (as described in Question No. 26) performed at the Murphy Building Site property;
    b. Identify any and all other parties that you arranged or contracted with, or in any way allowed or encouraged, to perform any such processes as described in (above) Question No. 26; and
    c. Describe the specific process or processes that occurred at the Murphy Building Site property that were identified in (above) Question No. 27.

28. At any time during your ownership of Murphy Building Site, did you perform (or hire, contract or arrange to have performed) any acts of construction or demolition on the Site property?

29. If the answer to the preceding question is affirmative:

    a. Identify the nature of any and all operations (as described in Question No. 28) performed at the Murphy Building Site property;

    b. Identify any and all other parties that you arranged or contracted with, or in any way allowed or encouraged, to perform any such processes as described in the (above) Question No. 28; and

    c. Describe the specific process or processes that occurred at the Murphy Building Site property that were identified in (above) Question No. 29(a).

30. Provide copies of tax returns (federal and state) for the officers and directors of Williams K. Urban Renewal and Redeployment LLC for the last 3 years.

31. Provide all of the financial statements and profit and loss statements of Williams K. Urban Renewal and Redeployment, LLC for the time period 2011 through 2013.

32. Identify whether you contend that you are unable to finance the response actions described in the accompanying letter. If so, please provide the following information:

    a. Copies of all corporate federal income tax forms including all schedules and attachments filed by Williams K. Urban Renewal and Redeployment, LLC with the Internal Revenue Service for the last three years (if not already submitted to EPA);

    b. To the extent not provided in question 8 above, provide copies of all insurance policies that may potentially provide Williams K. Urban Renewal and Redeployment, LLC with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or business operations of Williams K. Urban Renewal and Redeployment, LLC. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.

33. To the extent not identified in questions 8 or 9 above, provide all other evidence of casualty, liability and/or pollution insurance issued to Williams K. Urban Renewal and Redevelopment, LLC from 2011 to the present.

34. If there are any such policies from questions 8 – 10 above of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying the:

    a. Name and address of each insurer and of the insured;
    b. Type of policy and policy numbers;
    c. Per occurrence policy limits of each policy; and
    d. Effective dates for each policy.

35. Identify all previous settlements by Williams K. Urban Renewal and Redevelopment, LLC with any insurer that relates in any way to environmental liabilities and/or to the policies referenced in questions 8 - 12 above, including:

    a. The date of the settlement;
    b. The scope of release provided under such settlement;
    c. The amount of money paid by the insurer pursuant to such settlement; and
    d. Provide copies of all such settlement agreements.

Enclosure 3

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.

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

3. In answering each question, identify all persons and contributing sources of information.

4. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. 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 as soon as possible.

5. For any document submitted in response to a question, indicate the number of the question to which it responds.

6. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.

7. Your response must be accompanied by the following statement, or one that is substantially equivalent:

   > I certify under a penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.
   >
   > Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

8. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.

9. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 7.

Enclosure 4

DEFINITIONS

As used in this letter, words in the singular also include the plural, and words in the masculine gender also include the feminine, and vice versa. All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260 through 280, in which case, the statutory or regulatory definitions will apply.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information that might otherwise be construed to be outside its scope.
2. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
3. 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.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, 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.
9. The term "Murphy Building Site" shall mean the parcel identified as Murphy Building Site in East St. Louis, St. Clair County, Illinois.

10. The terms "you" or "your company" or "Respondent" refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors in interest of the addressee, and all individual or corporate owners, subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors, including partnerships and limited liability entities.

Enclosure 5

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the EPA is requesting. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200, *et seq.*, require that EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 *Federal Register* 36902, *et seq.* (September 1, 1976); 43 *Federal Register* 4000, *et seq.* (December 18, 1985). If no such claim accompanies the information when EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish EPA to treat the information or record as "confidential," you must advise EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential" and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;

3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether EPA or another federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination,

enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of EPA to obtain similar information in the future; and

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as "confidential" your comments will be available to the public without further notice to you.

ENCLOSURE 6

DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, *et seq.* (commonly referred to as **CERCLA** or **Superfund**) gives EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604 (e)(2), EPA has broad information gathering authority which allows 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;
c. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

ENCLOSURE 7

SMALL BUSINESS ADMINSTATION FACT SHEET