UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

MAR 30 2017

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Divine Mercy R.C. Parish
2437 Niagara Street
Niagara Falls, New York 14303-1925

Attn: Rev. Jacek P. Mazur, Pastor

Re: Request for Information Pursuant to Section 104 of CERCLA
Holy Trinity Cemetery Site, 5401 Robert Street, Lewiston, Niagara County, New York

Dear Rev. Mazur:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

The Divine Mercy Parish appears to be the owner of the Holy Trinity Cemetery located at 5401 Robert Street, Lewiston, New York (the "Site"), which is known by EPA to be contaminated with radioactive material. This letter seeks your cooperation in providing information and documents related to the Site. EPA encourages you to give this letter your immediate attention. Please provide to EPA a complete and truthful response to the attached Request for Information within 30 days of your receipt of this letter.

EPA has broad information-gathering authority that allows it to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported from a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with this Request for Information is required by law. When you have prepared a response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that

false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions that follow this letter, including the requirements for supporting your claim for confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by this Request for Information, it is necessary that you promptly supplement your response as described in the Instructions.

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

See the enclosed Instructions for information on how to respond to the enclosed questions and/or information requests. Your response to this Request for Information should be mailed and/or electronically sent to:

Eric Daly
Response and Prevention Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg 205 (MS-211)
Edison, New Jersey 08837
Daly.Eric@epa.gov

A copy of your reply should be sent to:

Margo Ludmer, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007
Ludmer.Margo@epa.gov

Please give the matters addressed in this letter your immediate attention. If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Daly at (732) 321-4350. Inquiries from attorneys should be addressed to Ms. Ludmer at (212) 637-3187.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

Eric Wilson, Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division

Enclosures

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete and separate response should be given for each question and/or information request. If information or documents responsive to this Request for Information are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. Identify each answer with the number of the question and/or information request and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.

3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents with whom you have reason to believe may be familiar with the matter to which the question pertains.

4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.

5. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address should also be provided.

6. If you have reason to believe that an individual other than one employed by you may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for that belief.

7. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be specific.

8. If a document is requested, but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages, and identify all recipients of the document with their last known addresses and phone numbers.

9. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.

10. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA within **30 calendar days** from the date such information or documents became available to you.

11. 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 all or part of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response that you claim is confidential, you 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 an unintended 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 determination, if available, or a reference to them; and

f. whether you assert that disclosure of the information would likely result in substantial harmful effects to 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

your responses so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

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 the information 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 Section 104(e) of CERCLA and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice.

B. DEFINITIONS

1. The term "Divine Mercy Parish" or "you" shall mean the Divine Mercy Roman Catholic Parish located in Niagara Falls, New York, and its staff, trustees, ministries, and agents.

2. The term "document" or "documents" shall mean 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.

3. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA.

4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position, or business. With respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), the term "identify" means to provide the entity's full name, address, and a brief description of its business.

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

6. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, non-profit organization, or other entity.

7. The term "Site" shall mean the property located at 5401 Robert Street, Lewiston, Niagara County, New York, and known as the Holy Trinity Cemetery of the Divine Mercy Parish.

8. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, slag, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

9. 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 definitions shall apply.

REQUEST FOR INFORMATION

1. Please state the correct legal name and mailing address for the Divine Mercy Parish.

2. Please provide a brief description of the operations and activities performed by the Divine Mercy Parish at the Site.

3. State the dates during which the Divine Mercy Parish owned, operated, and/or leased any portion of the Site. If any individuals or entities other than Divine Mercy Parish owned, operated, and/or leased the Site property between 1958 and today, please identify these individuals and entities and the dates of their ownership, operation, and/or lease of the Site property.

4. Please identify the following individuals and entities:

    a. All Divine Mercy Parish and Holy Trinity Cemetery staff members (e.g., pastors, caretakers, and trustees) between 1958 and 1980;

    b. All individuals that resided at the Site between 1958 and 1980; and

    c. All contractors that performed work at the Site between 1958 and 1980.

5. With respect to the radioactive slag material that came to be located at the Site, provide any knowledge, information, and/or documents regarding the following:

    a. the approximate dates the radioactive material came to be located at the Site;

    b. the source of the radioactive material; and

    c. the individuals or entities involved in the generation, handling, storage, transportation, or disposal of the radioactive material.

6. Identify all individuals and entities that/who may have information or documents relating to the radioactive slag material that came to be located at the Site.

7. Provide any knowledge, information, and/or documents related to current and/or prior earth-moving activities in and around the following features at the Site, which are identified in the enclosed New York State Department of Environmental Conservation Survey Map:

a. the "Proposed Roadways";

b. the "Original Slag Pile Id'd in 1980"; and

c. the "Pile Exhibiting Elevated Readings."

8. With respect to the roads at the Site and the "Proposed Roadways" referenced in Information Request Number 7.a., please:

a. Indicate when these roads/roadways were constructed;

b. Identify all persons and/or entities involved in the construction of the roads/roadways;

c. Indicate the source of the fill material used for the construction of the roads/roadways;

d. Identify all individuals and entities that/who may have information or documents relating to the roads/roadways.

9. Indicate whether you have ever conducted an assessment, investigation, or cleanup of hazardous substances or wastes at the Site. If yes, please identify all environmental contractors and consultants hired to perform the work, describe the activities they conducted at the Site, and indicate the date(s) that the activities took place. Provide copies of all letters, reports, and conclusions issued by the contractors and consultants regarding the Site, including the names of the wastes that were disposed of and the location of disposal.

10. Please answer the following questions concerning the involvement of State and local authorities at the Site:

a. Describe any and all communications that you have had with State and/or local authorities concerning the radioactive material at the Site;

b. Describe in detail any and all response work performed at the Site by a State or local agency concerning the radioactive material at the Site;

c. Indicate whether any state or local agency ever transported, disposed of, and/or stored construction debris or radioactive material at the Site. If so, please describe where and the manner in which the debris/material was transported, disposed of, and/or stored.

11. Please identify all individuals with knowledge of facts relating to the responses provided to this Request for Information. Please also identify each individual who assisted or was consulted or who answered on your behalf in the preparation of your response to this Request for Information, and specify the question with which each person assisted in responding.

12. Please provide any additional information or documents that may help EPA identify parties that may have been a source of, or otherwise been responsible for, the radioactive material that came to be located at the Site.

HOLY TRINITY CEMETERY
CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

_____
NAME (print or type)

_____
TITLE (print or type)

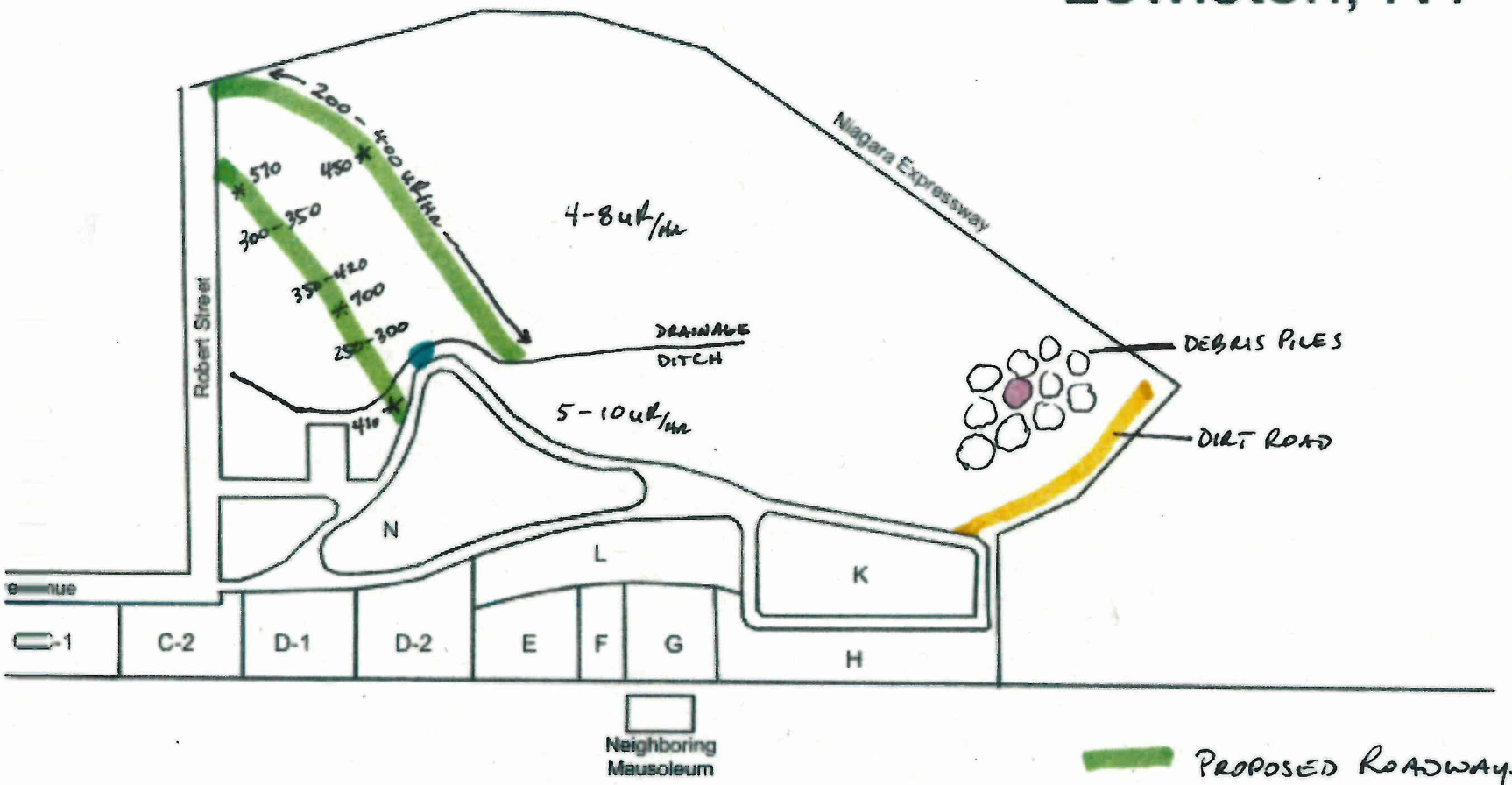
_____
SIGNATURE

Sworn to before me this
day of _____, 2017

_____
Notary Public

New York State Department of Environmental Conservation Survey Map

Holy Trinity Cemetery
Lewiston, NY



★ DENOTES CONTACT READING IN uR/HR

PROPOSED ROADWAYS

PILE EXHIBITING ELEVATED READINGS
★100 uR/HR MAX 30-55 uR/HR WAIST HEIGHT
~ 15'x 25'x 3.5'H
DISTANCE VIA ROAD TO VEHICLE IS .2 MILE FROM ORIGINAL PILE LOCATION

APPROXIMATE LOCATION OF ORIGINAL SLAG PILE 100 IN 1980