UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
FIVE POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

AUG 3 1 2010

URGENT LEGAL MATTER – PROMPT AND COMPLETE REPLY IS REQUESTED
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

William Pike, Operations Manager
Monson Companies, Inc.
One Runway Road
South Portland, Maine 04005

Re: Clean Air Act (CAA) Section 114 Information Request Pursuant to 42 U.S.C. § 7414

Dear Mr. Pike:

The United States Environmental Protection Agency ("EPA") hereby requires Monson Companies, Inc. ("Monson") to provide certain information relating to activities at the Monson facility located in South Portland, Maine ("the facility"). The information requested is needed to determine the facility's compliance with provisions of the Clean Air Act ("CAA" or "Act").

Section 114(a) of the CAA, 42 U.S.C. § 7414(a), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine its compliance with the Act. In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the enclosed questions and requests for information regarding the facility. Please see Enclosure 1 for the instructions, and questions.

Submission of the responses to questions and the signed "Statement of Certification" (Enclosure 2) are required within 20 (twenty) days of receipt of this correspondence. Mail your response to:

United States Environmental Protection Agency, Region 1
Office of Environmental Stewardship
Five Post Office Square, Suite 100 (OES 05-1)
Boston, MA 02109-3912
Attention: Jim Gaffey, Chemical Engineer

Please be advised that compliance with this request for information is mandatory. Failure to provide the information required by this letter may result in one or more of the following actions: (1) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (2) issuance of an order requiring compliance with this request pursuant to Section 113(a) of the Act, 42 U.S.C. § 7413(a); (3) commencement of a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b); and/or any other action authorized under the Act. Please be further advised that submittal of false, fictitious or fraudulent statements may subject you to criminal penalties under Section 113(c) of the Act, 42 U.S.C. § 7413(c).

As noted above, a "Statement of Certification" must accompany your response to this request. The statement must be signed and dated. This statement certifies that the response submitted to EPA is complete and contains all documents and information responsive to this request that is known to you following a complete and thorough review of all information and sources in your possession, control, or custody. Failure to properly certify, or submission of a fraudulent certification, may result in criminal proceedings against you.

EPA encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. Should you wish to discuss this matter, please contact Jim Gaffey at 617-918-1753. If you have any legal questions, or if your attorney wishes to communicate with EPA on your behalf, please contact Catherine Smith, Enforcement Counsel, at (617) 918-1777.

Sincerely,

Susan Studlien

Susan Studlien
Director
Office of Environmental Stewardship

Enclosures

cc: Jim Gaffey, EPA
Catherine Smith, EPA

ENCLOSURE 1

INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every question set forth in this Information Request.

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

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

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

5. For any document that is responsive to a question set forth in this Information Request that is no longer available to you as of the date of submission of your response, provide the name and contact information for any person who prepared the document and/or had knowledge of its contents.

6. The information requested herein must be provided even though Monson may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." 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 the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Please note the burden of proof is on you to demonstrate that information claimed as confidential satisfies the criteria set forth in 40 C.F.R. § 2.208. If any portion of your response contains information which you claim as confidential, you must submit two copies of any such "confidential business information" in accordance with the following procedures:

1) The first copy of any document containing such "confidential business information" must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential.

2) The second copy of any document that is subject to a CBI claim must be redacted so that it contains only information that is not claimed as confidential.

Definitions

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

1. The term "you" or "Monson" shall include Monson Companies, Inc., the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

2. The term "person" shall have the same definition as in Section 302(e) of the CAA, (i.e., an individual, corporation, partnership, association, State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).

3. The term "document" or "documentation" includes any object that contains, records, stores or presents information, whether in paper, electronic or any other form.

4. The term "identify" means, with respect to a *natural person*, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

5. The term "identify" means, with respect to a *corporation, partnership, business trust or other association or business entity* (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

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

7. 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.

8. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.

9. A requested document, item or information shall be deemed to be in your "possession, custody or control" if you know where it is and can obtain access to it, even if it is not presently in your possession.

Questions

Please provide a separate narrative response to each question in this Information Request. Precede each answer with the number of the question to which it corresponds. For each question contained herein, identify the person(s) answering these questions on behalf of Monson. If other individuals were consulted in preparation of the answer, please identify each person.

1. Provide the following information about Monson:
    a. Describe the ownership and business structure;
    b. Indicate the date and state of incorporation;
    c. List any partners or corporate officers;
    d. List any parent and subsidiary corporations or divisions;
    e. Provide the number of employees at the South Portland facility; and
    f. List Monson facilities nationwide, the activities performed at the facilities, and provide the address for each facility.

2. Provide documentation of the hydrofluoric acid, hydrochloric acid, sulfuric acid 93% and nitric acid inventory at the Monson South Portland facility for the calendar years 2007 to the present. The information being requested is the average daily inventory as well as the maximum inventory stored at the facility and the locations of the hydrofluoric acid, hydrochloric acid, sulfuric acid 93% and nitric acid storage. In addition, identify the concentration of the hydrofluoric acid, hydrochloric acid, sulfuric acid 93% and nitric acid and provide a copy of corresponding material safety data sheets ("MSDS"). Please provide an explanation of the methodology used to make the inventory determinations as well as a copy of the calculations performed to provide EPA with the requested information.

3. Describe in detail the process(es) in which hydrofluoric acid (CAS #: 7664-39-3) hydrochloric acid (CAS#: 7647-01-0), sulfuric acid 93% (CAS#: 7664-93-9, 7664-39-3) and nitric acid (CAS #: 7697-37-2) is used, stored, and/or processed at your facility.

4. Describe the types and sizes of containers used to store the hydrofluoric acid, hydrochloric acid, sulfuric acid 93% and nitric acid, including the number of each type of container.

5. Provide copies of current site plans and facility diagrams for the South Portland facility. Indicate the following on a plan or map of the facility: a floor plan identifying in detail the locations in which hydrofluoric acid, hydrochloric acid, sulfuric acid 93% and nitric acid are used, stored, and/or processed at your facility. The floor plan must identify all other materials located within the buildings and areas used for storage, use or processing. Identify sprinkler systems, fire suppression systems, smoke and chemical detectors, heating/air conditioning and ventilation systems, emergency alarms, buildings and site exits, electrical transformers, emergency electrical generators, emergency response equipment such as fire extinguishers and spill control kits, personal protective equipment storage, safety control centers, and site security structures such as fences or surveillance systems, personnel emergency muster areas, first aid equipment stations, and eye wash stations.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

_____
(Signature)

_____
(Title)

_____
(Date)