UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 8, 2021

INFORMATION REQUEST
URGENT LEGAL MATTER – PROMPT REPLY NECESSARY
VIA CERTIFIED MAIL

(b)(6) [redacted]

Re: Request for Information for the Norris Road Cylinder Superfund Site, Garland, Bladen County, North Carolina

Dear (b)(6) [redacted]:

The purpose of this letter is to request that you respond to the enclosed Information Request concerning the Norris Road Cylinders Site (Site) located at, on, or about 2246 Norris Road, Garland, Bladen County, North Carolina. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, on or about the above-referenced Site. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of, or transported to the Site and the nature or extent of a release, or threatened release, of a hazardous substance, pollutant or contaminant, from the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request attached hereto. Instructions on how to respond to the questions, the definitions that apply to the words appearing in the questions, and the questions are included in **Enclosure A** attached hereto.

While the EPA seeks your cooperation in this investigation, compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within **30 calendar days** of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA. This statute permits the EPA to seek the imposition of penalties of up to $59,017.00 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Information Request should be e-mailed to me at jones.christophere@epa.gov and mailed to me at the following address:

Christopher Jones
U.S. Environmental Protection Agency Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

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

Due to the legal ramifications, the EPA strongly encourages you to give this matter its immediate attention and to respond to this Information Request within the time specified above. Should the timeframe set forth in the letter prove difficult to meet in light of the COVID-19 situation, please contact the EPA so that we might consider accommodations, as necessary. If you have any questions, please contact me at (404) 562-9016. If you have any legal questions regarding this matter, please contact Yeliann Montanez, Associate Regional Counsel, at (404) 562-9522.

Thank you for your cooperation in this matter.

Sincerely,

Christopher Jones
Enforcement Project Manager
Superfund & Emergency Management Division

Enclosure:

A. 104(e) Information Request Instructions, Definitions, Questions

ENCLOSURE A - INFORMATION REQUEST FOR (b)(6) [redacted]

NORRIS ROAD CYLINDERS SITE

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.

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

3. In answering each question, identify all documents and persons that contributed information relating to each question.

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 subpart to which it responds.

5. If information 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, you must supplement your response to the 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 the EPA thereof as soon as possible.

6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F); and 40 C.F.R. Section 2.203(b).

To make a confidentiality claim, please write or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential 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 response so that all nonconfidential information, including any redacted versions of documents are in one envelope, and all materials for which you desire confidential treatment are in another envelope.

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. 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.

7. Personnel, medical files, and similar files in which the disclosure 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."

8. Where specific information has not been memorialized in any document, but is nonetheless responsive to a question, you must respond to the question with a written response.

9. If information responsive to this Information Request is not in your possession, custody, or control, then identify the person from whom such information may be obtained.

10. If you have objections to some or all of 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 **Enclosure A**:

1. The term "you" or "Respondent" shall mean (b)(6) [redacted].

2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

3. The terms the "Site" or the "facility" shall mean the Norris Road Cylinders Site located at, on or about 2246 Norris Road, Garland, Bladen County, North Carolina.

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 pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of the Resource Conservation and Recovery Act (RCRA).

6. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

7. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.

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

9. 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.

10. 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.

11. 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.

12. The terms "document" and "documents" 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, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, 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 or 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 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 produces, (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.

13. 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.

14. 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.

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

Information Request Questions

1. Identify the persons answering these questions on behalf of Respondent, including all persons consulted in answering these questions and the documents consulted, examined, or referred to in preparation of answering these questions. Provide true and accurate copies of all such relevant documents.

2. If available, please provide any knowledge you may have of where the compressed gas cylinders at the Site originated from, the contents of the cylinders, and any applicable dates. In your response, please state whether you acquired the Site property after the disposal or placement of the compressed gas cylinders at the Site.

3. Please state how you acquired the Site property (for example, purchase, gift, bequest, donation, sale). In your response, provide:
   a. Dates you both leased and purchased the Site property; and,
   b. The identity of the person(s) from whom you acquired the Site.

4. Please describe all investigations of the Site property you undertook prior to acquiring the Site property.

5. If available, please identify prior owners, operators, or tenants of the Site property. Please provide each person's full name, phone number, email address, and physical address.

6. If you no longer own the Site property, please provide the following:
   a. The date you conveyed the property;
   b. Method of conveyance (for example, gift, bequest, donation, sale); and,
   c. The identity of the purchaser.

7. Provide copies of all deeds, transfer certificates of title, disclosures, rent-to-purchase agreements, and other documents that memorialize or relate to transfers of the Site property to or from you.

8. Please provide copies of any documents and photographs not already provided to the OSC, Brian Englert, regarding the 1992 cleanup of cylinders at the Site you informed the OSC about on February 17, 2021.

9. Are there any persons who are or were associated with the Site property who may be better able to answer any of these questions? Please provide each person's full name, phone number, email address, and physical address.