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

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CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Occidental Chemical Corporation
5005 LBJ Freeway
Dallas, TX 75380-9050
Attn: Stephen I. Chazen, President and Chief Executive Officer

Re: Request for Information Pursuant to Section 104 of CERCLA
Niagara Town Garage Site, Niagara, Niagara County, New York

Dear Mr. Chazen,

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 responsibilities 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.

This letter seeks the cooperation of Occidental Chemical Corporation ("OCC") in providing information and documents relating to the Niagara Town Garage Site (the "Site"). The Site includes the real property located at 7105 Lockport Road, including Parcels 131.19-1-17 and 131.20-1-1 in Niagara, Niagara County, New York. EPA encourages you to give this letter your immediate attention. A complete and truthful response should be provided to the attached Request for Information **within 21 days** of your receipt of this letter.

EPA has documented the release or threatened release of hazardous substances into the environment at the Site. The Site currently houses a water tower, municipal offices, and a garage to house vehicles from highway, police, water, and sewer departments. Historical aerial photographs indicate previous agricultural use of the Site. EPA is currently investigating pesticides, particularly hexachlorocyclohexane ("HCH"), also referred to as benzene hexachloride ("BHC"), that have been found in surface and subsurface soils located south of the garage.

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to 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.

EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and disposal of hazardous substances, pollutants, or contaminants at the Site.

While EPA seeks the cooperation of OCC in this investigation, compliance with this Request for Information is required by law. When you have prepared your 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 your company to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, 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 OCC 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 which follows this letter, including the requirement 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 our Request for Information, it is necessary that you promptly notify EPA. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44U.S.C. §§ 3501 et seq.

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 to:

Mr. Keith Glenn
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg. 205 (MS-211)
Edison, New Jersey 08837

A copy of your reply should be sent to:

Ms. Margo Ludmer, Esq.
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Glenn at (732) 321-4454. 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 yours,

Nicoletta DiForte, Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

Enclosure

CC: Occidental Chemical Corporation
4700 Buffalo Avenue
Niagara Falls, NY 14304

Instructions for responding to request for information

A. Directions

1. A complete and separate response should be given for each question. If information or documents responsive to a specific request 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 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 of your company 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. If you have reason to believe that an individual other than one employed by your company 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 your belief.

6. 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, number of pages, and all recipients of the documents with their addresses.

7. 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.

8. 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.

9. 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 also should be provided.

10. Confidential Information: The information requested herein must be provided even though your company may contend that it includes confidential business information or trade secrets. Your company may assert a 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. § 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 you claim is confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;

2. 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);

3. measures taken by your company to guard against the undesired disclosure of the information to others;

4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

5. 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

6. whether you assert that disclosure of the information would likely result in substantial harmful effects to your company's 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. Please submit your response 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 your company satisfactorily shows that it has taken reasonable measures to protect the confidentiality of the information and that it intends 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 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 to your company.

B. Definitions

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

2. The term "Site" or "Niagara Town Garage Site" shall mean the property located at 7105 Lockport Road, Niagara Falls, Niagara County, New York, located in the Town of Niagara, Parcel ID # 131.19-1-17 and 131.20-1-1. A map of the Site has been included as Appendix A.

3. The term "Occidental Chemical Corporation," "OCC," "your company," and "you" shall mean the Occidental Chemical Corporation as it is currently named and constituted, including its, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns, or agents, as well as any predecessors and successors of the entity, including Hooker Chemicals and Plastics Corporation.

4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, 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.

5. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

6. The term "industrial waste" shall mean any solid, liquid, or sludge, or any mixture thereof, which possesses any of the following characteristics:

   a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. § 9601(14);
   b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
   c. it has a pH less than 2.0 or greater than 12.5;
   d. it reacts violently when mixed with water;
   e. it generates toxic gases when mixed with water;
   f. it easily ignites or explodes;
   g. it is an industrial waste product;
   h. it is an industrial treatment plant sludge or supernatant;
   i. it is an industrial byproduct having some market value;
   j. it is coolant water or blowdown waste from a coolant system;
   k. it is a spent product that could be reused after rehabilitation; or
   l. it is any material that you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with your skin.

7. The term "identify" means:

   a. 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; and,
   b. with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to provide its full name, address, and a brief description of its business.

8. 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.

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

10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1. Please provide the following information regarding your company.

    a. State the legal name of your company.

    b. State the name and address of the president or the chairman of the board, and/or other presiding officers of your company.

    c. Identify the state of incorporation of your company and your company's agent for service of process in the state of incorporation and in New York.

    d. Provide a copy of your company's "Certificate of Incorporation" and any amendments thereto.

    e. If your company is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to your company and indicate the date and manner in which each relationship was established.

2. Identify all properties that your company has owned and/or operated within 5 miles of the Site during the years from 1940 to the present. State the address and identify the dates of your company's ownership and/or operation and provide copies of all documents evidencing such ownership and/or operation, including but not limited to purchase and sale agreements, deeds, leases, etc. Provide a detailed description of the operations, processes, or business activities your company conducted at each property.

3. Indicate whether your company entered into any oral or written agreements or understandings concerning the Site or any parcels adjacent to the Site, including any arrangements with the current or prior property owners or operators to transfer materials to the Site or the adjacent parcels. If so, describe the nature of these agreements or understandings and provide any relevant documents.

4. Please provide the following information regarding your company's Buffalo Avenue facility located in Niagara Falls, New York:

    a. State the mailing address and identify a point of contact for the facility.

    b. Describe the nature of the operations at the facility, including but not limited to the types of work performed there and the industrial, chemical, or institutional processes undertaken at the facility.

    c. Indicate whether hexachlorocyclohexane ("HCH") was generated or used at the facility. If so, state the period when the chemical was generated or used and provide the quantity of the chemical generated or used at the facility.

d. Describe the method of disposal of hazardous substances or industrial wastes generated at the facility, including how and where they were disposed of, and how and by whom they were transported. Specifically indicate the procedure for disposing any process waste containing lindane (gamma-HCH) or other HCH isomers, and identify the destination(s) of this waste.

e. State whether the facility made available to any persons fill material that had been mixed with or contaminated by lindane or HCH isomer-containing material, such as filter cake. If so, indicate to whom such material was made available, when the material was made available, the nature of the material, and the specific use of this material by the recipient persons, if known.

5. Provide all information of which you are aware regarding the disposal of lindane or HCH isomer-containing material at the Site, including but not limited when the disposal of such material took place, the source of the material, and the entity(ies) that disposed of the material.

6. Profiles showing HCH cake generated from soil borings at the Niagara Town Garage indicate potential similarities with profiles generated from the 102nd Street site, located on Buffalo Avenue in Niagara Falls, New York. Please provide the following information regarding the 102nd Street site:

   a. Provide a point of contact that currently manages the operations, maintenance, and monitoring of the 102nd Street site and has knowledge of the location of the buried HCH-contaminated material that OCC placed at the site.

   b. Indicate whether your company has preserved soil samples or HCH-containing waste collected from the 102nd Street site and whether your company, or any other party, regularly or sporadically collect soil samples from the 102nd Street site for any purpose.

   c. State whether your company consents to allow EPA to collect a sample or samples of HCH-containing waste at the 102nd Street site.

7. Identify all individuals with knowledge of facts relating to the responses provided to this Request for Information. Identify each individual who assisted, was consulted, or who answered on behalf of your company in the preparation of its response to this Request for Information, and specify the question(s) with which each respective person assisted in responding.

8. Do you have any additional information or documents that may help EPA identify other parties that may have been a source of, or otherwise been responsible for, the hazardous substances or industrial wastes that came to be located on the Niagara Town Garage Site?

If so, please provide that information and those documents and identify the source(s) of your information.

9. Identify all individuals (other than those identified in your response to Question 7) who may have information or documents relating to the generation, handling, storage, transportation, or disposal of the hazardous substances or industrial wastes that came to be located on the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Niagara Town Garage Site, Niagara, Niagara County, New York

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 _____, 2015

_____
Notary Public

APPENDIX A

NIAGARA TOWN GARAGE
SITE LOCATION MAP

Lockport Rd
W Britton Dr
E Britton Dr
Woodland Ave
Joanne Cir N
Google earth
©2015 Google
500 ft
N

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Occidental Chemical Corporation
5005 LBJ Freeway
Dallas, TX 75380-9050
Attn: Stephen I. Chazen, President and Chief Executive Officer

Re: Request for Information Pursuant to Section 104 of CERCLA
Niagara Town Garage Site, Niagara, Niagara County, New York

Dear Mr. Chazen,

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CONCURRENCES

Name: MARGO LUDMER Init:ML Date:11/12/2015 Filename: Occidental 104e Niagara Town Garage V4

Symbol	ORC	ORC	ORC	ERRD-RAB	ERRD-RAB	ERRD-RAB	ERRD	
Surname	LUDMER	DOYLE	LIEBER	GLENN	WILSON	ROTOLA	DIFORTE	
Date				11/15/2015	11/18/15	11/18/15		

ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

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Sent To
Occidental Chemical Corporation
5005 LBJ Freeway
Dallas, TX 75380-9050
Street, A
Attn: Stephen I. Chazen
or PO Bo
City, Sta
President and Chief Executive Officer

PS Form 3800, August 2006 See Reverse for Instructions

cal Corporation
Freeway
5380-9050
n I. Chazen
f Executive Officer