UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

SEP 6 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

President
DePalma Oil Company
713 Pinewood Road
Union, NJ 07083

Re: Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq., for the Diamond Head Oil Superfund Site, located in the Town of Kearny, Hudson County, New Jersey

Dear Sir/Madam:

This letter seeks your cooperation in providing information and documents relating to the Diamond Head Oil Site (the "Site"), located at 1401 Harrison Avenue in Kearny, Hudson County, New Jersey. We encourage you to give this letter your immediate attention. A complete and truthful response to the enclosed Request for Information should be provided to the United States Environmental Protection Agency (EPA) within 30 days from the date of your receipt of this letter.

EPA has conducted response activities pursuant to our authorities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. Sections 9601-9675 ["CERCLA"]) to assess the release and threat of release of hazardous substances at the Site. To date, EPA has collected ground water, surface water, sediment, soil, liquid waste and solid waste samples. These samples document the presence of volatile organic compounds, semivolatile organic compounds, pesticides, polychlorinated biphenyls, and metals. Further response actions are necessary to address the investigation and treatment and/or disposal of the contaminated materials which remain at the Site. The Site was proposed for the National Priorities List on July 27, 2000.

Filename: C:\WINDOWS\TEMP\DISTRIBU3.wpd								
Symbol	CNJRS	CNJRS	NJRB	ORC	ERRD			
Surname	G>Diaz-Cotto	J.Prince	C.Petersen	C.Monroe	K.Lynch			
Date	9/4/02	9/4/02	9/4	9/6/02	9/6/02			

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Under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information and/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 such a facility, as well as the ability of a person to pay for or perform a cleanup.

While EPA seeks your company's cooperation in this investigation, your company's compliance with the 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 you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by your company to be confidential. Please be aware that you may not withhold information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or who may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be mailed to:

Grisell V. Díaz-Cotto
Remedial Project Manager
Central New Jersey Remediation Section
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 19th Floor
New York, NY 10007-1866.

with a copy to:

Clay Monroe
Assistant Regional Counsel
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866.

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Ms. Díaz-Cotto at (212) 637-4430 or have your attorney call Mr. Monroe at (212) 637-3142.

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

Sincerely yours,

Kevin Lynch
Acting Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.

2. Identify each answer with the number of the question to which it is addressed.

3. 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.

4. Provide responses to the best of the your company's ability, even if the information sought was never put in writing or if the written documents are no longer available.

5. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.

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

7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.

8. 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.

9. 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 document with their addresses.

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

11. 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 more specific.

12. 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.

13. 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 CERCLA Section 104(e) that your company supplement its response to EPA.

14. 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 Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and 40 C.F.R. Section 2.203(b).

If your company makes a claim of confidentiality for any of the information it submits to EPA, it must prove that claim. For each document or response your company claims to be confidential, it must separately address the following points:

a. the portions of the information which are 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 your company to guard against the undesired 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 determinations or reference to them, if available; and

f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your company's 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. Please submit your company's response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which your company desires confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that your company have taken reasonable measures to protect the confidentiality of the information and that your company intend to continue to do so, and that it is not and has not been obtainable by legitimate means without you or your company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), 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 "Site" shall mean the Diamond Head Oil Site, located at, and in the vicinity of, 1401 Harrison Avenue in Kearny, Hudson County, New Jersey.

2. As used herein, the terms "the company" or "your company" refer not only to your company as it is currently named and constituted, but also to all predecessors in interest of the company and subsidiaries, divisions and branches of the company or of its predecessors.

3. As used herein, the terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(3), (5), and (33), respectively.

4. The term "you" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, successors, assigns or agents.

5. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information which might otherwise be construed to be outside of their scope.

6. As used herein, 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. Section 9601(14);
   b. it is a "hazardous waste" as defined in 42 U.S.C. Section 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 which could be reused after rehabilitation; or
l. it is any material which you or your company have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. Section 9601 (33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

9. 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, but not limited to, 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, agreements 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 or any type of device, any punch card, disk or tape or other type of memory generally associated with computers and data processing (together with the programming instructions necessary to use such computer memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

10. 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.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA are set forth at 40 C.F.R. Part 302. "Hazardous substance" shall also mean such substances referred to in the preceding statutory references, by whatever names the substances were known, prior to their designation as hazardous substances in 1980.

12. 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.

13. 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.), and a brief description of its business.

14. 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, address or, addressee and/or recipient, and the substance or the subject matter. Your company can provide a copy of any document in lieu of so describing it.

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

REQUEST FOR INFORMATION

1. a. State the correct legal name and mailing address of your company.

   b. State the name(s) and address(es) of the President, the Chairman of the Board and the Chief Executive Officer of your company.

   c. If your company is a subsidiary or affiliate of another corporation, identify each such entity and its relationship to the company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board and Chief Executive Officer.

   d. Identify the state and date of incorporation and the agent for service of process in the state of incorporation and in New York State for your company and each entity identified in your response to question 1.c. above.

2. Was your company a subsidiary or affiliate of any other entity during the years 1946-1979? If so, identify each such entity and its relationship to your company.

3. Provide the following information for any facilities which were in operation during the years 1946-1979 and which were located within 100 miles of Kearny, New Jersey and which were owned or operated by your company or any entity identified in your response to Question 2:

   a. The name and address of each such facility.

   b. State whether the facility is still in operation, or if operations at the facility have ceased, state when such operations ceased.

   c. The names and addresses of all owners and operators of each such facility from 1946-1979. If more than one entity or individual owned or operated the facility during the years 1946-1979, state when each respective entity or individual owned and/or operated the facility.

   d. The current or former RCRA identification number of each such facility.

   e. A description of the nature of each such facility's business during the years 1946-1979. This description should include, but should not be limited to, a description of the nature of all substances manufactured at the facility during the years 1946-1979, including their trade names, chemical composition, substances used in their manufacture, and substances generated as waste or by-products in their manufacture.

f. State whether any solvents were used or handled at each such facility during the years 1946-1979, for any purpose. If so, provide the following information:

(i) identify any solvents that were used or handled at the facility during the years 1946-1979 (including brand name and chemical composition), and for each such solvent, provide the amount that was used or handled annually; (ii) provide the identity of purchasers (including ultimate purchasers, if known) of solvents from the facility during the years 1946-1979 which purchasers were located within 100 miles of the Site; (iii) identify the solvents used at each such facility during the years 1946-1979 (including brand name and chemical composition); (iv) state the purpose for which they were used; (v) state the amount of each solvent used on an annual basis; (vi) state the amount of each such solvent generated as spent solvent by the processes in which it was used; (vii) provide the chemical composition of the spent solvent; and (viii) provide the methods used for disposing of any unused or spent solvents.

4. a. What industrial wastes were generated, treated or stored at the facilities identified in Question 2 during the years 1946-1979? Your response should include, but not be limited to, any waste that included or consisted of solvents.

b. For each waste identified in your response to Question 4.a., state: (i) At which facility was the waste generated? (ii) What activity resulted in the generation of the particular waste? (iii) When was the waste generated? (iv) In what volume was the waste generated during each calendar year?

5. a. Describe in detail how and where any industrial waste identified in your response to Question 4.a. was disposed of, including: (i) the chemical contents and characteristics of each material; (ii) whether the material contained or was a hazardous substance (if so, state the name, composition and source of origin of each hazardous substance contained in the material and the concentrations of said hazardous substances in the material); (iii) how the material was containerized when removed, e.g., in drums, cylinders, batteries, tanks, bulk form, etc.; and (iv) for each disposal method and location used, state the nature and quantity of the material disposed of on an annual basis.

b. Identify each employee of your company (including former employees) who was responsible for the disposal of industrial wastes from the facilities identified in Question 2 during the years 1946-1979.

c. Provide the names and addresses of all transporters and disposal facilities used in connection with the disposal of industrial wastes identified in your response to Question 4.a., and state the dates when each such transporter and disposal facility was used.

d. Were any industrial wastes from the facilities identified in Question 2 ever transported to an ultimate disposal location which you are not familiar with or are there any such industrial wastes sent to the Diamond Head Oil facility for which your company does not know the final disposal location, including any for which the disposal sites were selected by transporters? If so, describe any such occurrences in detail, including the name and address of any such transporter and disposal facility, the amounts and compositions of such industrial wastes, and when such industrial wastes were disposed of.

e. Identify all individuals and entities (other than those identified in your company's responses to the above questions) who participated in the transportation and/or disposal of industrial waste materials identified in your company's response to Question 4.a. State the present or last known addresses of all such individuals and entities.

6. Are you aware of any industrial wastes generated by your company that were sent to the Site? If so, please describe in detail, including the amounts and compositions of such industrial wastes, when such industrial wastes were disposed of, the facilities that generated or stored the industrial wastes, and the identity of the transporters that transported the industrial wastes.

7. Did your company ever sell or otherwise provide any industrial waste materials from the Site during the years 1946-1979 to contractors or other parties for the purposes of recycling or reuse? If so, identify all such contractors or other parties, describe in detail the purpose for which such industrial waste materials were sold or provided, and state the amounts received pursuant to each transaction.

8. Did your company, or any entity on behalf of your company, ever utilize the services of, or transact business with, Diamond Head Oil, Diamond Head Oil Refining Co., Bay City Oil, Northeast Oil Service, Newton Refining Corporation, PSC Resources, Inc. and Ag-Met Oil Service? If yes, for each transaction, state the nature of the business that was transacted, state when such business was transacted, and for any transactions involving the transport or disposal of industrial waste, describe all such arrangements in detail. If no, state the basis for your response.

9. State the names and present or last known addresses of all past and present employees of your company or any other person who may have knowledge regarding the handling of industrial wastes at the Site during the years 1946-1979, the disposal of such materials, and any releases of such material that may have occurred at the Site. With respect to individuals that are or were employees of your company, state their period of employment your company and the position(s) they hold and/or held there.

10. a. Does your company have any additional information or documents which may help EPA identify other companies that may have been the source of the hazardous substances which came to be located at the Site? If so, please provide that

information and those documents and identify the source(s) of your information.

b. In addition, identify all individuals (other than those identified in your company's response to Question 9) who may have information or documents relating to the transportation or disposal of the hazardous substances or industrial wastes that came to be located at the Site.

11. Please identify each individual who assisted or was consulted or who answered on behalf of your company in the preparation of its response to this Request for Information.

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 my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

_____
NAME (print or type)

_____
TITLE (print or type)

_____
SIGNATURE

Sworn to before me this

___ day of _____, 2002.

_____
Notary Public