UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

FEB 19 2019

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7015 1520 0003 3991 2521

George Blakeney
740 Maplewood Drive
Tuscaloosa, Alabama 35405

Re: B.F. Goodrich Tire Co. Superfund Site (SSID A6MK), Miami, Ottawa County, Oklahoma

Dear Mr. Blakeney:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from you in providing information and documents relating to the B.F. Goodrich Tire Co. Superfund Site (Site) in Miami, Ottawa County, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on behalf of yourself. However, failure to respond to this information request may result in the EPA seeking penalties of up to $57,317 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

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Please provide a written response to Ms. Anna Copeland, Enforcement Officer, at the address included in the Information Request. You may refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter or the information requested, please contact Ms. Copeland at (214) 665-8144 or copeland.anntasia@epa.gov. For legal questions concerning this letter, please have your legal counsel contact Ms. Gloria Moran, Regional Counsel, at (214) 665-3193 or moran.gloria-small@epa.gov. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E., Chief
Technical and Enforcement Branch
Superfund Division

Enclosures (3)

ENCLOSURE 1

B.F. GOODRICH TIRE CO. SUPERFUND SITE
INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed questions. If you have any questions concerning the BF Goodrich Tire Co. Site (Site) or this information request letter, please contact Ms. Anna Copeland, the designated Enforcement Officer for the Site, at phone number (214) 665-8144, fax number (214) 665-6660, or via email at copeland.anntasia@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Anna Copeland, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. Gloria Moran at phone number (214) 665-3193, fax number (214) 665-6460 or via email at moran.gloria-small@epa.gov. For contact via mail, use the following address:

Ms. Gloria Moran
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Site is located at 1000 Goodrich Blvd, Miami, Oklahoma. The Site includes an abandoned former tire manufacturing plant that has known areas of asbestos contamination. The former B.F. Goodrich facility in Miami, Oklahoma operated as a manufacturer of rubber tires from 1944 to 1986. In 1986, the facility was closed and manufacturing activity ceased. Due to the presence of asbestos in multiple structures on the site, abatement and removal of the asbestos was required by Oklahoma Department of Environmental Quality (ODEQ). Some initial attempts to abate/remove the asbestos were conducted. All cleanup work ceased in late 2014.

ENCLOSURE 2

B.F. GOODRICH TIRE CO. SUPERFUND SITE INFORMATION REQUEST

INSTRUCTIONS AND DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) 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 the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the 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 (and the letter of a subpart of a Question, if applicable) to which it responds.

5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. 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. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.

6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which 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."

7. Objections to questions. If you have objections to some or all 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 this enclosure:

1. 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.

2. The term "any", as in "any documents" for example, shall mean "any and all."

3. The term "arrangement" means every separate contract or other agreement between two or more persons.

4. The terms "document(s)" and "documentation" 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, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, 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 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 the 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 produced, (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. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system (GIS) maps, computer-aided design files, scanned or digital photos, and scanned document images.

5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

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

8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).

9. The term "Site" or "facility" shall mean and include the B.F. Goodrich Tire Co. Superfund Site located at 1000 Goodrich Boulevard Miami, Oklahoma.

10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.

11. The term "disturb" shall mean activities that disrupt the matrix of the asbestos containing material, crumble or pulverize the asbestos containing material, or generate visible debris from the asbestos containing material, or otherwise interfere with, displace, move, tamper with, or shift.

12. 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 as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

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

ENCLOSURE 3

B.F. GOODRICH TIRE CO. SUPERFUND SITE
INFORMATION REQUEST

QUESTIONS

QUESTIONS

1. Please provide the full legal name, mailing address and phone number of the Respondent.

2. For each person answering these questions on behalf of the Respondent, provide full name, title, business address, business telephone and facsimile number.

3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and facsimile number.

4. Was the Respondent ever an owner of the Site? If "yes:"

   a. Please specify dates of ownership and how the Respondent became an owner. Please provide all documentation evidencing or relating to ownership or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
   b. Please provide all evidence showing whether the Respondent, as an owner, controlled access to the Site; and
   c. Please explain in narrative format and with supporting documentation all evidence relating to the presence of asbestos-contaminated materials on the Site and include a statement, with supporting documentation, on whether asbestos and asbestos-contaminated materials were present during the period of Respondent's ownership.

5. Please identify all other owners of the Site. For each owner listed here,

   a. Please specify dates of ownership and, if known, how each owner obtained ownership. Please provide all documentation evidencing or relating to ownership or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
   b. Please provide all evidence showing whether the owners listed here controlled access to the Site; and
   c. Please explain in narrative format, including supporting documentation, whether asbestos and asbestos-contaminated materials were present during the ownership period of each owner.

6. Was the Respondent ever an operator of the Site? If "yes:"

   a. Please identify the dates of operation and provide all supporting documentation evidencing the operation, including leases, purchase and sale agreements, etc. Identify the nature of the operation(s) at the Site and provide all supporting documentation, including agreements, etc.

b. Please identify all evidence showing whether the Respondent, as operator, controlled access to the Site; and

c. Explain in narrative format with supporting documentation all evidence relating to the presence of asbestos-contaminated materials at the Site, including asbestos and asbestos-contaminated materials, during the period of Respondent's operation at the Site.

7. Please identify all other operators at the Site. For each operator listed here,

a. Please specify dates of operation and provide all documentation evidencing or relating to the operation, including but not limited to purchase and sale agreements, deeds, leases, etc.

b. Please provide all evidence showing whether the operators listed here controlled access to the Site; and

c. Please explain in narrative format and with supporting documentation all evidence for each operator listed here relating to the presence of asbestos-contaminated materials at the Site, including asbestos and asbestos-contaminated materials, during the period of Respondent's operation at the Site.

8. Please identify the Respondent's corporate parent and all its corporate subsidiaries.

9. Please explain in narrative format and with supporting documentation the condition of the buildings when Respondent purchased the Site and/or operated at the Site.

10. Were any asbestos or asbestos-containing materials evident when Respondent purchased and/or operated at the Site?

11. Were any asbestos or asbestos-containing materials in the buildings or surface soil areas, etc. disturbed during the years Respondent owned and /or operated the property? If "yes:"

a. Please provide a description of the activities that caused the asbestos or asbestos-containing materials to be disturbed in narrative format with supporting documentation.

b. Please specify the location in the buildings or surface areas where the asbestos or asbestos-containing materials were disturbed? Please respond in narrative format with supporting documentation.

12. In what condition were the buildings when you sold the Site?

13. Did Respondent contract, perform or obtain any asbestos remediation or inspections on the buildings or anywhere on the Site, including Phase 1 and Phase II Environmental Assessments etc.?

a. If yes, please provide copies of all reports, workplans etc.

14. Did any releases of asbestos into the environment occur at or from the Site? If the answer to the preceding question is anything but an unqualified "no," identify:

a. When such releases occurred;

b. How the releases occurred (i.e. renovation, repair, etc.).

c. The amount of each hazardous substances, pollutants, or contaminants released;
d. Where such releases occurred;
e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing undertaken; and
g. The names of all persons with information relating to these releases.

15. Identify all federal, state and local authorities that regulated the Respondent and/or that interacted with the Respondent. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.

16. Provide a list of all local, state and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

17. Provide all reports, information or data related to asbestos at and around the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

18. If Respondent believes there may be any person(s) able to provide a more detailed or complete response to any of the preceding questions and/or sub-questions or any person(s) who may be able to provide additional responsive documents, please identify such person(s) and the additional information Respondent believes they may have.