REDACTED VERSION

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

JUN 0 5 2019

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0150 0000 2405 6157

Michael W. Joseph
Registered Agent
CLECO Corporate Holdings, LLC
2030 Donahue Ferry Road
Pineville, Louisiana 71360

Re: F. J. Doyle Salvage Superfund Site (SSID 061D), Leonard, Fannin County, Texas 75452

Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from CLECO Corporate Holdings, LLC in providing information and documents relating to the F. J. Doyle Salvage Superfund Site (Site), 905 North Poplar Street, Fannin County, Leonard, Texas. 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) calendar 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 Mr. David Eppler, Enforcement Officer, at the address included in the Information Request. Please 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 Mr. Eppler at (214) 665-6529. For legal questions concerning this letter, please have your legal counsel contact Mr. Leonard Schilling at (214) 665-7166. Thank you for your attention to this matter.

Sincerely yours,

Susan D. Webster, Chief
Assessment and Enforcement Branch
Superfund Division

Enclosures (3)

ENCLOSURE 1

F. J. DOYLE SALVAGE 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 information request. If you have any questions concerning the F. J. Doyle Salvage Superfund Site (Site) or this information request letter, please contact Mr. David Eppler, the enforcement officer for the Site, at phone number (214) 665-6529, fax number (214) 665-6660, or via email at eppler.david@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. David Eppler, 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 Mr. Leonard Schilling at phone number (214) 665-7166, fax number (214) 665-6460 or via email at schilling.leonard@epa.gov. For contact via mail, use the following address:

Mr. Leonard Schilling
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Site is a former metal salvage and recycling facility. As part of the salvage process, operators at the Site obtained electrical transformers and other components from companies such as LPL. Site operators

drained oil containing polychlorinated biphenyls (PCBs) from the transformers, dismantled the transformers and used a high-temperature oven to burn residual oils, paper and varnish from the copper and aluminum transformer cores. PCBs are a listed hazardous substance pursuant to section 102(a) of CERCLA, 42 U.S.C. § 9602, and 40 C.F.R. § 302.4.

Historical sampling has indicated PCB contamination in on-site and off-site soils. The EPA conducted a removal action on the Site beginning on November 5, 2018, removing and disposing of PCB-contaminated soils and building elements.

ENCLOSURE 2

F. J. DOYLE SALVAGE SUPERFUND SITE
INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

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 C.F.R. 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 C.F.R. 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 clearly marked as "Personal Privacy Information."

7. Objections to questions; Regardless of any objections you may have to some or all of the questions within this Information Request Letter, 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. "Agreement" means every separate contract, transaction, or invoice, whether written or oral.

2. 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.

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

4. "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

5. 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.

6. "Facility" shall have the same definition as that contained in section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

7. "FJ Doyle" means Frank Doyle, Gary Doyle, Danny Doyle and any entity created by or associated with the Doyles that owned or operated the Site from approximately 1975 to1999, including F.J. Doyle Salvage, Frank J. Doyle Transformer Salvage and Frank J. Doyle & Sons.

8. "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. Hazardous substances include polychlorinated biphenyls (PCBs).

9. 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.

10. 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.

11. 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.

12. "Material" or "Materials" shall mean any and all objects, goods, products, by-products, substances, or matter of any kind, including but not limited to wastes.

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

14. The term "Site" or "facility" shall mean and include the F. J. Doyle Salvage Superfund Site at 905 North Poplar Street (previously (b) (6) [redacted]), Leonard, Texas 75452.

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

16. 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.

17. 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.

ENCLOSURE 3

F. J. DOYLE SALVAGE SUPERFUND SITE
INFORMATION REQUEST

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, and facsimile number.

4. Has any material or equipment owned or used by Respondent ever been sold to, supplied to, or otherwise turned over to FJ Doyle for scrapping, salvage, repair, consignment, resale or any other purpose?

5. Has any material or equipment owned or used by Respondent ever been sent to the Site for scrapping, salvage, repair, consignment, resale, or any other purpose?

6. If your answer to either or both questions is yes, provide a complete list of all such material or equipment, as well as any and all shipments thereof; include the following information with your response:
    a. The reason and approximate date(s) the material or equipment was taken out of service, and the date(s) sold, scrapped, disposed of, or otherwise turned over to FJ Doyle, or the date sent to the Site, if applicable.
    b. Describe the condition of the material or equipment when it was sold, scrapped, disposed of, or otherwise turned over to FJ Doyle, or sent to the Site, if applicable.
    c. List any amount of money paid or received by Respondent in relation to the sale, transfer, or delivery of the material or equipment. Indicate whether the price was reduced because of the inclusion of hazardous substances in the material or equipment.
    d. For each item of material or equipment, indicate whether it contained any oil when turned over to FJ Doyle. Supply any and all records that may indicate the contents of the oil, in particular whether the oil may have contained any PCBs. Indicate what steps were taken to determine whether the oil contained any PCBs at the time of taking out of service or of disposal, and explain what precautions were taken to ensure that any PCBs in the equipment were disposed of properly.
    e. Supply all documents pertaining to the transaction, and to the movement or shipment of the material or equipment from your property, or from property where you operate.

f. For each instance of equipment or material turned over to FJ Doyle or sent to the Site, indicate whether the equipment or material was transported by FJ Doyle, or by a separate company. In the case of the latter, identify both the individual and the company supplying the transportation services.
g. Identify all persons who controlled and/or transported the material or equipment prior to delivery to the Site. Include job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable, the date of the individual's resignation or termination.
h. Provide the correct name and addresses of Respondent's plants and other facilities from which Respondent sold or supplied equipment or material to FJ Doyle or otherwise sent equipment or material to the Site.
i. Provide a brief description of the nature of Respondent's operations at each plant or facility referenced above, including: the date such operations commenced and concluded; and types of work performed at each plant or facility, including but not limited to the industrial, chemical, or institutional processes and treatments undertaken at each plant or facility

7. List, describe, and provide all documents relating to the information requested above. If any such documents have been destroyed, provide the dates of destruction.

8. Did Respondent ever sell or supply transformers or any other oil-containing equipment to FJ Doyle or otherwise send transformers or any other oil-containing electrical equipment to the Site? If so, provide the following details for each item that was sold or supplied to FJ Doyle or may have been sent to the Site:
   a. the name of the manufacturer and serial number;
   b. the quantity of oil contained in the equipment;
   c. the concentration of PCBs contained in the oil;
   d. the purpose of the shipment (e.g, salvage, repair or resale);
   e. the date on which the equipment left your facility;
   f. the company name, address, and telephone number of the transporter; and
   g. the names, addresses, telephone numbers, and dates of ownership of any and all prior owners.

9. Provide legible copies of any and all contracts, invoices, receipts, or other documents describing the transactions that Respondent implemented with FJ Doyle for each item identified in the question above.

10. Provide legible copies of any and all contracts, invoices, receipts, or other documents related to the transaction that Respondent implemented with transporters to transport the items in the question above.

11. Describe how both PCB-contaminated oil and uncontaminated oil were emptied from electrical transformers and capacitors or other electrical equipment and stored at Respondent's facilities.

12. Identify and describe, and provide all documents that refer or relate to, the following:
    a. How were hazardous substances or materials containing hazardous substances used or planned to be used at the Site?
    b. What was done to any hazardous substances once they were sent to the Site, including any service, repair, recycling, treatment, or disposal?
    c. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
    d. How were hazardous substances typically used, handled, or disposed of at the Site?
    e. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? When travelling to the Site, explain the details of the visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
    f. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
    g. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
    h. Did Respondent know if the owner(s) and/or operator(s) of the Site were removing a hazardous substance from the transferred material?
    i. Did Respondent know, based on general industry knowledge, if the hazardous substances would need to be removed from the transferred material in order for that material to be useful?
    j. What percentage of Respondent's total hazardous substances went to the Site?
    k. What steps did Respondent take to dispose of or treat any hazardous substances among the materials transferred to the Site? Provide any agreements and documents, including waste logs, journals, or notes, reflecting these steps.
    l. What involvement (if any) did Respondent have in selecting the particular means and method of disposal of the hazardous substances at the Site?
    m. At the time Respondent transferred the materials containing hazardous substances to the Site, what did Respondent intend to happen to the hazardous substances? Provide any agreements and documents, including waste logs, journals, or notes, reflecting the intention of the parties. If Respondent does not have such documents and/or materials, please so state.
    n. With respect to all arrangements involving materials containing hazardous substances, at the time of the arrangement, specify the measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials Respondent sent there?
    o. What efforts, if any, did Respondent take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.
    p. How long did Respondent have a relationship with the owner(s) and/or operator(s) of the Site?

q. Provide names, addresses, telephone numbers, and email addresses of any individuals, including former and current employees, who may be knowledgeable of Respondent's operations and practices concerning the handling, storage and disposal of hazardous substances at the Site.

13. If any documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

14. If you believe 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 you believe they may have.