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

DEC 1 5 2016

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
BY ELECTRONIC MAIL AND
HAND DELIVERY

Ergon Asphalt & Emulsions Incorporated
6746 Up River Road
Corpus Christi, Texas 78409

Re: Corpus Christi Water Contamination Event

Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Ergon Asphalt & Emulsions Incorporated (Ergon) in providing information and documents relating to the contamination of the Corpus Christi, Texas drinking water system and/or waters of the United States by Ergon at or near Corpus Christi, Texas and on or about December 14 or 15, 2016 (the "Event"). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at or near Corpus Christi, Texas. Your response will also help the EPA develop a better understanding of the Event that occurred and prepare for a response.

This information request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Event. The EPA is sending this letter as part of its investigation of the Event and does not expect you to pay for or perform any response-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities concerning the Event, 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 TWO (2) HOURS OF RECEIPT of this letter.** A copy of this letter will be delivered by hand and an electronic copy has been transmitted to you as well for your convenience and quick response. Please designate an official with Ergon to respond. However, failure to respond to this information request may result in the EPA seeking penalties of up to $37,500 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.

Please provide a written response to Mr. David Eppler, Enforcement Officer, at the physical and electronic-mail 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, contact Mr. Eppler at (214) 665-6529. For legal questions concerning this letter, please have your legal counsel contact Mr. Edwin Quinones, at (214) 665-8035. Thank you for your attention to this matter.

Sincerely yours,

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

Enclosures (3)

ENCLOSURE 1

CORPUS CHRISTI WATER CONTAMINATION EVENT 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 Ergon or this information request letter, please contact Mr. David Eppler, the designated Enforcement Officer for the Event, at phone number (214) 665-6529, fax number (214) 665-6660, or via email at eppler.david@.epa.gov. Please mail and e-mail your response within two (2) hours 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, TX 75202-2733
Eppler.David@epa.gov

If you or your attorney have legal questions that pertain to this information letter request, please contact Mr. Edwin Quinones at phone number (214) 665-8035, fax number (214) 665-6460 or via email at quinones.edwin@epa.gov. For contact via mail, use the following address:

Mr. Edwin Quinones
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Quinones.Edwin@epa.gov

BACKGROUND INFORMATION

The Event involves the release of chemicals into the drinking water system of Corpus Christi, Texas. The Event's name does not refer to potentially responsible parties for the Event, nor does it indicate the Event's area is confined within boundaries of specific properties or specific roads. The chemical contaminated water involves water that is used as drinking water by the City of Corpus Christi, Texas.

ENCLOSURE 2

CORPUS CHRISTI WATER CONTAMINATION EVENT 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 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 clearly marked as "Personal Privacy Information."

7. Objections to questions; Regardless of any objections you may have to some or all 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. 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.

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, 42U.S.C. §9601 (21).

9. The term "Event" or "facility" shall mean and include Ergon, 6746 Up River Road, Corpus Christi, Texas.

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. 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.

12. 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

CORPUS CHRISTI WATER CONTAMINATION EVENT INFORMATION REQUEST

QUESTIONS

1. List each of the specific components or constituents of the material released or threatened to be released or presumed to have been released on or about December 14 or 15, 2016 at or near or from your facility or the Valero Bill Greehy Plant, including the concentration ranges of each of the components or constituents (example: ethyl acrylate CAS No. 140-88-5). List each of the specific components or constituents of the material known as Indulin AA-86, including the concentration ranges of each of its components or constituents.

2. Provide toxicological information you or the manufacturer have on each of the components or constituents you identified in Question 1, above.

3. Provide any known methods to test the components or constituents (listed in Question 1) in water.

4. Provide the amount of material identified in Question 1 that was released or presumed to have been released (in gallons or pounds) that may have entered into any drinking water conveyance systems. Provide the source or origin from which it was released (container), and a map detailing the origin and route of travel of the material into any drinking water conveyance system.

5. Provide the date and time of the release (initiation). Provide the duration in hours, minutes and days of the release. (How long did the release last for?)

6. What actions have you taken to respond and contain the release?

7. Provide any and all information pertaining to medical attention necessary for exposure to humans of the material identified in Question 1.

8. Provide any and all information concerning known or anticipated acute and/or chronic health risks associated with the material identified in Question 1.

9. Provide the name(s) and contact information for the emergency response coordinator(s) for your facility and for the manufacturer(s) of the material identified in Question 1.

I hereby certify that a copy of the foregoing CERCLA Section 104(e) Information Request Letter and Enclosures was personally hand delivered by me to an official with the following:

Ergon Asphalt & Emulsions Incorporated
6746 Up River Road
Corpus Christi, Texas 78409

_____ Date:_____

Eric Delgado
On-Scene Coordinator
US EPA Region 6
1445 Ross Ave.
Dallas, TX 75202