

May 22, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Clow Ductile Iron Pipe Co.  
n/k/a Clow Water Systems Co.  
2266 South Sixth Street  
Coshocton, OH 43812

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that Clow Ductile Iron Pipe Co. (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. The Clow Ductile Iron Pipe Co. operated in Birmingham, Alabama at 3513 11<sup>th</sup> Avenue (Facility) which is located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures – Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to the Company as of the date of submission of a response to this Information Request should later become known or available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the Company 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 to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. 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 the Company. The Company should read the above cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "Site" and "35th Avenue Site" shall include Residential Properties, Five Mile Creek, and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama.
4. The term "the Company" shall mean the recipient of this Information Request.
5. The term "Facility" shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 3513 11<sup>th</sup> Avenue, which is located in or around the Site.
6. The term "34<sup>th</sup> Street North Ditch" shall mean the ditch that generally begins at a bend in 34<sup>th</sup> Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term "hazardous substance" 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.
8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
10. 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, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The terms "document" or "documents" includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. 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.
14. 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.
15. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 3513 11<sup>th</sup> Avenue.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

June 28, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Beloit Corp., n/k/a Metso Paper  
2900 Courtyards Dr.  
Norcross, GA 30071

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that Metso Paper (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. Beloit Corp. operated in Birmingham, Alabama at 2901 and 2936 35th Ave. (Facility) which are located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

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The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures -- Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

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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 to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. 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 the Company. The Company should read the above cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.

## Definitions

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4. The term "the Company" shall mean the recipient of this Information Request.
5. The term "Facility" shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 2901 and 2936 35th Ave., which is located in or around the Site.
6. The term "34<sup>th</sup> Street North Ditch" shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term "hazardous substance" 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.
8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
10. 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, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The terms "document" or "documents" includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. 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.
14. 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.
15. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 2901 and 2936 35th Ave.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

June 28, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

ORS NASCO  
c/o United Stationers, Inc.  
One Parkway North Blvd., Suite 100  
Deerfield, IL 60015

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that United Stationers, Inc. (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. NASCO (now known as ORS NASCO) operated in Birmingham, Alabama at 4330 Florence St. (Facility) which is located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures – Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to the Company as of the date of submission of a response to this Information Request should later become known or available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the Company 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 to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. 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 the Company. The Company should read the above cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "Site" and "35th Avenue Site" shall include Residential Properties, Five Mile Creek, and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama.
4. The term "the Company" shall mean the recipient of this Information Request.
5. The term "Facility" shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 4330 Florence St., which is located in or around the Site.
6. The term "34<sup>th</sup> Street North Ditch" shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term "hazardous substance" 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.
8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
10. 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, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The terms "document" or "documents" includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. 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.
14. 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.
15. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 4330 Florence St.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

June 28, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Oxylance Corp.  
n/k/a Oxylance, Inc.  
2501 27th St. N  
Birmingham, AL 35231

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that Oxylance, Inc. (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. Oxylance Corp. operated in Birmingham, Alabama at 3925 29th St. N (Facility) which is located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures – Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to the Company as of the date of submission of a response to this Information Request should later become known or available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the Company 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 to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. 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 the Company. The Company should read the above cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term “you” shall mean the addressee of this request, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term “person” shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms “Site” and “35th Avenue Site” shall include Residential Properties, Five Mile Creek, and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama.
4. The term “the Company” shall mean the recipient of this Information Request.
5. The term “Facility” shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 3925 29th St. N, which is located in or around the Site.
6. The term “34<sup>th</sup> Street North Ditch” shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term “hazardous substance” 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.
8. The term “identify” means, with respect to a natural person, to set forth: (a) the person’s full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
9. The term “identify” means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
10. 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, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The terms “document” or “documents” includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

11. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
12. 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.
13. 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.
14. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 3925 29th St. N.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

June 28, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Philip Services  
n/k/a PSC Metal, Inc.  
5875 Landerbrook Dr., Suite 200  
Mayfield Heights, OH 44124

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that PSC Metal, Inc. (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. Philip Services operated in Birmingham, Alabama at 3353 27th Ave. N (Facility) which is located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures – Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to the Company as of the date of submission of a response to this Information Request should later become known or available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the Company 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 to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. 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 the Company. The Company should read the above cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "Site" and "35th Avenue Site" shall include Residential Properties, Five Mile Creek, and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama.
4. The term "the Company" shall mean the recipient of this Information Request.
5. The term "Facility" shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 3353 27th Ave. N, which is located in or around the Site.
6. The term "34<sup>th</sup> Street North Ditch" shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term "hazardous substance" 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.
8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
10. 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, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The terms "document" or "documents" includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. 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.
14. 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.
15. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 3353 27th Ave. N.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

June 28, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Southeastern Steel Container Co., Inc.  
n/k/a Self Industries  
3491 Mary Taylor Rd.  
Birmingham, AL 35235

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that Self Industries (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. Southeastern Steel Container Co., Inc. operated in Birmingham, Alabama at 3055 35th Ave. N (Facility) which is located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(c) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures – Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

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4. The term "the Company" shall mean the recipient of this Information Request.
5. The term "Facility" shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 3055 35th Ave. N, which is located in or around the Site.
6. The term "34<sup>th</sup> Street North Ditch" shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term "hazardous substance" 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.
8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
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11. The terms "document" or "documents" includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which it produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

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13. 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.
14. 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.
15. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 3055 35th Ave. N.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

June 28, 2012

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY REQUESTED WITHIN 60 DAYS**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Zucon, Inc.  
n/k/a Self Industries  
3491 Mary Taylor Rd.  
Birmingham, AL 35235

Re: Request for Information Pursuant to Section 104 of CERCLA for the 35<sup>th</sup> Avenue Superfund Site (Site) in and around Birmingham, Jefferson County, Alabama.

Dear Sir/Madam:

The purpose of this letter is to request that Self Industries (the Company) respond to the enclosed Information Request. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored or disposed of at, or transported to the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

The 35<sup>th</sup> Avenue Superfund Site is comprised of portions of the Fairmont, Collegeville, and Harriman Park communities (Residential Properties), Five Mile Creek and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama. Zucon, Inc. operated in Birmingham, Alabama at 3055 35<sup>th</sup> Ave. N (Facility) which is located in or around the 35<sup>th</sup> Avenue Superfund Site. The EPA believes that the Company may have information about the operations of the Facility that may assist the Agency in its investigation of the Site. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, the Company is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While the EPA seeks the Company's cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended.** This statute, as modified by the Debt Collection Improvement Act of 1996, 40 C.F.R. Part 19, permits the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500.00) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations to the Information Request may subject the Company to criminal penalties under 18 U.S.C. §1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

The Company's response to this Information Request should be mailed to:

Carolyn McCall  
U.S. Environmental Protection Agency  
SEIMB 11<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of the Company's failure to respond properly, the EPA strongly encourages the Company to give this matter immediate attention and to respond to this Information Request within the time specified below. To assist you in understanding why you received this letter, a list of Frequently Asked Questions has been included. If you have any specific legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. **Please direct all questions to 1-888-550-8406 regarding any legal or technical questions. Provide your name and contact number and you will receive a return call within 48 hours.**

Thank you for your cooperation in this matter.

Sincerely,

Carolyn McCall  
Enforcement Project Manager  
SEIMB – Superfund Division

Enclosures -- Definitions/Questions  
Frequently Asked Questions

Enclosure A  
Request for Information Pursuant to Section 104 of CERCLA  
35<sup>th</sup> Avenue Superfund Site (Site)  
Birmingham, Alabama

**Instructions**

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2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to the Company as of the date of submission of a response to this Information Request should later become known or available to the Company, the Company must supplement its response to the EPA. Moreover, should the Company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the Company 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 to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. The Company may, if it desires, 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. Sections 9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. 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 the Company. The Company should read the above cited regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.

## Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term “you” shall mean the addressee of this request, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term “person” shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms “Site” and “35th Avenue Site” shall include Residential Properties, Five Mile Creek, and the 34<sup>th</sup> Street North Ditch, all of which are located in and around Birmingham, Jefferson County, Alabama.
4. The term “the Company” shall mean the recipient of this Information Request.
5. The term “Facility” shall mean the business entity, which is or has ever operated in and around Birmingham, Alabama, at 3055 35th Ave. N, which is located in or around the Site.
6. The term “34<sup>th</sup> Street North Ditch” shall mean the ditch that generally begins at a bend in 34th Street North behind the former Carver High School and flows northeast onto Walter Property, and then flows through the Harriman Park neighborhood until emptying in an area bounded by 42<sup>nd</sup> Avenue North to the south, 44<sup>th</sup> Avenue North to the north, and 37<sup>th</sup> Street North to the west, and shall also include the drainage areas that flow into the 34<sup>th</sup> Street North Ditch.
7. The term “hazardous substance” 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.
8. The term “identify” means, with respect to a natural person, to set forth: (a) the person’s full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
9. The term “identify” means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
10. 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, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The terms “document” or “documents” includes any written, recorded, computer generated, or visually or orally 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.

These may include 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, e-mail, record book, minutes, memorandum of telephone and other conversations including meetings, agreement 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 intraoffice 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 or 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 printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. 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.
14. 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.
15. 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.

## Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number of the individual to whom any future correspondence regarding this matter should be directed.
5. Identify the legal entity that would be responsible for the liabilities, if any, of Respondent arising from or relating to any release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.
6. Provide the following information about the Facility:
  - a. Dates of operation;
  - b. Describe the manufacturing processes;
  - c. Summarize the production volumes; and
  - d. Describe the use, storage, and disposal of foundry brick or sand.
7. Provide all information and records for any entities (public and private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or residences that may have received fill dirt, foundry brick, or sand, from the Facility. Include the following for any such transaction:
  - a. State whether this material contained hazardous substances;
  - b. State the location from which any such material originated; and
  - c. State the location to which any such materials were taken.
8. List all names under which the Facility or the Company has ever operated and has ever been incorporated. For each name, provide the following information:
  - a. whether the Facility or Company continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Facility and the Company.
9. Identify all a) officers of the Facility and the Company; 2) shareholders; and/or 3) members of the board of directors.

10. Provide any RCRA Facility Investigation (RFI) Reports, RCRA Facility Assessments (RFA) Reports, Corrective Measures Studies, Interim Measures Reports, Confirmatory Sampling Reports, Notices of Hazardous Waste Activity, Closure Plans, and Post-Closure Plans, if any, that have been prepared for the Facility or the Company.
11. Identify all federal, state, and local authorities that regulate(d) the Facility's operations dealing with health and safety and environmental concerns during operations conducted at the Facility.
12. Provide a list of all local, state, and federal environmental permits ever granted to Facility or the Company or obtained on behalf of the Facility or the Company (e.g. RCRA permits, NPDES permits, Air permits, etc.) on any facility or property located near or within the Site, including but not limited to operations at 3055 35th Ave. N.
13. Describe all occurrences associated with violations or alleged violations of any environmental laws, citations, and/or malfunctions concerning the Facility or the Company. Provide copies of all documents associated with such occurrences.
14. If production wastes, including floor sweepings, have been disposed onsite in landfills, provide a map marked with the location of any or all such sites, list the chemicals or other items landfilled at each site, and give the dates each site was utilized as a landfill by your company or other companies.
15. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.
16. Identify all current and/or past production records kept by the Company and describe the contents of such records. Provide copies of any records still in the Facility or the Company's possession.
17. Identify any and all furnaces and ovens that are or have been used at the Facility or the Company in its operations, and describe the specific type(s) of furnaces and/or ovens.
18. Identify all substances including, but not limited to Hazardous Substances that were ground, formulated and/or processed by the Facility.
19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.