



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Copy for Terry

SITE: BCX Facility
BREAK: 11.1
OTHER: v. 7

October 4, 2004

40EA

INFORMATION REQUEST LETTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Ferrell J. Carden
1859 East Adams Street
Jacksonville, FL 32202

SUBJECT: Request for Information Pursuant to Section 104(e) of CERCLA
for the BCX Tank Site in Jacksonville, Duval County, Florida

Dear Mr. Carden:

The purpose of this letter is to request that you respond to the enclosed Information Request. You should respond to each question with the knowledge and authority you have as an individual, and also: as Managing Member of Seven Out, LLC; as Chief Financial Officer of BCX, Inc.; as Former Director of International Processing Specialists, Inc.; and as former President of IPS Terminal Company (formerly C&H Recycling Corporation).

The United States Environmental Protection Agency ("EPA") is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the BCX Tank Site in Jacksonville, Duval County, Florida ("Site"). This investigation requires inquiry into the identification, nature, origin, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Site, along with the nature and extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. EPA also is seeking information relating to the ability of persons to pay for or to perform response actions at the Site.

EPA requests that you respond to the enclosed Information Request within 30 days of your receipt of this letter. This request is being made pursuant to the EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927.



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Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within 30 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek penalties of up to thirty-two thousand, five hundred dollars (\$32,500) 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 you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

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

Your response to this Information Request should be mailed to my attention at:

Stacey A. Haire
Assistant Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter immediate attention and to respond to this Information Request within the given time. If you have any questions relating to this Information Request, you may consult with EPA prior to the time specified above. You can reach me by phone at (404) 562-9676.

Thank you for your cooperation in this matter.

Sincerely,



Stacey A. Haire
Assistant Regional Counsel
Office of Environmental Accountability

Enclosure

cc: Daniel D. Richardson
Counsel for Mr. Carden
Lewis, Longman & Walker, P.A.
9428 Baymeadows Road, Suite 625
Jacksonville, FL 32256

✓ Terry Stilman, On-Scene Coordinator
U.S. EPA Region 4

Johnny Morgan, Enforcement Project Manager
U.S. EPA Region 4

INFORMATION REQUEST

Instructions

1. Answer Every Question Completely.

A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. Number Each Answer.

Precede each answer with the corresponding number of the question and the subpart to which it corresponds.

3. Provide the Best Information Available.

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.

4. Identify the Sources of Each Answer.

For each and every question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer. Also identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

5. Abide By Your Continuing Obligation to Provide/Correct Information.

If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

6. Understand How to Request Confidential Treatment of Your Information.

The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may 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), and Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Be Aware of Potential Disclosure to EPA Contractors.

Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the

responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Mark Any Personal Privacy Information.

Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Answer Despite Objections to Questions.

If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

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

A. The term "you" shall mean the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

B. 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.

C. The term "Site" shall mean the BCX Tank Superfund Site located at 1859 East Adams Street, Jacksonville, Duval County, Florida.

D. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

E. 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.

F. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.

G. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

H. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.

I. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.

J. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

K. 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.

L. The term "company" shall mean any business entity, however formally or informally organized, which has ever existed, regardless of its current status.

M. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

N. 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.

O. The term "documents" includes any written, recorded, computer generated, or visually or aurally 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, 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.

P. 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.

Q. 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.

R. 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.

S. 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) answering these questions. Identify any company, corporation, partnership, or business entity for whom you are answering these questions. Include all branches, subsidiaries, and parents of your company. If your company is incorporated, provide the state of incorporation, the date of organization, and your registered agent in the State of Florida.
2. Describe fully any and all connections you or your company have ever had to the Site.
3. Identify any connection, relationship, or role you or your company have ever had with respect to the following:
 - a. Seven Out, LLC;
 - b. S.O.S. Earth, Inc.;
 - c. Any business entity doing business under the name BCX;
 - d. BCX, Inc.
 - e. C & H Recycling Corporation;
 - f. International Processing Specialists, Inc.;
 - g. Square Four, Inc.
 - h. Petroleum Fuel and Terminal Company;
 - i. IPS Terminal Company;

- j. Kurt F. Hollfelder;
- k. Alex Sutor; and
- l. Ferrell Carden

4. Identify any connection, relationship, or role either of the above-named persons or entities have had with the Site.

5. Identify the persons who are officers, directors, and/or managers of your company. Your description should include, but not be limited to, the duties and responsibilities of each position; the actual tasks each person performs, both routinely and occasionally, and the dates that each manager held each position.

6. Identify the current owner of the Site. State the dates during which the current owner owned, operated or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

7. Identify the current operator of the Site. State the dates during which the current operator operated or leased any portion of the Site, and provide copies of all documents evidencing or relating to such operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

8. Identify all prior owners of the Site. For each prior owner, further identify:

- a. The dates of ownership;
- b. All evidence showing that they controlled access to the Site; and
- c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

9. Identify all prior operators of the Site, including lessors, of the Site, For each such operator, further identify:

- a. The dates of operation;
- b. The nature of prior operations at the Site;
- c. All evidence that they controlled access to the Site; and
- d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

10. Explain fully any relationship you or your company have now or have had in the past with any prior owners or operators at the Site, including those involving contracts, control of shares, parent corporations, partnerships, mergers, acquisitions, name changes, etc.

11. Identify any persons who, concurrently with the current or prior owners/operators, have exercised actual control or who have held significant authority to control activities at the Site/facility/plant. Include:

- a. Partners or joint venturers;
- b. Any person subleasing land, equipment or space on site;
- c. Utilities, pipelines, railroads and any other person with activities and/or easements regarding the site;
- d. Major financiers and lenders;
- e. Any person who exercised actual control over any activities or operations on Site;
- f. Any person who held significant authority to control any activities or operations on site;
- g. Any person who had a significant presence or who conducted significant activities on site; and
- h. Government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Site/facility/plant.

12. Identify any legal or equitable interest that you now have, or previously had in the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.

13. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.

14. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.

15. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site. Describe your company's operations and production processes in general terms, noting specifically all raw materials, chemicals, solvents, metals, pesticides, and oils collected, stored, used, or produced, and the end products manufactured or produced by your facility. Please provide such information from 1987 to present.

16. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:

- a. In general terms, the nature and quantity of the non-hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
- b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
- c. The persons who supplied you with each such hazardous substance;
- d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
- g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

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

18. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Site between January of 1987 and the present. Provide copies of all documents associated with such an occurrence.

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

20. Did the Facility ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide a copy of such notification.

21. Did the Facility ever have "interim status" under the Resource Conservation or Recovery Act (RCRA)? If so, and the Facility does not currently have interim status, describe the circumstances under which the Facility lost interim status.

22. Provide information about the Site, including but not limited to the following:
- a. Property boundaries, including a written legal description;
 - b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
 - c. Surface structures (e.g., buildings, tanks, etc.);
 - d. Groundwater wells, including drilling logs;

- e. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
- f. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
- g. All maps and drawings of the Site in your possession.

23. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

24. Describe the acts or omissions of any persons other than your employees, agents, or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons. In addition:

- a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties, and the consequences that could foreseeably result from such acts or omissions; and
- b. Describe the care you exercised with respect to the hazardous substances found at the Site.

25. Identify all past and present solid waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site. For each such solid waste management unit, provide the following information:

- a. A map showing the unit's boundaries and the location of all known solid waste management units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
- b. The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;
- c. The dates that the unit was constructed or installed;
- d. The dates that the unit was in use;
- e. The purpose and past usage (e.g., storage, spill containment, etc.);
- f. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
- g. The material safety data sheet for each substance identified immediately above; and
- h. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
- i. If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

26. Describe the conditions of the physical plant facility at the Site during the years from 1987 to present. Your response is to include, but should not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the plant.

27. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site? In addition, identify:

- a. When such releases occurred;
- b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated);
- c. The amount of each hazardous substances, pollutants, or contaminants so released;
- d. Where such releases occurred;
- e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
- f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
- g. All persons with information relating to these releases.

28. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:

- a. Amount of soil excavated;
- b. Location of excavation;
- c. Manner and place of disposal and/or storage of excavated soil;
- d. Dates of soil excavation;
- e. Identity of persons who excavated or removed the soil;
- f. Reason for soil excavation;
- g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;
- h. All analyses or tests and results of analyses of the soil that was removed from the Site; and
- i. All persons, including contractors, with information about (a) through (h) of this request.

29. Describe the waste generation history of the Site, including all controlled and uncontrolled releases of compounds, reactants, products, waste, and any other substance. In your response list all releases by compound, the amount of release and the circumstances surrounding said release.

30. Describe the waste handling and disposal history of the Site, for all facilities and all operations, including but not limited to transportation, shipping and/or receiving, storage, manufacturing, research, quality control, waste containment, and waste disposal facilities, between January of 1987 and the present. This description is to include the names, addresses and activities of waste disposal contractors, and copies of all supporting documents (manifests; invoices, contracts, etc.).

31. Describe all instances where the Site accepted waste from any company or person, or where the Site accepted substances which could be considered hazardous and not useful in their present form. Your response is to include the following:

- a. a description of the waste sent to the Site;
- b. the types and quantity of the waste sent to the Site;
- c. the name of the person or company who transported the waste to the Site;
- d. the name of the person or company who sent the waste to the Site;
- e. the names of the person or company who originated the waste sent to the Site;
- f. the date(s) such wastes were sent to the Site;
- g. the state (liquid, solid, or gaseous) of the wastes sent to the Site, and the manner in which the wastes were stored or disposed (drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- h. a description of what the Site would do with the waste once received;
- i. the reason which led you to believe that the waste received was indeed waste when received by the Site Operator; and
- j. the names of all customers who would receive a finished product which was composed of any waste described in this question.

32. Describe all instances where the Site accepted substances which could be considered off-spec. "Off-spec" is intended to mean a substance that in its current form is not useful for its intended purpose. Off-spec materials are often experimental products and/or substances which did not live up to expectations; or product and/or substances which did not meet the level of quality required for its intended purpose, such as a contaminated batch of solvents. Your response is to include the following:

- a. a description of the substances sent to the Site;
- b. the types and quantity of the substances sent to the Site;
- c. the name of the person or company who transported the substances to the Site;
- d. the name of the person or company who sent the substances to the Site;
- e. the names of the person or company who originated the waste sent to the Site;
- f. the date(s) such substances were sent to the Site;
- g. the state (liquid, solid, or gaseous) of the substances sent to the Site, and the manner in which the substances were stored or disposed (drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
- h. a description of what the Site Operator would do with the substances once received;
- i. the reason which led you to believe that the substances received were off-spec in the form received by the Site; and

- j. the names of all customers who would receive a finished product which was composed of any substances described in this question.

33. Identity of all companies or persons whose chemicals, hazardous wastes, hazardous substances or other materials have ever been treated, stored, or disposed of at the Site, including information regarding the following:

- a. Location and address of each such company or person who sent such materials, including contact person(s) within said companies;
- b. Shipping records pertaining to such materials sent by each such company or person, including but not limited to invoices, bills of lading, weight tickets, and purchase orders; and
- c. Identification and location of all companies and individuals who transported said materials.

34. Provide details about your company's financial health. Provide copies of financial statements, reports, or projections prepared by, for or on behalf of your company for the past five years.

35. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referring to your company or the operation at the Site (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing you or your businesses with insurance for loss or damage to the Site property from the time you acquired the property, to the present.

36. To the extent not provided in the question immediately above, provide copies of all insurance policies that may potentially provide you or your businesses with insurance for bodily injury or property damage in connection with the Site and your business operations (including, but not limited to, Comprehensive General Liability). Include, without limitation, all primary, excess, and umbrella policies.

37. If there are any policies identified in response to the above questions of which you are aware but have no copies, identify each such policy to the best of your ability by identifying:

- a. The name and address of each insurer and of the insured;
- b. The type of policy and policy numbers;
- c. The per occurrence policy limits of each policy; and
- d. The effective dates for each policy.

38. Identify all insurance brokers or agents who placed insurance for you or your businesses at any time since you took ownership or began operations from the Site, and identify the time period during which such broker or agent acted in this regard.

39. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of you or your businesses under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.

40. Identify any previous settlements with any insurer in connection with your business or with the Site, or for any claims for environmental liabilities during the time period in questions. Include any policies surrendered or cancelled by you or your insurer.

41. 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.

42. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. The document retention policy between January of 1987 and the present;
- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents;
- d. The name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

END