



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 24 2011

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jack M. Curtis
General Counsel
Alabama Department of Public Safety
P.O. Box 1511
Montgomery, Alabama 36102

Re: Supplemental Request to the Alabama Department of Public Safety for Information Pursuant to Section 104 of CERCLA for the Capital City Plume Superfund Site (Site) in Montgomery, Alabama.

Dear Mr. Curtis:

The purpose of this letter is to request that the Alabama Department of Public Safety (ALDPS) respond to the enclosed Supplemental Information Request. 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 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.

EPA sent the original Information Request to ALDPS on May 3, 2010, and received the response on July 1, 2010. According to that response, only one employee was consulted in answering the questions, Ms. Gail Squire. The response stated that Ms. Squire has been in charge of the printing office since 1998 and has no knowledge of printing operations prior to that time. EPA requests that additional employees, both current and retired, be consulted to provide a more thorough and complete response regarding printing operations prior to 1998.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9604, as amended, ALDPS is hereby requested to respond to the Information Request set forth in Enclosure A hereto.

While EPA seeks ALDPS's cooperation in this investigation, compliance with the Supplemental Information Request is required by law. Failure to respond fully and truthfully to the Information Request within **thirty (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. This statute, as modified by the Debt Collection Improvement Act of



1996, 40 C.F.R. Part 19, permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) 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.

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

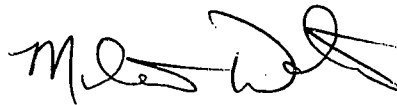
ALDPS's response to this Information Request should be mailed to:

Melissa Waters
SEIMB 11th Floor
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Due to the seriousness of the problem at the Site and the legal ramifications of ALDPS's failure to respond properly, EPA strongly encourages ALDPS to give this matter immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Stephen P. Smith, Assistant Regional Counsel, at (404) 562-9554. Technical questions should be directed to Melissa Waters at the above address, or at (404) 562-8873.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Waters', with a stylized flourish at the end.

Melissa Waters
Enforcement Project Manager

Enclosure

Enclosure A
Request for Information Pursuant to Section 104 of CERCLA
Capital City Plume Superfund Site (Site)
Downtown Montgomery, 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 ALDPS as of the date of submission of a response to this Information Request should later become known or available to ALDPS, ALDPS must supplement its response to EPA. Moreover, should ALDPS find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, ALDPS must notify EPA of this fact as soon as possible and provide 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 ALDPS may contend that it includes possibly confidential information or trade secrets. ALDPS 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 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 EPA, it may be made available to the public by EPA without further notice to ALDPS. ALDPS 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 Enclosure A:

1. The term "you" or "Respondent" shall mean the addressee of this request, the addressee's current and former officers, managers, employees, contractors, trustees, partners, agents, predecessors and successors in interest or assigns, and all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an 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," "Facility" and "Property" shall mean and include any and all property on or about an area consisting of approximately fifty (50) city blocks, located in and north of downtown Montgomery, Montgomery County, Alabama, and that is known as the Capital City Plume Superfund Site.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
8. 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.
9. The term "pollutant or contaminant" shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances.

10. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes 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.

11. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, 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 (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

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

14. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

15. The term "property interest" means any interest in property, including but not limited to any ownership interest, including an easement, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

16. The term "asset" shall include the following: real estate, buildings or other improvements of real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

17. 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.

18. 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. Has the Respondent ever owned any property located within the Site area?
5. If yes, state the dates of ownership and provide copies of all documents evidencing or relating to such ownership, including but not limited to purchase and sale agreements, deeds, etc.
6. Has the Respondent ever leased and/or operated on any property located within the Site area?
7. If yes, state the dates of operation and/or leases and provide copies of all documents evidencing or relating to such operation and/or lease.
8. Describe the nature of your activities or business conducted within the Site area.
9. Provide a thorough explanation of your business activities. This explanation should include but not be limited to a description of the chemicals used in the operation and a description of how the various chemicals are/were handled or disposed.
10. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any hazardous substances, including but not limited to those substances identified in Appendix A, while conducting any activities or business within the Site area? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - b. The person(s) who supplied you with each such hazardous substance;
 - c. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

- f. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
11. Identify all federal, state and local authorities that regulate(d) your operations dealing with health and safety and environmental concerns during operations conducted on any property located within the Site area.
12. Provide a list of all local, state and federal environmental permits ever granted to the Respondent or obtained on behalf of the Respondent (e.g. RCRA permits, NPDES permits, etc.).
13. Describe 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 a release or threat of release of hazardous substances at the Site and damages relating therefrom, and identify such persons.
14. Identify all past and present solid waste management units (e.g. waste piles, pits, tanks, container storage areas, etc.) on any of the Respondent's past or present property located within the Site area. 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 in use;
 - d. The purpose and past usage (e.g., storage, spill containment, etc.);
 - e. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit; and
 - f. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
 - g. 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.
15. Describe the conditions of the Respondent's physical facility at the Site during the years the Respondent operated within the Site area. Your response is to include but 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 facility.

16. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Respondent's physical facility during the years the Respondent operated within the Site area. 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 substance, pollutant or contaminant 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.

17. Was there ever a spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under the Respondent's physical facility during the years the Respondent operated within the Site area? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. Where the disposal system or floor drains were located;
 - b. When the disposal system or floor drains were installed;
 - c. Whether the disposal system or floor drains were connected to pipes;
 - d. Where such pipes were located and emptied;
 - e. When such pipes were installed;
 - f. How and when such pipes were replaced or repaired; and
 - g. Whether such pipes ever leaked or in any way released hazardous substances into the environment.

18. 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;
 - i. All persons, including contractors, with information about (a) through (h) of this request.
19. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Site concerning insurance issues.
20. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site? If so, identify:
- a. What the nature and scope of these investigations will be;
 - b. The contractors or other persons that will undertake these investigations;
 - c. The purpose of the investigations;
 - d. The dates when such investigations will take place and be completed; and
 - e. Where on the Site such investigations will take place.
21. Describe the Respondent's waste handling and disposal history during the years it operated within the Site area, 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. This description is to include the names, addresses and activities of waste disposal contractors, and copies of all supporting documents (manifests, invoices, contracts, etc.).

22. 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. All past and present document retention policies;
 - 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 an/or still may have the originals or copies of these documents; and
 - e. The names and most current addresses of any person(s) who may possess documents relevant to this inquiry.
23. 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.

APPENDIX A

Volatile Organic Compounds (VOCs), Semi-Volatile Organic Compounds (SVOCs), Pesticides, and Metals:

1. Benzene
2. 1,2 – Dichloroethane
3. 1,1 – Dichloroethene
4. Ethylbenzene
5. Tetrachloroethene (PCE)
6. Toluene
7. Trichloroethene (TCE)
8. Bis (2-ethylhexyl) phthalate
9. Benzo-a-pyrene
10. Heptachlor epoxide
11. Aluminum
12. Arsenic
13. Barium
14. Beryllium
15. Cadmium
16. Chromium
17. Copper
18. Iron
19. Lead
20. Thallium