UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

FEB 9 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Colonel Randall J. Butler, District Commander
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208-2946

Re: Request for Information Pursuant to Section 104 of CERCLA for the Corps of Engineers North Pacific Division Lab, 1491 NW Graham Rd., Troutdale, Oregon ("the Site")

Dear Col. Butler:

The United States Environmental Protection Agency ("EPA") is currently investigating the source, extent, and nature of the release or threatened release of hazardous substances, pollutants, or contaminants on or about the Corps of Engineers North Pacific Division Lab, 1491 NW Graham Rd., Troutdale, Oregon ("the Site"). This investigation requires inquiry into the identification , nature, and quantity of materials that have been or are 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, pollutant, or contaminant at or from 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, you are hereby requested to respond to the Information Request set forth in Attachment A, attached to this letter. Responses to Question 10. items a. and b. must be received within seven (7) days of receipt of this letter. All other responses must be received within thirty (30) days of receipt of this letter.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request within the time specified above, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), as amended. This statute permits EPA to seek the imposition of penalties of up to twenty-seven thousand five hundred dollars ($ 27,500.00) for each day of continued non-compliance. Please be further advised that

Printed on Recycled Paper

provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

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:

Jeffry Rodin, On-Scene-Coordinator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your 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 Jennifer G. MacDonald of the Office of Regional Counsel at (206) 553-8311. Technical questions should be directed to Mr. Rodin, at the above address, or at (206) 553-6709.

Thank you for your cooperation in this matter.

Sincerely,

Chris Field, Unit Manager
Office of Environmental Cleanup

Enclosure

cc: Jennifer G. MacDonald, ORC
Jeffry Rodin, OSC

ENCLOSURE A

U.S. Corps of Engineers North Pacific Division Laboratory

INFORMATION REQUEST

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 you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you 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 through the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. §§ 9604(e)(&)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 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 "confidential". Information covered by such a claim will be disclosed by EPA only to the extent, and only be 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 you. You should read the above-cited regulations carefully before asserting a 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 Attachment A:

1. The term "you" or "Respondent" 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 have the same definition as in Section 101(21) of CERCLA, and includes the United States Government.

3. The terms "the Site" or "the facility" shall mean and include the property on or about the U.S. Corps of Engineers North Pacific Division Laboratory located at 1491 NW Graham Rd., Troutdale, Oregon and also includes where hazardous substances from the laboratory have come to be located..

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, including petroleum products.

5. The term "pollutant or contaminant", shall have the same definition as that contained in Section 101(33) 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.

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

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

8. The term "materials" shall mean all substances 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.

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

10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants, and contaminants, and hazardous waste.

11. 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.

12. 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 is full name,

address, legal form (e.g., corporation, partnership, etc.) organization, if any, and a brief description of its business.

13. 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.

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

15. 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 be way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, 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 is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

16. 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.

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

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

19. 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.

20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, or the regulations promulgated pursuant to those statutes, in which case the statutory or regulatory definition shall apply.

21. 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.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of the Respondent.

2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.

3. For each and every Question contained herein, 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.

4. List the EPA RCRA Identification Numbers of the Respondent, if any, and identify the corresponding units, facilities, or vessels assigned these numbers.

5. 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 any release or threat of release of hazardous substances at the Site. In addition, describe the care you exercised with respect to any hazardous substances handled at the Site.

6. Identify all persons, including Respondent's employees, who have knowledge, information, or documents about the generation, use, purchase, treatment, storage, disposal, or other handling of materials at or transportation of materials to the Site.

7. For each and every current owner, operator, lessor, or lessee of any portion of the Site:

a. Identify such person and the nature of their operation at the Site.

b. Describe the portion of the Site owned, operated, or leased by each such person and state the dates during which each portion was owned, operated, or leased.

c. 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.

8. Describe the physical characteristics of the Site including, but not limited to, the following:

a. Surface structures (e.g., buildings, tanks, etc.).

b. Groundwater wells, including drilling logs.

c. Past and present storm water drainage system, sanitary sewer system, including septic tank(s) and subsurface disposal field(s).

d. Any and all addition, demolitions, or changes of any kind to physical structures on, under, or about the Site, or to the property itself (e.g., excavation work) and state the dates on which such changes occurred.

9. For each and every prior owner, operator, lessor, or lessee of any portion of the Site known to you:

a. Identify such person and the nature of their operation at the Site.

b. Describe the portion of the Site owned, operated, or leased by each such person and state the dates during which each portion was owned, operated, or leased.

c. 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.

d. Provide all evidence that hazardous materials were released or threatened to be released at the Site during the period that they owned the Site.

10. Provide all existing technical or analytical information about the Site, including, but not limited to, data and documents related to soil, water (ground and surface), geology, hydrogeology, or air quality on and about the Site. Your response to this question must include, but not be limited to, the following documents:

a. ERGO Assessment Report, with photographs and all attachments for the Site, dated January 1995.

b. Environmental Baseline Survey & Cleanup Report (limited soil removal, groundwater investigation) for the Site.

c. Hazardous waste manifests and generator reports from 1992 until the laboratory closed.

d. All documents reflecting waste handling practices.

e. A list of all hazardous substances handled or generated on-Site.

11. Do you know or have reason to know of any ongoing or planned investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the Site: If so:

a. Describe the nature and scope of these investigations;

b. Identify the persons who are undertaking or will undertake these investigations;

c. Describe the purpose of the investigations;

d. State the dates of such investigations; and

e. Describe as precisely as possible the locations at the Site where such investigations are taking or will take place.

12. Describe all leaks, spills, or release or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site, including, but not limited to:

a. When such releases occurred or may occur.

b. How the releases occurred or may occur.

c. What hazardous materials were released or may be released.

d. What amount of each such hazardous material was so released.

e. Where such releases occurred or may occur.

f. Any and all activities undertaken in response to each such release or threatened release.

g. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release, including the results of any soil, water (ground and surface), or air testing that was undertaken.

h. All persons with information relating to subparts a. through g. of this Question.

13. If any release or threatened release identified in response to Question 12, above,

occurred into any subsurface disposal system or floor drain inside or under any buildings located on the Site, further identify:

a. Where precisely the disposal system or floor drains are and were located.

b. When the disposal system or floor drains were installed.

c. Whether the disposal system or floor drains were connected to pipes, and if so, the purpose of such pipes.

d. Where such pipes are or were located.

e. When such pipes were installed.

f. How and when such pipes were replaced, repaired, or otherwise changed.

14. 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.

15. For each and every Question contained herein, if information or documents responsive to this Information Request are not in your possession, custody,, or control, then identify the persons from whom such information or documents may be obtained.