

420 869

CT CORPORATION SYSTEM

August 1, 2000

Sharon L. Kercher
United States Environmental Protection Agency
Region 8
999 18th Street - Suite 300
Denver, CO 80202-2466

Received
Office of Enforcement
AUG - 1 2000
Compliance & Enforcement Division

RE: Request for Information Pursuant to Section 104 of CERCLA for Rockwool Industries Facility located in Pueblo, Colorado

Dear Ms. Kercher:

We are herewith returning the Request for Information letter that we received regarding the above captioned matter.

The Susquehanna Corporation withdrew to do business in the Commonwealth of Massachusetts on December 13, 1979. When a company withdraws, the designation of the registered agent is revoked. Service can no longer be taken on behalf of this company. You may wish to refer to Ch. 181, 15 MGLA for the provisions for serving foreign corporations that have withdrawn from the state.

Sincerely,



Morgan Z. Inniss
Process Specialist

101 Federal Street
Boston, MA 02110
Tel. 617 757 6401
Fax 617 428 0921



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

July 24, 2000

Ref:8ENF-L

REGISTERED MAIL
RETURN RECEIPT REQUESTED

The Susquehanna Corporation
c/o C T Corporation System
101 Federal Street
Boston, MA 02110

**Re: Request For Information Pursuant to Section 104 of
CERCLA for Rockwool Industries Facility located in
Pueblo, Colorado**

Dear Sir/Madam:

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 Rockwool Industries Facility located in Pueblo, Colorado, hereinafter referred to as "the Site". EPA has conducted and is currently conducting response actions related to those releases or threatened releases. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup 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, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Compliance with the Information Request set forth in Enclosure 1 is mandatory. Failure to respond fully and truthfully to the Information Request within (15) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties up to \$27,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C 1001.



Printed on Recycled Paper

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 request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

Your response to this Information Request should be mailed to:

**U.S. Environmental Protection Agency
David Broste, 8ENF-T
999 18th Street, Suite 500
Denver, Colorado 80202-2466**

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 Nancy Mangone, Enforcement Attorney, Legal Enforcement Program at (303) 312-6903. Mr. Broste is also available to discuss this request at (303) 312-6209.

Thank you for your cooperation in this matter.

Sincerely,



Sharon L. Kercher
Technical Enforcement Program

Enclosures

ROCKWOOL INDUSTRIES FACILITY

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 corresponds.
5. The information requested herein must be provided even though 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 USC 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 USC 6927(b), and 40 CFR 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 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). 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 business confidentially claim, since certain categories of information are not properly the subject of such a claim.
6. All questions asked in the past tense should be interpreted to apply to the present as well as the past.

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's employees, contractors, trustees, partners, assigns, and agents.

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 term "the Site" shall mean and include the property on or about the Rockwool Industries Facility and includes any location which may have impacted by hazardous wastes, substances, pollutants or contaminants discharged at or from the Site.

4. 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.

5. 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.

6. 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), and the substance or the subject matter.

7. The terms "document" and "documents" shall mean any writing, recording, or stored information and includes, but is not limited to, 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, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, electronic mail message, facsimile, 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 or 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.

8. 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.

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

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

11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

12. The term "property interest" means any interest in property including, but not limited to, any ownership interest, including an easement or right of way, 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 trust that owns or rents, or owned or rented property.

13. The term "asset" shall include the following: real estate, building or other improvements to 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.

14. The term "hazardous substance" shall have the meaning defined in CERCLA Section 101 (14), 42 U.S.C. § 9601(14).

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq.; RCRA, 42 U.S.C. §§ 6901 et seq.; or their regulations found at 40 C.F.R. Part 300 or 40 C.F.R. Part 260 et seq. respectively, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of 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 documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Identify any corporate entity, including, but not limited to, Rock Wool Insulating Company, The Susquehanna Corporation, American Gypsum, Societe d'Etude et Exploration Industrielle, S.A., Kelsey - Ferguson Company, Susquehanna Western Corporation, Susquehanna Leasing, Inc., Susquehanna Child Development Incorporated and Susquehanna Bancshares, Inc. that may have or have had an ownership or operational interest in the Site. For each such entity, provide the full name, address, legal form (*e.g.*, corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. Describe in detail the relationship between Rockwool Industries, Inc. (Rockwool), Rock Wool Insulating Company, The Susquehanna Corporation, American Gypsum, Societe d'Etude et Exploration Industrielle, S.A., Kelsey - Ferguson Company, Susquehanna Western Corporation, Susquehanna Leasing, Inc., Susquehanna Child Development Incorporated, Susquehanna Bancshares, Inc. and any other entity identified in your response to Question 4 above. Your response should include, but not be limited to, the following information:
 - a. The nature and extent of any ownership interest that any of these other corporate entities may have had in Rockwool, including whether any of these corporate entities owned a majority or significant amount of capital stock of Rockwool, and when and how such ownership interest was acquired.
 - b. Whether any of these other corporate entities and Rockwool now have, or have ever had, common directors or officers. If so, identify such persons, in accordance with Definition 4 provided above, and provide the dates of service.
 - c. Identify Rockwool's amount of capitalization and compare its amount of capitalization to similar entities in the same business (*i.e.*, is it greater or lesser than companies of like size and sales).
 - d. Whether any of the employees, officers, and/or directors of Rockwool have their salaries or other employment benefits, including, but not limited to, paying the employees', officers', and/or directors' share to participate in any manner in any savings programs, ESOPs, pension plans, deferred compensation, health care premium, insurance premium or other financial benefit, paid by any of these other

corporate entities. If so, explain in detail.

- e. Whether Rockwool was required to seek, or received, any of these other corporate entities' approval or concurrence when making expenditures. If so, please explain in detail.
- f. Whether any of these other corporate entities provided any assistance, guidance or input of any nature to Rockwool in the preparation of Rockwool's business strategy, business goals, etc. If so, explain in detail.
- g. Whether any of these other corporate entities provided any clerical, administrative, professional or other services or assistance to Rockwool or vice versa. If so, provide a complete description of the nature of services or assistance provided, along with the time period(s) during which such service or assistance was provided.
- h. Whether any of these other corporate entities loaned, leased or rented any furnishings, fixtures, equipment, personal property, or real property to Rockwool or vice versa. If so, provide a complete description of the type of property leased or rented, and the terms and duration of such an arrangement.
- i. Whether any of these other corporate entities and Rockwool have ever transacted business with each other. If yes, provide complete information regarding the nature and extent of such transactions or business relationship.
- j. Identify and describe any other pending or previous federal, state or local environmental violation(s) or alleged violation(s) by any of these other corporate entities and all past or present affiliated companies, including parent and subsidiary companies, and any of its officers, directors or managers, in any location(s) other than the Site.

6. Provide documentation, including, but not limited to, any and all of the following produced, generated or otherwise prepared by Respondent in the most recent year of its operations or existence (whichever date is earlier):

- a. Certified auditor statements contained in any monthly, quarterly or annual report prepared in these entities' normal course of business;
- b. Any financial information provided to officers, directors or shareholders of the company in the normal course of business;
- c. Any financial information or reports submitted to the U.S. Securities and Exchange Commission or the State of Colorado Department of Revenue or Secretary of State's office;

- d. Any financial information or reports submitted to the U.S. Internal Revenue Service, including corporate or partnership tax returns or estimated tax payments.

7. Describe Respondent's role in the following activities regarding the operations of Rockwool at the Site:

- a. choosing and acquiring rights to conduct operations at the Site (including negotiating and drafting leases or purchasing the property);
- b. choosing to utilize manufacturing methods at the Site;
- c. selection of contractors for design, engineering, construction, and operation of the Site;
- d. selection of management personnel at the Site;
- e. applying for permits to operate at the Site;
- f. supervision of staff at the Site;
- g. development of budgets for Site operations;
- h. development of schedules for Site operations;
- i. arranging for financing to conduct operating activities at the Site;
- j. selection of methods and locations for disposal of waste materials at the Site;
- k. monitoring of environmental conditions at the Site; and
- l. negotiation of any environmental cleanup agreement with any local, state or federal government division, department or agency.

8. Identify all past and present corporate officers and directors of Respondent that were involved in any of the functions listed in a. through k. of Question 7 above and describe their roles in the performance of those functions.

9. Please describe in detail Respondent's financial relationship with Rockwool or any other corporate entities identified in response to Question #4. Your response should include, but not be limited to, the following information:

- a. The nature and extent of any ownership interest you have in these corporate

entities, including whether you owned a majority or significant amount of the capital stock of Rockwool, and when and how such ownership interest was acquired.

- b. Whether Respondent made any loans to Rockwool or any of these corporate entities. If so, please provide complete information pertaining to such loan(s). For the purposes of this question, "loan" shall include the establishment of a line of credit for the use and/or benefit of Rockwool or any of these corporate entities.
- c. Whether Respondent has ever directly or indirectly guaranteed any loan made to Rockwool or these other corporate entities. If so, provide complete information regarding such arrangement, including copies of all documents pertaining to such arrangement.
- d. Whether Respondent has ever made any monetary payment for or on behalf of Rockwool or these corporate entities. If so, provide copies of all documents pertaining to such payments.
- e. Whether Respondent has ever loaned, leased or rented any furnishings, fixtures, equipment, personal property, or real property to Rockwool or these other corporate entities. If so, provide a complete description of the type of property leased or rented, the terms and duration of such an arrangement, and any benefit you received from such an arrangement.

10. Provide all records related to your acquisition, ownership and disposal of stock in or other ownership interest in Rockwool or any other corporate entities identified in response to Question #4 and any of their subsidiaries, predecessors, or affiliated companies. State the amounts of money you realized from dividends and from sales of such stock.

11. Identify each person responsible in any way for inspecting the Site or for manufacturing mineral wool at the Site, and in each case specify such person's responsibilities, the time period that such person performed those responsibilities, and the purpose for the inspection or evaluation.

12. Identify each person responsible in any way for managing and operating the Site and/or Rockwool, including without limitation, each person who participated in the maintenance of the buildings, equipment, storage tanks, impoundments, and other structures or containers at the Site, and in each case specify such person's responsibilities and the time period that such person performed those responsibilities.

13. Describe all practices, policies, procedures and guidelines of Rockwool which governed the use, handling, storage or disposal of any and all insulating wastes or "shot" or other hazardous substances at the Site and provide all such documents establishing, setting forth, or referring to such practices, policies, procedures and guidelines.

14. Describe all practices, policies, procedures and guidelines Rockwool regarding the maintenance of property, including, but not limited to any building, storage tanks, impoundments, drums, waste piles and other structures or containers at the Site and provide all such documents establishing, setting forth, or referring to such practices, policies, procedures and guidelines.

15. State each measure which you, Rockwool or any other corporate entities identified in response to Question #4 ever took to prevent or minimize the possibility of a release or threat of release of chemicals into the environment from any building, storage tanks, impoundments, drums, and other structures or containers at the Site, and identify each document which contains information related to such measures taken.

16. State each measure which you, Rockwool or any other corporate entities identified in response to Question #4 ever took to maintain or prevent the deterioration of buildings, all equipment used in the research, development and manufacturing of chemicals, storage tanks, impoundments, drums, and other structures or containers at the Site, and identify each document which contains information related to such measures taken, including, but not limited to, all receipts, bills, and work orders for maintenance of structures and equipment at the Site.

17. Describe each incident which has occurred at the Site since 1965 in which any mineral wool insulation manufacturing waste or any hazardous substance has leaked, dripped, spilled, or has otherwise been released into the environment. For each such occurrence:

- a. state the type and quantity of the substance which was leaked, dripped, spilled or otherwise released;
- b. state the location at which the leakage, drip, spill, or other release occurred;
- c. state the date on which the leak, drip, spill or other release occurred, or if unknown, state the date on which it was discovered;
- d. state the cause of the incident;
- e. state all actions, if any, taken by you or any other person in response to the incident;
- f. identify all persons with knowledge of such incident; and
- g. identify any reports or other documents relating to the incident.

18. State whether the current or former employees, agents or contractors of Rockwool or any other corporate entities identified in response to Question #4 ever performed any study or conducted any investigation or test since 1965 to determine the existence and extent of any chemical contamination of soils or groundwater at or near the Site. If your answer is in the

answer is in the affirmative, then for each study provide the name and date of the study and describe the nature of the study or investigation and identify all persons who conducted the study.

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Rockwool Industries Facility in Pueblo, Colorado.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

Subscribed and sworn to me this _____ day of _____, 2000.

Notary Public

My Commission Expires _____

My address is _____

