



R-7-2-10

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

JUN 25 2010

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

Mr. David Bradley, President  
Carolina Insulation  
14 Chapel Hill Church Road  
Asheville, North Carolina 28803

**RE:** Request for Information Pursuant to Section 104 of CERCLA  
Mills Gap Road Groundwater Contamination Superfund Site (the Mills Gap Site)  
EPA ID # NCSFN0406988, and  
CTS of Asheville, Inc., Site, (the CTS Site)  
EPA ID # NCD003149556  
Asheville, Buncombe County, North Carolina

Dear Mr. Bradley:

The purpose of this letter is to request that you respond to the enclosed 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 Sites. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Sites and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Sites. EPA also is seeking information relating to the ability of persons to pay for or to perform response actions at the Sites.

The two Sites that are the subject of this letter are interrelated. The CTS Site is located off Mills Gap Road, approximately one mile east of Skyland, in Buncombe County, North Carolina, and consists of approximately nine acres of maintained grounds containing a large, single-story building. In 1952, IRC, Inc. (IRC) bought the land and constructed the building which was used

for its electroplating operations. In 1959, IRC sold the property to CTS, Inc (CTS). From 1959 to 1986, CTS operated an electroplating facility at the Site. In 1987, Mills Gap Road Associates (MGRA) purchased the Site and remains as the current owner.

Environmental sampling has indicated the subsurface beneath the former plant is contaminated with the chemical compound trichloroethylene (a.k.a. trichloroethene or TCE), as well as petroleum products. In 1999, TCE was discovered in a nearby spring and one residential drinking water well. The Mills Gap Site was listed in CERCLIS and encompasses contamination of springs and private wells in the area that may be attributable to the CTS Site. In December 2007, EPA and the North Carolina Department of Environment and Natural Resources (NCDENR) commenced more extensive sampling that included expanded residential well sampling and vapor intrusion sampling at homes in close proximity to the CTS and the Mills Gap Sites. This letter is being sent to you as part of an investigation to find companies and individuals who may have information that could assist in EPA's research in the area surrounding the Sites.

Pursuant to the authority of 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, you are hereby requested to respond to the Information Request set forth in Enclosures hereto.

Compliance with the Information Request is mandatory. 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 an 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 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 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:

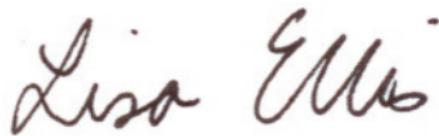
Lisa Ellis  
Office of Environmental Accountability – 13<sup>th</sup> floor  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

Due to the seriousness of the problem at the Site and the legal ramifications of failing to respond properly, EPA strongly encourages you 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 Lisa Ellis, Attorney-Advisor, at (404) 562-9541. Technical questions should be directed to Carolyn Callihan, Remedial Project Manager, at (404) 562-8913.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Ellis".

Lisa Ellis  
Attorney-Advisor

Enclosures

- A. Instructions
- B. Definitions
- C. Questions

**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 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, 42 U.S.C. Sections 9604(e)(7)(E) and (F), Section 3007(b) of 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 regulations 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 business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

## DEFINITIONS

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

1. The term "you" or "Respondent" shall mean David Bradley and/or Carolina Insulation, the addressees of this Request, the addressees' 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: 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 the "Site" or the "facility" shall mean and include the property on or about the Mills Gap Site and the CTS Site property in Asheville, Buncombe County, North Carolina unless described as Respondent's property, which shall mean the property at 14 Chapel Hill Church Road in Asheville, North Carolina.
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 "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
7. 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.
8. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
9. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
10. 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.

- 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.
12. 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.
13. 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.
14. 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 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.
15. 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.
16. The term "arrangement" means every separate contract or other agreement between two or more persons.
17. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

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.

19. 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 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 herein, identify all documents consulted, examined, or referred to in the preparation of the answer and/or all documents that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Describe the nature of the activities or business (including duration of operations) of Carolina Insulation, especially those activities conducted at 14 Chapel Hill Church Road in Asheville, North Carolina.
5. Describe any of your business relations with CTS or relations with employees with those of CTS.
6. Did you ever use, purchase, generate, store, treat, dispose of, or otherwise handle at any hazardous substances at 14 Chapel Hill Church Road? If the answer to the preceding question is anything other than an unqualified "no", identify:
  - a. In general terms the nature and quantity of the hazardous substances that were 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 used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - c. The persons who supplied you with each such hazardous substance.
  - d. When and how each such hazardous substance was used, purchased, generated, stored, treated, disposed, or otherwise handled.
7. Describe the chemical processes that have been used at your property at 14 Chapel Hill Church Road, during the period of time when you owned, leased, and/or operated the facility. Specify which processes involved the use of trichloroethylene (TCE), perchloroethylene (PCE), toluene, or any other solvent or petroleum product.
8. State whether PCE or TCE, toluene or any material containing PCE, TCE, or toluene was ever sold, stored, disposed of, used or otherwise handled at your property at 14 Chapel Hill Church Road during the period of time when the you owned, leased and/or operated the property. Answer also for your company, Carolina Insulation. If so, provide the following information:

- a. identify the chemical name and composition, trade name and FIFRA registration number, if any;
- b. the time period(s) during which each material was used;
- c. identify all persons who used each material at the facility during each period;
- d. describe briefly the purpose for which each material was used at the facility. If there was more than one use, describe each and when each was used;
- e. the total volume (in gallons) of each such material used during the time period, and if more than one time period is involved also provide the volume for each time period;
- f. identify the supplier(s) and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the supplying of each material;
- g. describe how and where each material was stored at Respondent's facility, including but not limited to, the kind and size of containers or tank(s), the storage area, pad or enclosure, the approximate average volume stored at the facility, and if the storage practice changed during the period, state how and when;
- h. state how frequently each material was delivered to the facility and in what volume on the average (estimate if exact frequency and volumes are not known);
- i. state whether each material was delivered to the facility in bulk or in closed containers and describe how each material was transferred to the storage containers or tank(s) including any equipment used and by whom;
- j. specify the locations at which each material was used;
- k. describe how each material was transported from the on-site storage to the point where it was applied, in what amounts, and whether this was done using containers, hoses, piping or other equipment;
- l. describe the procedures for cleaning any equipment used and where this was done;
- m. describe how, where, when, and by whom the material containers were cleaned out, and removed from the facility or disposed of;

- n. if any of the practices described in response to the above questions changed during that time period, describe the change and when it occurred.
- 9. Describe in detail and provide all documentation regarding drum (or other containers or straight dumping of waste) disposal/burial on your property, the Carolina Insulation facility, or the CTS Site or the Mills Gap Site.
- 10. Describe in detail and provide all documentation regarding the removal of any and all waste that was disposed/buried/dumped on your property, the Carolina Insulation facility, or the CTS Site or the Mills Gap Site. Please be specific as to, but do not limit your responses to, when, where, how much, and what confirmation samples were taken of soil/groundwater – including depth and constituents included in the analyses.
- 11. Provide a list of all contents of any and all drums, containers, and/or waste products that were buried or disposed of on Respondent's facility.
- 12. Provide all information on drums, containers, and/or waste products that were buried or disposed of on the CTS Site or the Mills Gap Site.
- 13. Provide all documentation of previous air, soil, sediment, or groundwater samples taken on Respondent's or any studies done with or without State direction. For groundwater samples, include the depth of all samples collected.
- 14. Provide all documentation of any Phase I or Phase II assessments performed on your property at 14 Chapel Hill Church Road or on the Carolina Insulation facility – specify if conducted for land transaction purposes.
- 15. List all other Carolina Insulation or other facilities, buildings, or divisions with different addresses that you accepted waste from, handled waste from, or brokered waste from. Include any and all Carolina Insulation or other subsidiaries, partners, parent corporations, or other companies that you have contracted with to do the previously mentioned activities.
- 16. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning your property at 14 Chapel Hill Church Road or Carolina Insulation's facility during your ownership or operation. Provide copies of all documents associated with such an occurrence.
- 17. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the CTS Site or the Mills Gap Site.
- 18. Provide a list of all local, state, and federal environmental permits granted for your property and the Carolina Insulation facility or any part thereof (e.g., RCRA Permits, NPDES Permits, etc.)

19. Provide all documentation of hazardous waste generator, treatment, or storage activity, regardless of whether you notified anyone under RCRA of such activities.
20. Provide all documentation of any RCRA notifications of RCRA waste generator activity, application for permits, and/or manifests of shipments of hazardous waste.
21. 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 a release or threat of release of hazardous materials at your property at 14 Chapel Hill Church Road or the Carolina Insulation facility or at the CTS Site or at the Mills Gap Site. In addition:
  - a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties, including but not limited to, Pechiney Plastic Packaging, Incorporated and the consequences that could foreseeably result from such acts or omissions.
  - b. Describe the care you exercised with respect to the hazardous materials at your facility. In other words, describe any affirmative acts you have taken to address the hazardous materials on your property, including any actions to mitigate continuing releases into the environment and to limit the threat posed to human health and the environment.
22. To the extent you have knowledge, for each and every past or current owner, operator, lessor, or lessee of any portion of your property, other than you:
  - a. Identify such person and the nature of their operation at your property;
  - b. Describe the portion of your property 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 were threatened to be released at your property during the period that they owned the facility.
23. Are you or your consultants planning to perform (or have you performed) any investigations of the soil, water (ground or surface), geology, hydrogeology, or air quality on or about the Respondent's facility? If so:
  - a. Describe the nature and scope of these investigations;

- b. Identify the persons who are undertaking or who will undertake these investigations;
  - c. Describe the purpose of the investigations;
  - d. State the dates of such investigations;
  - e. Describe as precisely as possible the locations at your property or the Carolina Insulation facility where such investigations are taking or will take place.
24. Describe the nature/organizational structure of your business, including State incorporations, subsidiaries, parent companies, and number of employees.
25. Identify the officers, managers, and majority shareholders of Carolina Insulation and the nature of their management duties, and amount of shares held, respectively.
26. Identify all persons who may be responsible for the liabilities of Carolina Insulation arising from or relating to the release or threatened release of hazardous substances at the Carolina Insulation facility including but not limited to successors, officers, and individuals.
27. 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 (including contact information) and the additional information or documents that they may have.
28. 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.