

Attachment B: Draft CERCLA 104(e) Corporate Information Request Letter

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
LETTER TO CORPORATE HQ

XXXX
XXXX
XXXX

RE: Request for Information Under Section 104 (e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e)

Dear XXX

The United States Environmental Protection Agency has requested information from a number of your facilities relating to the surface impoundments or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material from a surface impoundment used for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. EPA has requested this information pursuant to the authority granted to it under Section 104 (e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9604(e) which provides in relevant part that whenever the Agency has reason to believe that there may be a release or a threat of a release of a pollutant or contaminant, they may require any person who has or may have information to furnish information or documents relating to the matter, including the identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed at the facility and the nature or extent of a release or a threatened release. EPA believes that the information requested is essential to an evaluation of the threat of releases of pollutants or contaminants from these units. EPA has required that your facilities provide EPA, within ten (10) business days of receipt of this letter, a response to each request for information, including all documents responsive to such request. A list of the facilities to whom we have sent information requests is contained in the Enclosure.

In addition, pursuant to Section 104 (e) of CERCLA, we request that you identify and furnish to EPA a list of any additional facilities in your corporation to whom we have not sent an information request and which have surface impoundments or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material from a surface impoundment used for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. If you have no additional facilities with such units, please respond by indicating that fact.

EPA believes that the information requested is essential to an evaluation of the threat of releases of pollutants or contaminants from these units. The provisions of Section 104 of CERCLA authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 104(e). In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. 1001.

Your response must include the following certification signed and dated by an authorized representative of (insert company name)

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate, and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

This request has been reviewed and approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C., 3501-3520.

Please send your reply to:

Mr. Richard Kinch
US Environmental Protection Agency (5306P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

If you are using overnight or hand delivery mail, please use the following address:

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor; N-56
Arlington, VA 22202 2733

If you have any questions concerning this matter, please contact Mr. Kinch in the Office of Resource Conservation and Recovery at (703)-308-8214. I appreciate your prompt attention to this critical matter and appreciate you making it a priority at the highest levels of your organization.

Sincerely,

Barry Breen
Acting Assistant Administrator

Enclosure

Enclosure: List of facilities in your corporation which have received an Information

Request