

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

09 SEP 25 AM 10:44
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)

MAXWELL FURNACE SITE)
CADET, MISSOURI,)

TJ'S METAL PROCESSING, LLC)

and)

THELMA MAXWELL,)

RESPONDENTS.)

Proceeding Under Section 104(e))
of the Comprehensive Environmental)
Response, Compensation, and)
Liability Act of 1980, as amended,)
42 U.S.C. Section 9604(e).)

Docket No.
CERCLA-07-2009-0015

**ADMINISTRATIVE ORDER TO COMPEL
COMPLIANCE WITH AN INFORMATION REQUEST
AND ACCESS TO DOCUMENTS**

JURISDICTION

1. This Administrative Order to Compel Compliance with an Information Request and Access to Documents ("Order") is issued pursuant to the authority vested in the United States by Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. Section 9604(e). This authority has been duly delegated to the Administrator and then to the Regional Administrators of the United States Environmental Protection Agency (EPA) and has been

re-delegated to the Superfund Division Director of EPA, Region VII.

Respondent

2. The Respondents are: A) TJ's Metal Processing, LLC, a limited liability company organized and incorporated under the laws of the Missouri with its primary place of business at 10272 Radio Station Road in Cadet, Washington County, Missouri; and B) Thelma Maxwell (a.k.a. Thelma Crocker), the owner of record of real property located at 10272 Radio Station Road in Cadet, Washington County, Missouri.

The Site

3. The Maxwell Furnace Superfund Site (the "Site") is located on a one acre parcel of land located at 10272 Radio Station Road in Cadet, Washington County, Missouri. The Site is located in a residential area and contains a residential trailer and several outbuildings, including a structure that houses a lead reclamation furnace.

4. On December 19, 2005, contractors for EPA sampled soil at the Site as part of an investigation of lead contamination in Washington County, Missouri. Analytical results indicated lead contamination in Site soils, ranging from 1,000 to 3,000 parts per million ("PPM"). Subsequent investigations in 2008 determined the lead contamination at the Site was the result of a release from the operation of a furnace on-Site that heated off-

specification ammunition (30,000 to 60,000 pounds per month obtained from Cash Metals) to a certain temperature, separating lead from the brass bullet casings. Ash and soot from the furnace was observed on the floor and in the gravel surrounding the furnace building. Analytical results of samples taken in June 2008 indicated lead contamination at the Site ranging from 1,037 ppm (front yard of residence) to 437,280 ppm (ash beneath the furnace).

Noncompliance with the Information Request

5. On or about March 13, 2009, Scott Hayes, Branch Chief of the Emergency Response and Removal South Branch, Superfund Division, EPA Region VII, a duly designated representative of the President and EPA, sent a certified letter, return receipt requested, to the Respondents pursuant to Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), requesting that the Respondents furnish certain information to EPA (the Information Request). A copy of the Information Request is attached as Attachment A.

6. In the Information Request, EPA requested information, including, but not limited to, the following:

A. The nature of TJ's' business operations, including recycling/waste handling and disposal practices, procedures and policies for wastes or materials generated at the Site;

B. The identification of all entities who may have sent or provided materials to TJ's for processing; and

C. The ultimate disposition of all materials processed at the Site.

The Information Request also notified Respondents that EPA could seek penalties for failure to comply with the Information Request and that the Respondents could contact certain individuals at EPA (whose telephone numbers and addresses were provided) if the Respondents had questions or concerns regarding the Information Request.

7. The Information Request required the Respondents to submit a complete and truthful response with all relevant documents, to EPA within thirty (30) days after the date of receipt of the March 13, 2009 letter. The Respondents have failed to submit any response to the Information Request.

8. Having received no response to the March 13, 2009 Information Request letter, Mr. Hayes sent a certified letter, return receipt requested to the Respondents on June 8, 2009, requesting a response to the March 13, 2009 letter (which was attached) within fourteen (14) days of receipt of the June 8, 2009 letter, which again provided information about how to contact certain individuals at EPA if the Respondents had questions, and stated that the Respondents' failure to respond to the Information Request was a violation of federal law for which

penalties could be imposed. A copy of the June 8, 2009 letter is attached hereto as Attachment B. The Respondents have failed to respond to the June 8, 2009 letter.

9. According to the U.S. Post Office return receipt, the Respondents received the June 8, 2009 letter on June 15, 2009.

10. Thelma Maxwell is the owner of the Site property and is the registered agent and organizer of TJ's Metal Processing, LLC. Mr. Maxwell is the operator of the on-Site furnace.

11. To date, the Respondents have completely failed to comply with the Information Request, despite repeated attempts by EPA on-scene coordinator Jeff Weatherford, in person and by telephone, to encourage the Respondents to comply with the March 13, 2009 Information Request letter.

DETERMINATIONS

12. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).

13. Lead is a "hazardous substance" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).

14. There has been a "release" or a threat of a release at the Site of "hazardous substances" into the "environment" within the meaning of Sections 101(8), 101(14), and 101(22) of CERCLA, 42 U.S.C. Sections 9601(8), (14) and (22).

15. The Respondents are each a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

16. The Respondents are persons who have or may have information relevant to the matters specified in the March 13, 2009 Information Request.

17. The information and documents requested in the Information Request are for one or more of the purposes of determining the need for, choosing, or taking response actions, or otherwise enforcing the provisions of Title I of CERCLA within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. Section 9604(e)(1).

18. The Respondents' failure to comply with the Information Request is a violation of CERCLA Section 104(e), 42 U.S.C. Section 9604(e).

ORDER

19. Within ten (10) business days after the effective date specified below, the Respondents, either separately or together, shall provide EPA with a full and complete response, including copies of all documents requested directly or indirectly, to the entire March 13, 2009 Information Request.

20. The Respondents shall submit all responses and documents required by this Order to:

J. Scott Pemberton, Senior Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, Kansas 66101

21. Nothing herein limits or otherwise affects any right of the United States to gather information pursuant to applicable laws, regulations or permits.

EFFECTIVE DATE

22. This Order is effective on the tenth (10th) business day after the date it is signed by the Director of the Superfund Division.

OPPORTUNITY TO CONFER

23. Within three business days after receipt of this Order, the Respondents may request a conference with EPA to be held no later than two days before the effective date of this Order. The conference may deal with any matter pertinent to this Order, including the determinations upon which the Order is based, the applicability of the Order to the Respondents, the appropriateness of any action the Respondents are ordered to take, or any other relevant and material issues regarding the Order. This conference is not an adversarial hearing and is not a formal proceeding to enforce or challenge the Order. The Respondents may appear in person or by attorney or other representative at the conference. The Respondents may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or no later than two days before the effective date of the Order if the Respondents do not request a conference. EPA will deem the Respondents to have waived their right to a conference or to

submit written comments if the Respondents fail to request the conference, or to submit written comments, within the specified time period.

24. Any request for a conference or written comments should be submitted to:

J. Scott Pemberton, Senior Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, Kansas 66101
Telephone Number: 913-551-7276

ENFORCEMENT

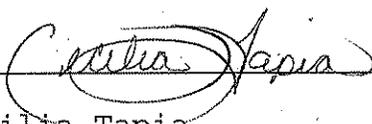
25. Failure to comply with this Order within the time specified may subject the Respondents to judicial enforcement of this Order as well as civil penalties of up to \$37,500 for each day of noncompliance with the Information Request, and with this Order, or both pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. Section 9604(e)(5).

MODIFICATION

26. This Order may be amended or modified only by EPA in writing. Any such amendments or modifications shall be effective when signed by the Director of the Superfund Division or her/his delegate.

SO ORDERED.

Date: 9/25/09



Cecilia Tapia
Director
Superfund Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

PROMPT REPLY NECESSARY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 13 2009

Thelma Maxwell, Property Owner
and Registered Agent for
TJ's Metal Processing, LLC
Rt. 2, Box 2368
10272 Radio Station Road
Cadet, Missouri 63630

Dear Ms. Maxwell:

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
Maxwell Furnace Site, Cadet, Mo.

This letter seeks TJ's Metal Processing, LLC ("TJ's") and your cooperation in providing information and documents relating to the processing operations on property located at 10272 Radio Station Road, Cadet, Missouri. This property is located in Section 36, Township 38, Range 2E, on approximately 3.6 acres in Washington County, Missouri (the "Site"). Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601 *et. seq.*, the U.S. Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances or pollutants or contaminants at the Site.

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), provides EPA the authority to require information from any party who may have information relevant to the release or threatened release of a hazardous substance or pollutant or contaminant.

Pursuant to Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed at a vessel or facility or transported to a vessel or facility, and to the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks TJ's and your cooperation in this investigation, compliance with this Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject TJ's or you to criminal penalties under 18 U.S.C. § 1001. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

Some of the information EPA is requesting may be considered by TJ's or you to be confidential. Please be aware that TJ's or you may not withhold the information upon that basis. If TJ's or you wish EPA to treat the information confidentially, TJ's or you must advise the EPA of that fact by following the procedures outlined in Attachment A. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to the questions contained, or submit the documents requested, in Attachment B to this letter are described in Attachment A. The instructions and definitions must be followed in responding to this information request. TJ's and your response to this Information Request must be mailed within **thirty (30) days** of your receipt of this letter to:

J. Scott Pemberton, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, Kansas 66101

If TJ's or you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of the EPA's investigations please contact Jeff Weatherford, On-Scene Coordinator, at (636) 326-4720. However, if TJ'S or you have any legal questions or specific questions about this Information Request please contact Scott Pemberton, Assistant Regional Counsel, at (913) 551-7276. We look forward to TJ's and your prompt response and appreciate your assistance in this matter.

Sincerely,

Scott Hayes
Emergency Response and Removal South
Branch (ERRSB)
Superfund Division

Enclosures:

Attachment A - Instructions
Attachment B - Questions

ATTACHMENT A

Instructions

1. Please provide a complete and separate response to each question and precede each answer with the number of the question to which it corresponds.
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. If you currently lack information to answer any question completely, provide the responsive information currently available, efforts which TJ's or you intend to make to secure the information currently unavailable, and the date TJ's or you anticipate receiving the information currently unavailable.
5. If information not known or not available to TJ's or you as of the date of submission of a response to this Information Request should later become known or available to TJ's or you, TJ's or you must supplement the response to the EPA. Moreover, should TJ's or you find at any time after the submission of this response that any portion of the submitted information is incomplete, false, or misrepresents the truth, TJ's or you must notify EPA thereof as soon as possible.
6. For each question contained herein, if the information responsive to the question is not in TJ's or your possession, custody or control, then identify the person(s) from whom such information may be obtained.
7. If TJ's or you have reason to believe that there may be other persons able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify such persons.
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 information requested herein must be provided notwithstanding its possible characterization as business confidential information or trade secrets. TJ's or you may, if desired, assert a business 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. § 9604(e)(7)(E) and (F), 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," "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, Subpart B. 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 TJ's or you.

10. This Information Request is directed to TJ's Metal Processing, LLC ("TJ's") and you and covers all information in TJ's or your possession, custody, and control, including information in the possession of TJ's officers, members, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by TJ's, or anyone else acting on its behalf or otherwise subject to TJ's control, and any merged, consolidated, or acquired predecessor or successor, parent, subsidiary, division, or affiliate.

11. Whenever a full and complete answer to any question is contained in a document or documents, the documents may be supplied in place of a written answer provided that the specific sections or pages from the document that are responsive to the Question are identified. 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.

12. If TJ's or you assert that certain documents, records, or other responsive information is privileged, TJ's or you shall provide EPA with the following:

- A. the title of the document, record, or other responsive information;
- B. the date of the document, record, or other responsive information;
- C. the names and titles of the author and recipient(s) respectively of the document, record, or other responsive information;
- D. a description of the contents of the document, reports, or other responsive information; and
- E. the privilege asserted by TJ's or you.

13. A reasonable effort to locate responsive information and records must be made by TJ's and you.

Definitions

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 through 280, in which case the statutory or regulatory definitions shall apply. Unless otherwise indicated, the following definitions shall apply to the following terms as they are used in this Information Request.

1. 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 telephone number, and present or last known job title, position or business.
2. 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, address or, addressee and/or recipient, and the substance or the subject matter.
3. 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, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda 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 intra office 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 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.
4. The term "TJ's" shall include TJ's Metal Processing, LLC, and its officers, members, managers, employees, contractors, trustees, successors, predecessors, agents and assigns.
5. The term "Site" shall mean 10272 Radio Station Road, Cadet, Missouri, located in Section 36, Township 38, Range 2E, on approximately 3.6 acres in Washington County, Missouri.
6. The term "person", in the plural and singular, means an individual, firm, corporation, limited liability company, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, any interstate body or other entity.
7. The term "waste" or "wastes" means trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

8. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.

ATTACHMENT B

Questions

1. Identify the person(s) answering these questions.
2. Identify the members, officers, directors, and principals of TJ's.
3. Identify the owner of the Site and provide a copy of the most current deed showing the owner as grantee.
4. Describe all business operations conducted by TJ's at the Site, including its melting practices/operations. This description shall include recycling/waste handling and disposal practices, procedures, and policies for wastes or materials generated at the Site by TJ's. Identify the time period when melting operations began and ended at the Site. Identify the number of hours per day/week that operations have been or are conducted at the Site. Identify a list of chemicals used in such operations.
5. Identify previous owners or operators conducting the same or similar operation/business at the Site. During what time period did these operations occur at the Site?
6. Identify all entities who have sent or provided materials for melting to the Site and provide all documents relevant to the arrangement between TJ's and these entities, including contracts, invoices, manifests, bills of lading, receipts (see definition number 3 - 'documents').
7. Identify the person or person(s) responsible for Site operations.
8. Have recycled/waste materials from Site operations been relocated or disposed off-Site? If so, identify the location where these materials were disposed or sent, and identify the specific amounts and dates of shipments, and provide copies of all manifests, receipts, bills of lading and other such documents.
9. Provide copies of all applications for permits and permits for operations at the Site.
10. If TJ's or you are withholding any information or documents on the basis of attorney work-product, attorney client privilege or any other privilege recognized in law, provide a complete privilege log identifying each piece of information or document believed to be privileged, and the basis of the privilege, identify the individuals who made such determinations and the information that each individual specifically reviewed; if only portions of documents are claimed as privileged, provide the document with the privileged portion redacted.
11. Identify the locations where TJ's or you (or TJ's or your contractor) have searched for records. Identify any archives where records or documents are located that pertain to matters

inquired about in this Information Request and describe briefly the kinds of records that each archive is expected to have and provide the name, address, telephone number and e-mail address of the Point of Contact for permission to access these records or documents.

12. If TJ's or you have any reason to believe that there may be persons able to provide a more detailed or complete response to any questions contained herein, or who may be able to provide additional responsive documents, identify such persons, how they may be contacted, and the additional information or documents that they may have.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUN 08 2009

PROMPT REPLY NECESSARY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thelma Maxwell, Property Owner
and Registered Agent for
TJ's Metal Processing, LLC
Rt. 2, Box 2368
10272 Radio Station Road
Cadet, Missouri 63630

Dear Ms. Maxwell:

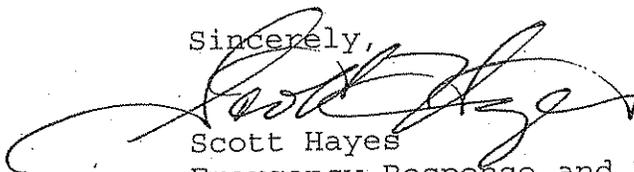
Re: Request for Information Pursuant to Section 104(e) of
CERCLA for Maxwell Furnace Site, Cadet, Mo.

By letter dated March 13, 2009, Region VII of the United States Environmental Protection Agency ("EPA") requested TJ's Metal Processing ("TJ's") and your cooperation, as owner of the subject property, in providing information and documents concerning the processing operations on property located at 10272 Radio Station Road, Cadet, Missouri. To date, EPA has not received a response from TJ's or you to the March 13 letter (attached). The response was due no later than April 17, 2009.

The March 13, 2009 information request letter was issued pursuant to the Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). Please be advised that compliance with the information request is required by law. Failure to comply with the information request may subject TJ's or you to compliance orders and/or the assessment of civil penalties under 42 U.S.C. § 9604(e) (5).

A complete response to the March 13 letter must be received by EPA within fourteen (14) days of your receipt of this letter. If you have any questions regarding this matter, please contact J. Scott Pemberton at 913-551-7276, or have your attorney contact him at that number. TJ's or you may also contact Jeff Weatherford at 636-326-4720.

Sincerely,



Scott Hayes
Emergency Response and Removal
South Branch (ERRSB)
Superfund Division

Enclosure:

March 13, 2009 Information Request Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

PROMPT REPLY NECESSARY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 13 2009

Thelma Maxwell, Property Owner
and Registered Agent for
TJ's Metal Processing, LLC
Rt. 2, Box 2368
10272 Radio Station Road
Cadet, Missouri 63630

Dear Ms. Maxwell:

Re: Request for Information Pursuant to Section 104(e) of CERCLA for
Maxwell Furnace Site, Cadet, Mo.

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Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), provides EPA the authority to require information from any party who may have information relevant to the release or threatened release of a hazardous substance or pollutant or contaminant.

Pursuant to Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed at a vessel or facility or transported to a vessel or facility, and to the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks TJ's and your cooperation in this investigation, compliance with this Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject TJ's or you to criminal penalties under 18 U.S.C. § 1001. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

Some of the information EPA is requesting may be considered by TJ's or you to be confidential. Please be aware that TJ's or you may not withhold the information upon that basis. If TJ's or you wish EPA to treat the information confidentially, TJ's or you must advise the EPA of that fact by following the procedures outlined in Attachment A. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to the questions contained, or submit the documents requested, in Attachment B to this letter are described in Attachment A. The instructions and definitions must be followed in responding to this information request. TJ's and your response to this Information Request must be mailed within **thirty (30) days** of your receipt of this letter to:

J. Scott Pemberton, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, Kansas 66101

If TJ's or you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of the EPA's investigations please contact Jeff Weatherford, On-Scene Coordinator, at (636) 326-4720. However, if TJ'S or you have any legal questions or specific questions about this Information Request please contact Scott Pemberton, Assistant Regional Counsel, at (913) 551-7276. We look forward to TJ's and your prompt response and appreciate your assistance in this matter.

Sincerely,

Scott Hayes
Emergency Response and Removal South
Branch (ERRSB)
Superfund Division

Enclosures:

Attachment A - Instructions
Attachment B - Questions

ATTACHMENT A

Instructions

1. Please provide a complete and separate response to each question and precede each answer with the number of the question to which it corresponds.
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. If you currently lack information to answer any question completely, provide the responsive information currently available, efforts which TJ's or you intend to make to secure the information currently unavailable, and the date TJ's or you anticipate receiving the information currently unavailable.
5. If information not known or not available to TJ's or you as of the date of submission of a response to this Information Request should later become known or available to TJ's or you, TJ's or you must supplement the response to the EPA. Moreover, should TJ's or you find at any time after the submission of this response that any portion of the submitted information is incomplete, false, or misrepresents the truth, TJ's or you must notify EPA thereof as soon as possible.
6. For each question contained herein, if the information responsive to the question is not in TJ's or your possession, custody or control, then identify the person(s) from whom such information may be obtained.
7. If TJ's or you have reason to believe that there may be other persons able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify such persons.
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 information requested herein must be provided notwithstanding its possible characterization as business confidential information or trade secrets. TJ's or you may, if desired, assert a business 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. § 9604(e)(7)(E) and (F), 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," "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, Subpart B. 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 TJ's or you.

10. This Information Request is directed to TJ's Metal Processing, LLC ("TJ's") and you and covers all information in TJ's or your possession, custody, and control, including information in the possession of TJ's officers, members, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by TJ's, or anyone else acting on its behalf or otherwise subject to TJ's control, and any merged, consolidated, or acquired predecessor or successor, parent, subsidiary, division, or affiliate.

11. Whenever a full and complete answer to any question is contained in a document or documents, the documents may be supplied in place of a written answer provided that the specific sections or pages from the document that are responsive to the Question are identified. 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.

12. If TJ's or you assert that certain documents, records, or other responsive information is privileged, TJ's or you shall provide EPA with the following:

- A. the title of the document, record, or other responsive information;
- B. the date of the document, record, or other responsive information;
- C. the names and titles of the author and recipient(s) respectively of the document, record, or other responsive information;
- D. a description of the contents of the document, reports, or other responsive information; and
- E. the privilege asserted by TJ's or you.

13. A reasonable effort to locate responsive information and records must be made by TJ's and you.

Definitions

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 through 280, in which case the statutory or regulatory definitions shall apply. Unless otherwise indicated, the following definitions shall apply to the following terms as they are used in this Information Request.

1. 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 telephone number, and present or last known job title, position or business.
2. 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, address or, addressee and/or recipient, and the substance or the subject matter.
3. 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, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda 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 intra office 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 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.
4. The term "TJ's" shall include TJ's Metal Processing, LLC, and its officers, members, managers, employees, contractors, trustees, successors, predecessors, agents and assigns.
5. The term "Site" shall mean 10272 Radio Station Road, Cadet, Missouri, located in Section 36, Township 38, Range 2E, on approximately 3.6 acres in Washington County, Missouri.
6. The term "person", in the plural and singular, means an individual, firm, corporation, limited liability company, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, any interstate body or other entity.
7. The term "waste" or "wastes" means trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

8. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.

ATTACHMENT B

Questions

1. Identify the person(s) answering these questions.
2. Identify the members, officers, directors, and principals of TJ's.
3. Identify the owner of the Site and provide a copy of the most current deed showing the owner as grantee.
4. Describe all business operations conducted by TJ's at the Site, including its melting practices/operations. This description shall include recycling/waste handling and disposal practices, procedures, and policies for wastes or materials generated at the Site by TJ's. Identify the time period when melting operations began and ended at the Site. Identify the number of hours per day/week that operations have been or are conducted at the Site. Identify a list of chemicals used in such operations.
5. Identify previous owners or operators conducting the same or similar operation/business at the Site. During what time period did these operations occur at the Site?
6. Identify all entities who have sent or provided materials for melting to the Site and provide all documents relevant to the arrangement between TJ's and these entities, including contracts, invoices, manifests, bills of lading, receipts (see definition number 3 - 'documents').
7. Identify the person or person(s) responsible for Site operations.
8. Have recycled/waste materials from Site operations been relocated or disposed off-Site? If so, identify the location where these materials were disposed or sent, and identify the specific amounts and dates of shipments, and provide copies of all manifests, receipts, bills of lading and other such documents.
9. Provide copies of all applications for permits and permits for operations at the Site.
10. If TJ's or you are withholding any information or documents on the basis of attorney work-product, attorney client privilege or any other privilege recognized in law, provide a complete privilege log identifying each piece of information or document believed to be privileged, and the basis of the privilege, identify the individuals who made such determinations and the information that each individual specifically reviewed; if only portions of documents are claimed as privileged, provide the document with the privileged portion redacted.
11. Identify the locations where TJ's or you (or TJ's or your contractor) have searched for records. Identify any archives where records or documents are located that pertain to matters

inquired about in this Information Request and describe briefly the kinds of records that each archive is expected to have and provide the name, address, telephone number and e-mail address of the Point of Contact for permission to access these records or documents.

12. If TJ's or you have any reason to believe that there may be persons able to provide a more detailed or complete response to any questions contained herein, or who may be able to provide additional responsive documents, identify such persons, how they may be contacted, and the additional information or documents that they may have.