

4644

# Monsanto



SDMS DocID

448761

LAW DEPARTMENT

Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167  
Phone (314) 694 1000

December 29, 1992

Ms. Marilyn K. Goldberg  
U. S. Environmental Protection  
Agency  
P. O. Box 221470  
Chantilly, VA 22022

Re: Solvents Recovery Services Site of New England;  
Monsanto Response to Second § 104(e) Request

Dear Ms. Goldberg:

This responds to a second request for information from the U.S. Environmental Protection Agency, Region I ("EPA" or "the Agency") directed to Monsanto Company, dated December 7 and received December 11, 1992, concerning the Solvents Recovery Services Site of New England ("SRSNE") (copy enclosed).

Monsanto has previously responded to EPA mailings concerning the SRSNE site, by correspondence dated November 16, and December 9, 1992. We hereby continue all objections and defenses stated in those earlier communications without waiver.

EPA's second § 104(e) package contains two "Form 1" sets/requests, one referring to "Monsanto Co." and the other to "Monsanto Chemical (Indian Orchard)." EPA's earlier transactional audit package provided backup documents for the transactions noted on these two Form 1's. We can confirm that EPA's contractor correctly converted drums to gallons for the two "Monsanto Co." transactions listed and the six "Monsanto Chemical (Indian Orchard)" entries. We can further state that some of the backup documents for the "Monsanto Chemical (Indian Orchard)" plant entries appear to have notations concerning the nature of the materials involved.

Because the date of the transactions listed on the Form 1's exceed Monsanto's document retention period, we have no independent information to confirm or deny the amounts listed in the documents or on the Form 1's enclosed with both § 104(e) Requests. Nor do we have information concerning the waste types, transporters, or site-selectors for these materials.

EPA's second information request also directs Monsanto to provide information concerning transactions with SRSNE not listed on either set of Form 1's. In responding to the Agency's previous information request, Monsanto located additional information not contained in EPA's first § 104(e) information request and/or transactional audit packages, and provided that information to the Agency. See December 9, correspondence package. Since the date of that December 9, communication, Monsanto has not located any further information or documents pertaining to the SRSNE site. Our efforts to locate such information continue, and in the event further relevant information is located, it will be provided to EPA.

As stated in that December 9, communication, however, we can inform the Agency that the facilities it has listed as "Monsanto Chemical (Indian Orchard)," "Monsanto Chemical (Springfield, MA)," and "Monsanto Chemical (Worcester)," as well as the new information for Monsanto Bircham Bend, **are all the same plant facility** -- Monsanto's Indian Orchard plant (formerly the Springfield and Bircham Bend plants) on Worcester Street in Springfield, Massachusetts. The Agency may be able to simplify its recordkeeping with this information.

We trust this adequately responds to EPA's information request. Again, please correct your mailing list, and direct any questions or further correspondence concerning this Site to the undersigned.

Very truly yours,



L. William Higley  
Assistant Environmental Counsel

LWH/prt/185

cc: K. M. Whitby, Esq.  
K. M. Moldthan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

MAIL

P 635 96A 708

CERTIFIED

right of the return address.

**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

December 7, 199

MONSANTO-RELATED PARTIES/FACILITIES  
c/o Husch & Eppenberger  
Kathleen M. Whitby, Attorney  
100 N. Broadway  
Suite 1300  
St. Louis, MO 63102

RECEIVED

Re: Request for Information for Solvents Recovery Service of New England (SRSNE) Superfund Site in Southington, Connecticut

Dear Ms. Whitby:

The United States Environmental Protection Agency (EPA) is requesting information regarding the nature of waste shipped to the Solvents Recovery Service of New England (SRSNE) Superfund Site in Southington, Connecticut (hereinafter referred to as "SRSNE" or "the Site") from 1955 through 1980.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby required to respond to the Information Request set forth in the Enclosures accompanying this letter.

This inquiry is distinct from the optional transactional document review package previously sent to you. Enclosure A contains general instructions and definitions to assist you in preparing your response. Enclosure B provides the Information Request Forms you must complete in order to comply with this request. EPA has developed the forms with the intent of facilitating your response and expediting EPA's review of your response. EPA will not accept responses that are not provided to EPA on the enclosed forms. Your response must be postmarked within twenty (20) calendar days of receipt of this letter.

Compliance with the Information Request set forth in the Enclosures is mandatory. Failure to respond fully and truthfully to the Information Request within twenty (20) days of receipt of this letter (which includes providing ambiguous, evasive, or incomplete answers), or to adequately justify such failure to respond, can result in enforcement actions by EPA pursuant to Section 104(e) of CERCLA, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. 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 or Section 3008(d) of RCRA.



This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

Marilyn K. Goldberg  
U.S. Environmental Protection Agency  
P.O. Box 221470  
Chantilly, VA 22022

If you have any legal questions, please direct them to Lloyd Selbst of the Office of Regional Counsel at (617) 565-3685. If you have any technical questions, please direct them to Michael Nalipinski of the Waste Management Division at (617) 223-5503.

Due to the seriousness of the problem at the SRSNE Site and 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.

Thank you for your cooperation in this matter.

Sincerely,

  
Merrill S. Hohman, Director  
Waste Management Division

Enclosures

cc: Herbert H. Tate, Jr., Assistant Administrator,  
Office of Enforcement  
Bruce Marshall, Chief, Region I Superfund Enforcement  
Support Section  
Gretchen Muench, EPA Office of Regional Counsel  
Lloyd Selbst, EPA Office of Regional Counsel  
Michael Nalipinski, EPA Remedial Project Manager  
Jack Looney, Office of Connecticut Attorney General  
Adam Sullivan, Connecticut Remedial Project Manager

**ENCLOSURE A-1**

**Solvents Recovery Service of New England (SRSNE)**

**GENERAL INSTRUCTIONS**

1. **Please Follow the Instructions and Complete the Form(s) in Enclosure B.**
2. **Provide Information about the Period Being Investigated: 1955 - 1980.** Although this request may seek information about activities that occurred many years ago, you are required to answer each question to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You are also required to seek out such information and documents from your employees, past employees and agents. You may provide estimated dates and data, designating them as such, when precise information is not available. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
3. **Continuing Obligation to Provide Information.** If additional information or documents become known or available to you after you respond to this Information Request, you must supplement your response to EPA. If, at any time after the submission of this response, you discover or believe 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. Failure to amend the response may be construed as a concealment. If any part of the response to this Information Request is found to be untrue, the signatory to the response and the company may be subject to criminal prosecution.
4. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes 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. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). Attach a cover sheet, stamped or typed legend, or other notice employing language such as "trade secret" or "proprietary" or "company confidential" to such information at the time it is submitted. Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of,

the procedures provided in 40 C.F.R. sections 2.201-2.311. 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.

5. Disclosure to EPA Contractor. Information which you submit in response to this Information Request will be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), notwithstanding your assertion that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to its private contractor Techlaw, Inc. whom it has retained to organize and analyze the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within ten (10) days of receiving this Information Request. In addition, EPA may disclose this response, with the exception of confidential business information, to the PRP Steering Committee.

ENCLOSURE A-2

Solvents Recovery Service of New England (SRSNE)

INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., Volume 40 of the Code of Federal Regulations (CFR), or other applicable statute or regulation, in which case such statutory or regulatory definitions shall apply.

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

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations, companies, or operations of the addressee.
2. The term "arrangement" shall mean any agreement between two or more persons.
3. The term "broker" shall mean the person that is listed as the "customer" on SRSNE records with respect to a transaction involving waste material that was generated by another company.
4. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:
  - (a) 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 of the following:
    1. invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order;
    2. letter, correspondence, fax, telegram, telex;
    3. minutes, memoranda of meetings and telephone and other conversations, telephone messages;
    4. agreement, contract, and the like;
    5. diary, calendar, desk pad, journal;
    6. bulletin, circular, form, pamphlet, statement;
    7. report, notice, analysis, notebook;
    8. graph or chart; or
    9. copy of any document.

(b) microfilm or other film record, any photograph, sound recording on any type of device;

(c) any tape or other type of memory generally associated with computers and data processing together with:

1. the programming instructions and other written material such as punch card, disc or disc pack, tape or other type of memory; and
2. printouts such as punch card, disc or disc pack, tape or other type of memory; and

(d) drafts and other backup documents such as

1. every copy of each document which is not an exact duplicate of a document which is produced, including every copy which has any writing, figure or notation, annotation or the like on it;
2. attachments to or enclosures with any document; and
3. every document referred to in any other document.

4. The term "generator" shall mean the person whose act or process produces waste material, or whose act first causes a waste material to be subject to regulation.

5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business address and business telephone number (or if this is not available, last known home address and home telephone number), and (c) present or last known employer (include full name and address) with job title, position or business.

6. 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: (a) its full name, (b) complete street address, (c) legal form (e.g., corporation, partnership, etc.), (d) the state under whose laws the entity was organized, and (e) a brief description of its business.

7. The term "identify" means, with respect to a document, to provide its customary business description (e.g., letter, invoice), its date, its number if any (e.g., invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.



8. The term "materials" shall mean any and all objects, goods, substances, or matter of any kind. "Materials" shall include but not be limited to wastes, non-hazardous materials, hazardous substances, pollutants or contaminants, and hazardous wastes.

9. The term "person" as used herein includes, in the plural as well as singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity.

10. The term "site" shall mean the SRSNE facility in Southington, Connecticut.

11. The term "transporter" shall mean the person engaged in the transportation of waste material by air, rail, highway, or water.

12. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, solvents, liquid wastes, solid waste, sludge, containers for temporary or permanent holding of wastes, by-products, waste oils, materials to be recycled or treated, hazardous waste, hazardous substances, pollutants or contaminants.

ENCLOSURE B

Solvents Recovery Service of New England  
104(e) Information Request Form for Generators

1. Name of Respondent: MONSANTO COMPANY
2. Date Information Request Completed: December 29, 1992
3. For each transaction listed on Form 1 (attached), identify by chemical name the type of waste material that the Respondent sent for treatment or disposal to the Site or sent with a transporter for treatment or disposal to the Site. If the chemical name is not known, please state the trade name and the name of the manufacturer. Also identify the transporter of each waste volume and identify who made the decision to bring the waste to the Site -- the transporter, generator, or broker. Attach copies of all documents consulted, examined, or referred to in the preparation of answers to these questions.
4. At the end of Form 1 and consistent with the format of Form 1, identify and provide complete information on any additional transactions which do not appear on Form 1 or transactions which are in some manner incorrectly recorded on Form 1. Attach copies of all documents which provide information on these transactions.
5. If you are not the generator of any of the wastes attributed to you in the listing of transactions on Form 1 (i.e., you sent waste materials to the Site for disposal or treatment that were generated by a person other than you), please complete steps a through d below:
  - a) Provide the information requested for that transaction on Form 1;
  - b) Highlight the transaction by placing an asterisk (\*) to the left of the appropriate transaction date on Form 1; and
  - c) Provide the information requested on Form 2 (attached);
  - d) Attach copies of all documents consulted, examined, or referred in to the preparation of answers to these questions.
6. Please identify all persons consulted in the preparation of the answers to these questions. Indicate their relationship to the Respondent (e.g., current employee - environmental manager, past employee - maintenance department, etc.). Attach extra pages if necessary.

## 6. (continued)

Name: Edward S. Jamro  
Address 730 Worcester Street  
Springfield, MA 01151  
Phone No. (413) 788-6911  
Relation to Respondent Manager, Environmental Protection  
Monsanto Indian Orchard Plant

Name: Henry W. Nowick  
Address: 730 Worcester Street  
Springfield, MA 01151  
Phone No. (413) 788-6911  
Relation to Respondent Retiree-Indian Orchard Plant

Name: William J. Killian  
Address: 730 Worcester Street  
Springfield, MA 01151  
Phone No. (413) 788-6911  
Relation to Respondent: Transportation and Materials Supervisor,  
Monsanto Indian Orchard Plant

Name: Larry S. Gormally  
Address: 730 Worcester Street  
Springfield, MA 01151  
Phone No. (413) 788-6911  
Relation to Respondent: Retiree-Indian Orchard Plant

## 6. (continued)

Name: James E. Gagnon  
Address 730 Worcester Street  
Springfield, MA 01151  
Phone No. (413) 788-6911  
Relation to Respondent Retiree-Indian Orchard Plant

Name: John H. Mumper  
Address: 730 Worcester Street  
Springfield, MA 01151  
Phone No. (413) 788-6911  
Relation to Respondent Senior Environmental Engineer  
Monsanto Indian Orchard Plant

Name: Eric Brimer  
Address: Mystic View Road  
Boston, MA 02149  
Phone No. (617) 387-5010  
Relation to Respondent: Environmental Superintendent  
Monsanto Everett Plant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone No. \_\_\_\_\_  
Relation to Respondent: \_\_\_\_\_

7. Please identify the person(s) completing this questionnaire and identify the relationship to the Respondent. Attach extra pages if necessary.

Name: Kathleen M. Whitby

Address: Husch & Eppenberger

100 N. Broadway, Suite 1300, St. Louis, MO 63102

Phone No. (314) 421-4800

Relation to Respondent: Attorneys for Monsanto Company

Name: L. William Higley

Address: Monsanto Company, E2NP

800 N. Lindbergh, St. Louis, MO 63167

Phone No. (314) 694-8503

Relation to Respondent: Assistant Environmental Counsel

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No. \_\_\_\_\_

Relation to Respondent: \_\_\_\_\_

Solvents Recovery Service of New England  
Monsanto Co.

Transaction Date (1)	Gallon Volume (2)	Waste Type (3)	Name/Address of Transporter	Name/Description of Who Selected the Site (4)
05/03/78	1,430.00	Unknown	Unknown	Unknown
10/25/80	4,400.00	Unknown	Unknown	Unknown

**Notes:**

- (1) The transaction date refers to the date the waste was delivered to SRSNE. This date may differ from the date the waste left the generator's facility, (particularly if the transaction was brokered by another party), and therefore may not match exactly with your records. EPA expects you to make your best efforts to correlate your records with EPA's documents. This is to prevent double-counting of shipments in EPA's volumetric ranking.
- (2) All gallon volumes are waste-in transactions to SRSNE.
- (3) Please state waste type by chemical name. If the chemical name is not known, please state the trade name and the manufacturer's name.
- (4) e.g., XYZ Chemical Company - generator; ABC Waste Trucking - transporter; EFG Waste Disposal Service - broker.

FORM 1 - ADDITIONAL TRANSACTIONS

Solvents Recovery Service of New England  
Monsanto Co.

Transaction Date (1)	Gallon Volume (2)	Waste Type (3)	Name/Address of Transporter	Name/Description of Who Selected the Site (4)
-------------------------	----------------------	----------------	--------------------------------	--

Please see Monsanto's December 9 correspondence for additional business transactions with SRSNE.

**Solvents Recovery Service of New England  
Nonsanto Chemical (Indian Orchard, MA)**

Transaction	Gallon	Waste Type (3)	Name/Address	Name/Description of Who
01/23/62	770.00	Unknown	Unknown	Unknown
01/18/63	880.00			
01/18/63	770.00			
02/25/63	1,155.00			
12/19/63	1,485.00			
05/28/64	550.00			

Date (1) Volume (2) of Transporter Selected the Site (4)

- Notes:**
- (1) The transaction date refers to the date the waste was delivered to SRSNB. This date may differ from the date the generator left the generator's facility, (particularly if the transaction was brokered by another party), and therefore may not match exactly with your records. EPA expects you to make your best efforts to correlate your records with EPA's documents. This is to prevent double-counting of shipments in EPA's volumetric ranking.
  - (2) All gallon volumes are waste-in transactions to SRSNB.
  - (3) Please state waste type by chemical name. If the chemical name is not known, please state the trade name and the manufacturer's name.
  - (4) e.g., XYZ Chemical Company - generator; ABC Waste Trucking - transporter; DEF Waste Disposal Service - broker.



FORM 1 - ADDITIONAL TRANSACTIONS

Solvents Recovery Service of New England  
Monsanto Chemical (Indian Orchard, MA)

Transaction Date (1)	Gallon Volume (2)	Waste Type (3)	Name/Address of Transporter	Name/Description of Who Selected the Site (4)
-------------------------	----------------------	----------------	--------------------------------	--

*Please see Monsanto's December 9 correspondence  
for additional business transactions with SRSNE*