



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278

MAY 04 1990

EXPRESS MAIL  
RETURN RECEIPT REQUESTED

Mr. Henry Boreen  
1182 Wrack Road  
Meadowbrook, Pennsylvania 19046

Re: Request for Information Pursuant to Section 104 of CERCLA  
and Section 3007 of RCRA; Vestal Water Supply Well 1-1  
Site, Vestal, New York

Dear Mr. Boreen:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675. EPA also regulates the handling of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901-6991.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. In addition, pursuant to Section 3007(a) of RCRA, EPA may require parties who have handled hazardous wastes to provide information relating to such wastes.

Pursuant to the statutory provisions cited above, EPA hereby requires that you answer the questions posed in the attached "Request for Information." Your notarized signature must appear on the enclosed "Certification of Answers to Request for

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Information," which must be attached to the response to this information request.

Your response to this Request for Information should be postmarked or received at EPA within 14 calendar days of your receipt of this letter, and should be mailed to Daniel Drazan, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, with a copy to Mr. Edward Als, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10278.

Your failure to comply in all respects with this Request for Information within the time specified above may result in the initiation of an enforcement action against you under Section 104(e)(5) of CERCLA and/or Section 3008 of RCRA. Such an enforcement action may include the assessment of penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available to you. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, the signatory of your response may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520. You may, if you so desire, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by placing on (or attaching to) the 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 in accordance with and by means of procedures set forth in Section 104(e)(7) of CERCLA and 40 CFR Part 2, Subpart B. If no such claim accompanies the information contained in the response to the attached Request for 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 statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions concerning this letter, please contact Mr. Drazan at (212) 264-5345. Your cooperation is appreciated.

Sincerely yours,

*Stephen D. Luftig*  
for Stephen D. Luftig, Director  
Emergency and Remedial Response Division

Attachment

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Instructions

1. A complete and separate response must be made to each individual question in the Request for Information.
2. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of Transformers, Inc. or any affiliated or related companies, who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering a question, identify all contributing sources of information.
5. If you are unable to give a detailed and complete answer or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one presently or formerly employed by Transformers, Inc. or any of its affiliated or related companies may be able to provide additional detail or documentation in response to any question, state that person's name, last known address, telephone number and the reasons for your belief.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
8. For each document produced in response to the Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
9. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.
10. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
11. Whenever in this Request for Information there is a request to identify a natural person or an entity, state, among other things, the person or entity's full name and present or last known address.

## B. Definitions

1. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
2. As used herein the terms "disposal" and "storage" shall have the meaning set forth in Sections 1004(3) and (33) of RCRA, 42 U.S.C. §§ 6903(3) and (33), respectively.
3. As used herein, the term "Transformers, Inc." refers not only to Transformers, Inc. but also to all predecessors and successors in interest of Transformers, Inc. and all subsidiaries, divisions and branches of Transformers, Inc. and its predecessors and successors.
4. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 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.
5. As used herein, the term "Site" shall refer to the parcel of property located at 200 Stage Road, Vestal, New York, property which Transformers, Inc. once owned and operated.
6. Interpret "and" and "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
7. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1.
  - a. State the correct legal name and mailing address of Transformers, Inc.
  - b. State the name(s) and address(es) of all of the officers and directors of Transformers, Inc. dating from the time Transformers, Inc. commenced operations at the Site (1955 or earlier) to the present, and state when those officers and directors held those positions.
  - c. Identify the state of incorporation and date of incorporation of Transformers, Inc. if incorporated, and its agents for service of process in the state of incorporation and in New York State, if any.
  - d. If Transformers, Inc. is or was a subsidiary of or affiliated with other corporations, please identify each of such other entities and those entities' presidents and Chairmen of the Board. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each entity identified in your response to this question.
2. Describe the nature of the business that Transformers, Inc. has engaged in, the period during which it has engaged in that business, and the location of those operations. If the nature of the business has not been constant, state the changes that have occurred and indicate when those changes occurred.
3. Identify all owners of the Site from the time Transformers, Inc. commenced operations there until 1980. For each owner, further identify:
  - a. The dates of their ownership of the Site.
  - b. All evidence that hazardous substances were released or threatened to be released at the Site during the period that they owned the Site.
4. Identify all entities, including, but not limited to Transformers, Inc. that have conducted operations at the Site. For each such entity, further identify:
  - a. The dates of their operations at the Site.
  - b. The nature of their operations at the Site. If the nature of the operations conducted at the Site by the entity was not constant, state

the changes that occurred and when those changes occurred.

- c. All evidence that hazardous substances were released or threatened to be released at the Site during the period in which they were operating at the Site.
- d. The relationship, if any, between the entity and Transformers, Inc.

5. Precisely what is or was the relationship between Transformers, Inc. and Solid State Scientific Devices Corp. Solid State Scientific, Inc. and Penn Central Corp?

6. Describe all transfers of corporate ownership, mergers or liquidations pertaining to Transformers, Inc. (including its successors in interest) and state when they occurred. State whether Transformers, Inc. was relocated, liquidated, sold, or merged with or acquired by another entity. If so, provide (i) the name and address of the entity to whom sold or transferred and the date of the sale or transfer, (ii) the names and current or last known addresses of such entity's Chairman of the Board and Chief Executive Officer, and (iii) the form of the sale, e.g., whether it was a sale of assets, a sale of stock or other form of transaction.

7. To the extent that any one of the companies mentioned in question 5. above or your response thereto held an ownership interest in any of the others, precisely what was the nature and extent of that ownership interest and when was it held?

8. Describe in detail any involvement of Solid State Scientific Devices Corp., and Solid State Scientific, Inc., or any of their officers, directors, or employees in the management, control, day-to-day operations, waste handling practices, or other activities of Transformers, Inc. and state when that involvement took place.

9. For yourself and Jerry Rayburn, please provide the following:

- a. The individuals' current or last known address;
- b. The title and functions for both at Transformers, Inc. and the years each such title/function was held;
- c. Describe in detail involvement by both in the management, control, day-to-day operations, waste handling practices, or other activities of Transformers, Inc. and state when they had such

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involvement. In addition, what was the nature and extent of your and Mr. Rayburn's ownership interest in Transformers, Inc. and when were such interests held?

10. a. List all hazardous substances (as defined in the "Instructions") including, but not limited to polychlorinated biphenyls (PCBs) and such solvents as trichloroethylene, 1,1,1-trichloroethane, benzene, chloroform, xylene, and toluene, which were used, stored, or handled at the Site.
  - b. State when each substance identified in your response to question 9.(a) was used, stored, or handled at the Site and state the volume of each such substance used, stored, or handled on an annual basis.
  - c. Describe the activity or activities in which each substance identified in your response to question 9.(a) was used. Specify those activities which were routine and those which occurred on an irregular basis. For routine activities, specify the time frames and frequencies, and for non-routine activities, specify the dates.
  - d. Where at the Site was each of the hazardous substances identified in your response to question 9.(a) used, stored, or handled? Indicate all such locations on the attached plan of the Site (hereinafter, the "Site Plan").
11. a. What industrial or hazardous wastes were generated at the Site?
  - b. For each waste identified in your response to question 9.(a), state (i) What activity resulted in the generation of the particular waste? (ii) When was the waste generated? (iii) In what volume was the waste generated during each calendar year? (iv) Where at the Site was the waste generated? Indicate the location(s) on the Site Plan.
12. a. Describe in detail how and where the hazardous substances, hazardous wastes and industrial wastes generated or handled at the Site were stored at the Site prior to disposal. For what period of time and in



what quantities were materials stored at the Site? Indicate on the Site Plan all location(s) at the Site where such substances and wastes were stored.

- b. If storage tanks were used at the Site to store hazardous substances, hazardous wastes or industrial wastes, specify the size of the tanks and the date of their installation. In addition, for each tank, state whether it was above or below ground and provide a list of all substances stored and the time frames in which they were stored. Further, indicate on the Site Plan the location of each tank.
- c. Have any of the storage tanks identified in your response to question 11.(b) leaked? If so, specify: (i) which tank; (ii) the nature and volume of the material released from the tank; (iii) the date(s) when the release(s) occurred; (iv) when the leak was detected and repaired; (v) whether the material that leaked from the tank was cleaned up, and if so, how the cleanup was accomplished.

13 With respect to any storage tanks that have been used at the Site to store materials other than hazardous substances, hazardous wastes and industrial wastes, provide the information requested in questions 11.(b) and 11.(c) above.

14. a. Describe in detail how and where the hazardous wastes, industrial wastes, and hazardous substances generated, handled, treated, and stored at the Site were disposed of. For each disposal method and location used, state the nature and quantity of the material disposed of on an annual basis. If any hazardous wastes, hazardous substances or industrial wastes were taken off-site for disposal or treatment, state the names and addresses of the transporters and disposal facilities used and the period during which each such transporter and disposal facility was used. If you are unaware of the ultimate disposal location of any of the hazardous substances, hazardous wastes or industrial wastes that were removed from the Site, state the nature and quantity of the particular materials in question and the names and addresses of the companies or individuals who removed such materials from the Site.
- b. Were any hazardous wastes, hazardous substances or industrial wastes generated, handled, treated or stored at the Site ever disposed of through drain pipes and/or sewer lines? If so: (i) state when this occurred; (ii)

state the precise nature and quantity of the waste material so disposed of, including the chemical contents, characteristics and form of the material; and (iii) describe the path that such waste material likely took and plot the path on the Site Plan.

- c. Were hazardous wastes, hazardous substances, industrial wastes or any other types of wastes ever disposed of at the Site, either intentionally or unintentionally? If so: (i) identify the locations at the Site where such disposal occurred and mark all such disposal locations on the Site Plan; (ii) state the periods during which such disposal occurred at each such area at the Site; (iii) state the precise nature of the materials disposed of at the Site, including the chemical contents, characteristics and form of the material; (iv) state the method of disposal used; (v) state how the material was containerized (if at all) at the time of disposal; and (vi) state the quantity of each such material that was disposed of at the Site.

15. Identify all leaks, spills, or releases or threats of releases of any kind into the environment of any hazardous substance that occurred at or from the Site. In addition, identify:

- a. When such releases occurred.
- b. How the releases occurred.
- c. What hazardous substances were released, and in what form (e.g., solid, liquid, sludge, or gas).
- d. What amount of each such hazardous substance was so released.
- e. Where such releases occurred (Indicate on the Site Plan).
- f. The surface on or into which the material was released
- g. Whether the release was fully contained and, if not, where the uncontained portion is believed to have gone.
- h. Any and all activities undertaken in response to each such releases or threatened release.
- i. Any and all investigation of the circumstances, nature extent or location of each such releases or threatened release including the results of any soil, water

(ground and surface) or air testing that was undertaken.

- j. All persons with information relating to subparts a. through i. of this question.

16. Who determined where to treat, store, and/or dispose of the hazardous substances handled at the Site? Provide the names and current or last known addresses of any entities or individuals which made such determination(s).

17. Did Transformers, Inc. or any of its officers, directors, employees or representatives ever enter into contracts or arrangements of any kind for the treatment, storage, or disposal of hazardous substances or other materials at the Site? If so, describe in detail the nature of such arrangements, with whom they were made, and the period during which such arrangements were in effect. Provide copies of all documents that relate to any such arrangements. State the nature and quantity of the hazardous substances or other materials involved, what companies and individuals arranged for the materials to be treated, stored or disposed of at the Site, and what was done with the materials at the Site.

18. State the names, telephone numbers and current or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding the generation, handling, treatment, storage or disposal of hazardous substances or other materials at the Site.

19. Provide copies of the following documents:

- a. All records relating to any releases (as defined in the "Instructions") of hazardous substances, hazardous wastes or industrial wastes at the Site.
- b. All analyses, characterizations or other descriptions of any of the hazardous substances, hazardous wastes or industrial wastes released at the Site.
- c. All wastes manifests, invoices or other documents relating to the disposal of the hazardous substances, hazardous wastes or industrial wastes generated or handled at the Site.
- d. All liability insurance policies or indemnification agreements which might indemnify you, Transformers, Inc. or any of its officers, directors, parent corporations,

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successors in interest or affiliated companies against any liability that you or they may be found to have under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., with respect to any releases and threatened releases of hazardous substances at and from the Site.

20. Do you have additional information or documents which may help EPA identify other companies or individuals that may have disposed of hazardous substances or other materials at the Site or may have sent hazardous substances or other materials to the Site? If so, please provide that information and those documents, and identify the source(s) of your information.

21. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of \_\_\_\_\_

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the Company's response thereto should become known or available to the Company.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to me before this

day of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Notary Public