



CUDAHY tanning co. inc.

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414-483-8100 FAX 414-483-2833

102632

May 5, 1995

VIA FACSIMILE and CERTIFIED MAIL

Ms. Deborah Dawley (HSES-5J)
Emergency Support Section
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Marina Cliffs
Barrel Dump Site in South Milwaukee, Wisconsin

Dear Ms. Dawley:

We have received Mr. Richard Karl's letter requesting information pursuant to section 104(e) of CERCLA for the Marina Cliffs Barrel Dump Site in South Milwaukee, Wisconsin regarding EPA's investigation of the generation, storage, treatment or disposal of hazardous substances, pollutants or contaminants at the Marina Cliffs Barrel Dump Site.

Cudahy Tanning Company ("Cudahy") has conducted a diligent search of its corporate records and has interviewed available employees, both present and former, who may have knowledge of the operations, hazardous substance use, storage, treatment disposal or handling practices, as well as releases or spills, if any.

The following are the requests and Cudahy's response thereto.

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

Samuel Bailey
Alex Hortman
Cornelious Clark
Robert Pittman
Woodrow Williams
Elzie Nelson
Harold Johnson
Grady Rideout
Cleo Nobles
Clarence Bailey

Lonnie McDade
Tarry Hayes
McArthur Allen
Andja Krnjajic
Alex Crayton
Johnny Manley
Andy Gruszka
Hershel Blakley
Joe Arnold
Clifton Lee
William L. Law

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

Cudahy objects to the information request as vague, overbroad and beyond the scope of authority delegated to the Administrator in 42 U.S.C. § 9604. It is the position of Cudahy that the Administrator does not have the authority, under § 9604(e)(1), to request information other than for purposes of determining the need for response, or choosing or taking any response action where there has been a release or threat of release of a hazardous substance. To the extent that the information requested in this information request is vague, overbroad or seeks identification and/or production of documents which do not discuss or relate to facilities from which there has been a release, nor a threat of release, the information sought is beyond the scope of the Administrator's authority under § 9604.

Subject to the foregoing objection, Cudahy reviewed all available documentation which consisted of ledgers and barrel entries to a cash journal in preparation of the answers to the information request. A summary of journal entries of barrel sales indicating barrel sales to "Northwestern Barrel" is attached.

3. If you have reason to believe that there may be 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.

Cudahy does not have reason to believe that there are persons who are more able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents.

4. List the EPA Identification Numbers of the Respondent.

WID 00-612-0992

5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.

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Cudahy objects to the information request as beyond the scope of authority delegated to the Administrator in 42 U.S.C. § 9604. It is the position of Cudahy that the Administrator does not have the authority, under § 9604(e)(1), to request information other than for purposes of determining the need for response, or choosing or taking any response action where there has been a release or threat of release of a hazardous substance. To the extent that the information requested in this information request seeks identification of persons other than those having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances at facilities from which there has been a release or a threat of release, the information sought is beyond the scope of the Administrator's authority under § 9604.

Subject to the foregoing objection, and in addition to the individuals identified in response to Request # 1, *supra*, the following persons may have knowledge or information about generation, transportation, treatment, disposal or other handling of hazardous substances:

Rolf Reineck

The relevant time-period for the following questions extends from 1935 to 1965 inclusive. If changes occurred in your business practices during this time period, identify when those changes occurred and what those changes were:

6. During the relevant time period, identify any materials you may have purchased or stored in drums or barrels.

Cudahy may have purchased or stored the following materials in drums or barrels:

animal based fat liquor and oils for leather, stains which may have used glycol ether or dimethyl formadide as a carrier or base coats containing acrylic and latex resins with nitro cellulose carriers, butyl cellulose penetrators, top coats which were lacquer emulsions with methylene chloride as a carrier and pigments 5 to 10% of which contained lead chromates at concentrations ranging from 17-25%.

a. Identify any such materials which may be hazardous materials or substances.

- animal based fat liquor and oils
- glycol ether
- dimethyl formadide
- acrylic resins with nitro cellulose carriers
- latex resins with nitro cellulose carriers
- butyl cellulose

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- methylene chloride
- lead chromates

b. Identify the chemical composition, characteristics, physical state (e.g. solid, liquid) of each identified hazardous substance.

See response to # 6, above.

c. Describe how each hazardous substance was used in your business operations.

The above materials were either consumed during the tanning process or disposed through the company's sanitary sewer system.

d. Estimate the quantity of each hazardous substance used during a month.

Cudahy lacks available documentation from which it can estimate the volume of hazardous substances disposed through its sanitary sewer system during the relevant time period. Based on the tanning processes which were utilized during the relevant time period, very little, if any, substances purchased in drum or barreled form would have been discarded through the sanitary sewer system.

e. Identify the method by which you would dispose of any waste hazardous substance. If you utilized a hauler to take away the waste, identify each and every hauler and any details of the hauling arrangements. Provide records of such arrangements if available.

Cudahy objects to the information request as beyond the scope of authority delegated to the Administrator in 42 U.S.C. § 9604. It is the position of Cudahy that the Administrator does not have the authority, under § 9604(e)(1), to request information other than for purposes of determining the need for response, or choosing or taking any response action where there has been a release or threat of release of a hazardous substance. To the extent that the information requested in this information request seeks identification of waste disposal methodologies or other handling of hazardous substances utilized by Cudahy other than those methodologies or other handling of hazardous substances at facilities from which there has been a release or a threat of release, the information sought is beyond the scope of the Administrator's authority under § 9604.

Subject to the foregoing objection, Cudahy has no knowledge that any of its waste was ever transported to the Marina Cliffs Barrel Dump (the "Site") or an owner of the Site during the relevant time period. Upon a diligent search of its corporate records and interviews of available employees, Cudahy may have sold or returned empty barrels for recycling. The barrels were equipped with removable tops and locking rings. Based on

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interviews with Cudahy employees, Cudahy believes any recycled barrels were rinsed clean before they were picked up for recycling. Cudahy has no knowledge as to where the barrels were taken once they left Cudahy's plant.

7. Describe your standard procedures for handling the drums or barrels containing the materials identified in response to Question # 6 (a) when you no longer needed the contents thereof.

See response to Request # 6(e), above.

8. Did you ever send your drums or barrels anywhere for reconditioning? If so, identify the facilities with which you did such business, the frequency with which you had drums or barrels reconditioned and the quantity of drums or barrels reconditioned.

Cudahy objects to the information request as beyond the scope of authority delegated to the Administrator in 42 U.S.C. § 9604. It is the position of Cudahy that the Administrator does not have the authority, under § 9604(e)(1), to request information other than for purposes of determining the need for response, or choosing or taking any response action where there has been a release or threat of release of a hazardous substance. To the extent that the information requested in this information request seeks waste disposal or information relating to the handling of hazardous substances utilized by Cudahy other than those methodologies or handling of hazardous substances at facilities from which there has been a release or a threat of release, the information sought is beyond the scope of the Administrator's authority under § 9604.

Subject to the foregoing objection, see the response to Request # 6 (a) through (e), above.

9. Did you ever sell drums or barrels you no longer needed to a barrel company? If so, identify the facilities with which you did such business, the frequency with which you sold or otherwise transferred drums or barrels and the quantity of drums or barrels sold or otherwise transferred.

Cudahy objects to the information request as beyond the scope of authority delegated to the Administrator in 42 U.S.C. § 9604. It is the position of Cudahy that the Administrator does not have the authority, under § 9604(e)(1), to request information other than for purposes of determining the need for response, or choosing or taking any response action where there has been a release or threat of release of a hazardous substance. To the extent that the information requested in this information request seeks waste disposal or information relating to the handling of hazardous substances utilized by Cudahy other than those methodologies or handling of hazardous substances at

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facilities from which there has been a release or a threat of release, the information sought is beyond the scope of the Administrator's authority under § 9604.

Subject to the foregoing objection, see response to Request # 6 (a) through (e), *supra*.

10. Did you have occasion to transfer barrels or drums at any time to the Northwestern Barrel Company in South Milwaukee, Wisconsin? If so, describe the nature of such transactions, including frequency and number of drums or barrels.

Cudahy has no records or information indicating that it transacted business with Northwestern Barrel Co. during the relevant time period.

11. If the answer to the first part of the above question is yes, provide copies of any transaction records and respond to the following questions:

a. Would you arrange for delivery of drums or barrels or would you have them picked up?

Not applicable.

b. Would the drums or barrels be empty (washed out) or would some residue of the contents remain?

Not applicable.

c. If the drums or barrels contained some residue, describe the quantity and constituents of such residue.

Not applicable.

12. Identify the type and quantity of any waste generated by your company which may have contained a hazardous substance and which may have been disposed of at the Marina Cliffs Barrel Dump Site, also known as the Northwestern Barrel Company.

Cudahy has no knowledge or information that any waste it generated was disposed of at the Marina Cliffs Barrel Dump Site.

13. Provide a detailed description of the generic common and/or trade name and the chemical composition and character (i.e., liquid, solid, sludge) of any waste you sent to the Site (or to the Northwestern Barrel Company). Include a copy of all records indicating the chemical composition and/or chemical character of any waste sent to the Site.

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See responses to Requests ## 6 and 12, *supra*.

14. Identify the subsidiary or parent corporations of your company, if any.

Cudahy objects to the information request as beyond the scope of authority delegated to the Administrator in 42 U.S.C. § 9604. It is the position of Cudahy that the Administrator does not have the authority, under § 9604(e)(1), to request information other than for purposes of determining the need for response, or choosing or taking any response action where there has been a release or threat of release of a hazardous substance. To the extent the information requested in this information request seeks information relating to facilities where there has not been a release, nor a threat of release, the information sought is beyond the scope of the Administrator's authority under § 9604.

Subject to the foregoing objection, the response is that none exist.

Very truly yours,




Rolf Reineck
Plant Manager, Cudahy Tanning
Company

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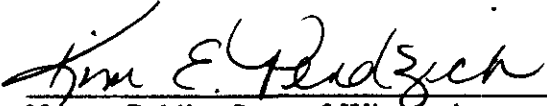
STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

The Undersigned, Rolf Reineck, being duly sworn on oath, does hereby state that he has made a diligent search of available corporate records for information, data, records, reports and documents, and has conducted interviews of available employees, and has thereafter furnished the answers appearing in the above response to information request which are true and correct to the best of my information and belief.



Rolf Reineck *Engineer RA*
Plant Manager, Cudahy Tanning
Company

Subscribed and sworn to before me
this 5th day of May, 1995.



Notary Public, State of Wisconsin
My commission expires: 6-2-96