

Site:	Des Moines TCE
ID#:	IAD980687E3
Break:	11.6
Other: op #	4-Shell Oil
	4-13-92

APR 13 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas E. Baker
Corporate Secretary
Shell Oil Company
1 Shell Plaza - Box 2463
Houston, TX 77252

Re: Des Moines TCE Site
Des Moines, Iowa

Dear Mr. Baker:

The United States Environmental Protection Agency (EPA) is investigating the source, extent, and nature of release or threatened release of hazardous substances, pollutants or contaminants at the former DiChem, Inc. facility, which is part of the Des Moines TCE Site. The former DiChem, Inc. facility is located at 200 SW 16th Street, Des Moines, Iowa.

In particular, EPA is seeking information regarding the quantity and types of materials disposed of at this site. This information request is issued pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Compliance with the information request is mandatory. Failure to respond fully and truthfully to the information request or to justify adequately a failure to respond can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). The EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of non-compliance. Please be further advised that providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties.

Your response to this Information Request must be mailed within 30 calendar days of your receipt of this letter to:

30221344



Superfund

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Glenn Curtis
U.S. Environmental Protection Agency
Waste Management Division
Superfund Branch
726 Minnesota Avenue
Kansas City, Kansas 66101

If you have any questions on this matter, please contact Mr. Curtis at the above address or by telephone at (913) 551-7726.

Sincerely yours,

Robert L. Morby,
Chief, Superfund Branch

Enclosures

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request. For your convenience in answering, space has been provided beneath each Question for you to write in your answer. If additional space is needed or if you write your answers on a separate sheet of paper, you should precede each answer with the number of the Question to which it corresponds.

2. If the answer to a Question is contained within a document now in existence, you may provide a copy of that document in lieu of preparing a separate narrative answer to that Question. If a document provides only a portion of the answer to a Question, you may provide a copy of the document with a written narrative response setting forth the portion of the answer not provided by the document.

3. 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.

4. The information requested herein must be provided even though you contend that it includes confidential business information. 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, as amended by SARA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b) 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," or "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 statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, the information 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. 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.

6. Words in the masculine shall be construed in the feminine and vice versa, and words in the singular shall be construed in the plural and vice versa, where appropriate in the context of a particular Question or Questions.

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7. In your answer to each Question you should identify each individual who provided information or documents in response to that Question.

8. The person answering these Questions shall sign a certification that "The information provided is, to the best of his knowledge and belief, after making a diligent search, complete, true and correct."

Definitions

The following definitions shall apply to the following words as they appear in the Questions.

1. The term "you" or "Respondent" shall mean the Shell Oil Company, its officers, managers, employees, contractors, trustees, current and/or former partners, assigns and agents, and corporations acquired by purchase or merger.

2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, i.e., an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States government, state, municipality, commission, political subdivision of a state, or any interstate body.

3. The terms "Site" or "Facility" shall mean the former DiChem, Inc. facility located at 200 SW 16th Street, Des Moines, Iowa.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.

7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.

8. The term "identify" means:

a. 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 home telephone number and present or last known job title, position or business;

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b. with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

c. with respect to a document, to provide its customary business description, 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.

9. The term "released" 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.

10. 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, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum 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 any 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.

11. 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 260-280, in which case the statutory or regulatory definitions shall apply.

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QUESTIONS

1. State whether you or anyone acting on your behalf ever sent technical grade pesticides, including but not limited to aldrin, dieldrin, heptachlor, or chlordane, to DiChem, Inc., located at or in the immediate vicinity of 200 SW 16th Street, Des Moines, Iowa (DiChem).

Answer:

2. If your answer to Question 1 is affirmative, then provide the following information:

a. Describe the terms and conditions under which the technical grade pesticides were sent to DiChem.

Answer:

b. State the commercial and chemical names and chemical composition of each technical grade pesticide sent to DiChem.

Answer:

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c. State the total quantity of each such technical grade pesticide sent to DiChem.

Answer:

d. Describe the manner in which each technical grade pesticide was transported to DiChem and identify the transporter.

Answer:

e. State the time period over which each technical grade material was transported to DiChem.

Answer:

f. State whether you provided any personnel to direct or support DiChem in the production or formulation of any products made by DiChem using these technical grade pesticides. If yes, describe the nature of the direction or support, the level of effort involved, and identify all individuals providing such direction or support.

Answer:

g. Describe in detail all instructions, whether written or verbal, provided to DiChem for the storage, handling, formulation, or disposal of these technical grade pesticides or any

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wastes resulting from formulation or packaging of commercial grade pesticides from these materials.

Answer:

3. State whether you or anyone acting on your behalf ever contracted with DiChem to formulate any technical grade pesticides into commercial grade pesticides, including use in the formulation process of any of the technical grade materials identified in response to Question 2.

Answer:

4. If your answer to Question 3 is affirmative, provide the following information:

a. State the commercial and chemical names and chemical composition of each technical grade pesticides subject to the formulation contract with DiChem and the commercial names and EPA registration numbers of the technical and commercial grade pesticides.

Answer:

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b. State the total quantity of each such technical grade pesticide sent to DiChem pursuant to a formulation contract.

Answer:

c. Describe the manner in which each technical grade pesticide subject to the formulation contract was transported to DiChem and identify the transporter.

Answer:

d. State the time period covered by each contract with DiChem pertaining to the formulation of pesticides.

Answer:

e. Describe the types of activities covered by each such formulation contract, including but not limited to product formulation, packaging, labeling, warehousing, and commercial distribution.

Answer:

f. State whether you retained ownership of the technical grade pesticides during each of the activities identified in response to Question 4.e.

Answer:

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g. List each technical grade pesticide you retained ownership of during all or part of the formulation process and, for each, state the parts of the formulation process for which ownership was retained.

Answer:

h. State the time period or periods in which such ownership arrangements were in effect;

Answer:

i. Describe the conditions under which ownership of the technical grade materials or products made from the technical grade materials would transfer from you to DiChem or some other person.

Answer:

j. Describe in detail all instructions, whether written

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or verbal, provided to DiChem pertaining to product formulation, packaging, or commercial distribution of any pesticides.

Answer:

k. Describe in detail all instructions, whether written or verbal, provided to DiChem pertaining to the disposition of wastes resulting from the formulation and packaging process, including but not limited to wastes from spills, equipment cleaning, mixing and grinding operations, off-specification product.

Answer:

l. State whether you provided labels or label specifications to DiChem for the commercial grade products. If you did, then describe the labels, including a description of any company logos or brand names included on the label.

Answer:

m. State whether you provided any personnel to direct or support DiChem in formulating any pesticides. If yes, describe the

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nature of the direction or support, the level of effort involved, and identify all individuals participating in such direction or support.

Answer:

n. State the anticipated amount or percentage of technical grade material which would be lost to, such as spillage, tank cleaning, incorrectly formulated product, etc.

Answer:

5. Provide a copy of all contracts with DiChem pertaining in any way to the sale or shipment of technical grade pesticides to DiChem by you or on your behalf.

6. Provide copies of all labels provided by you to DiChem, whether provided as actual labels or as label specifications from which DiChem obtained actual labels, to be affixed to or accompany any pesticides formulated by DiChem.

7. State whether you had any arrangement with DiChem for the sharing of profits from the marketing or distribution of any pesticides. If yes, describe in detail the nature of such arrangements and identify the pesticides by chemical and commercial name which were subject to such arrangements.

Answer:

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8. Identify all individuals who participated in any way in arranging for the shipment of any products or materials to DiChem.
Answer:

9. Provide copies of all contracts, agreements, or other documents pertaining in any way to arrangements between you and DiChem for the formulation, packaging, or distribution in commerce of any pesticides.
Answer:

10. Provide copies of all contracts, agreements, or other documents pertaining in any way to arrangements between you and DiChem for disposal of any wastes resulting from the formulation, packaging, or distribution in commerce of any pesticides.
Answer: