

685SERBSF10,639

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Site Name (Subject): US 70 DRUM DUMP

Site ID (Document ID): NCD981472624

Document Name (DocType): Removal (RMVL)

Report Segment:

Description: Removal Correspondence

Date of Document: 9/21/1988

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Box: *Enter SF and # with no spaces* SF10,639

Access Level: PUBLIC

Division: WASTE MANAGEMENT

Section: SUPERFUND

Program (Document Group): SERB (SERB)

Document Category: FACILITY

Print Report for
Record

Go to New
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(default to last
record values)

Delete Record



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

SEP 21 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



Mr. Lou Lovelace
Vice-President and General Manager
Southern Devices, Inc.
113 Industrial Blvd.
Morganton, North Carolina 28655

RE: U.S. 70 Drum Dump Site
Morganton, North Carolina

Dear Mr. Lovelace:

On June 28, 1988 you were sent an Information Request regarding the U.S. 70 Drum Dump Site located in Morganton, North Carolina. This request was made pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), P.L. 99-499, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927. You responded to that request on July 14, 1988.

It has come to my attention that two of the Information Requests you received contained an error, asking for information about a company other than Southern Devices. Specifically I refer to Requests No. 8 and No. 9 of Attachment A to my June 28, 1988 letter. Therefore, by way of this letter and its attachments, I am repromulgating those two requests to you. This supplemental request is made pursuant to the statutory authority set out above.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to this request within fourteen (14) calendar days of receipt of this letter can result in enforcement action by EPA pursuant to Section 104 of CERCLA and 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 noncompliance. Please be further advised that provision of false or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001.

Your response to this Information Request should be mailed to:

Carol F. Baschon
Assistant Regional Counsel
Hazardous Waste Law Branch
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365
(404) 347-2641

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. A confidentiality claim may be asserted in accordance with 40 C.F.R. Section 2.203(b) for any portion of the information submitted which is entitled to confidential treatment. If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. Section 2.200, the information will be disclosed only to the extent and by means of the procedures specified at 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with respect to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

Due to the seriousness of this matter 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 fourteen (14) calendar days specified above.

Your prompt attention to our first request for information was appreciated. I look forward to a prompt response to this supplemental request.

Sincerely,



Patrick M. Tobin
Director
Waste Management Division

Attachment

cc: Pat DeRosa
North Carolina Department of Human Resources

ATTACHMENT A

U.S. 70 DRUM DUMP SITE, MORGANTON, NORTH CAROLINA

SECOND SET OF INFORMATION REQUESTS

Instructions

1. A separate response must be made to each of the Questions set forth in this Information Request.
2. Precede each answer with the number of the Questions to which it corresponds.
3. In answering each Question, identify all documents and persons that contributed information relating to each Question.
4. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.
5. 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.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. Section 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 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 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.
7. Where specific information has not been memorialized in any document, but is nonetheless responsive to a Question, you must respond to the Question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the persons from whom such information may be obtained.



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