



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

October 12, 2023

REPLY TO THE ATTENTION OF:
SR-6J

VIA FEDEX

Sarwan Singh, President
MBS Petroleum Inc. d/b/a Brothers Express Mart
15482 Bryanton Court
Granger, IN 46530

Re: Request for Information Pursuant to Section 104(e) of the Comprehensive
Environmental Response, Compensation, and Liability Act (CERCLA)
North 5th Street Groundwater Contamination Site
Goshen, Elkhart County, Indiana
Site/Spill Identifier (SSID): C59L
For the facility located at 1149 N. Main Street

Dear Mr. Singh:

This letter seeks your cooperation in providing information and documents relating to contamination at the North 5th Street Groundwater Contamination Site (the Site). The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, commonly known as "CERCLA" or "Superfund," gives the U.S. Environmental Protection Agency the authority to, among other things: (a) assess contaminated sites; (b) determine the threats to human health and the environment posed by each site; and (c) clean up those sites in the order of the relative threats posed by each.

EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the Site and is seeking additional information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances. In addition, EPA is identifying activities, materials and parties that contributed to contamination at the Site. EPA believes that you might have information that may assist the agency in its efforts. More information regarding the Site can be found at:

<https://cumulis.epa.gov/supercpad/CurSites/csitinfo.cfm?id=0510667&msspp=med>.

The Site consists of a 15.1-acre plume of comingled chlorinated substances that have contaminated the groundwater from which four municipal wells pump to supply drinking water to the city of Goshen, Indiana. The presence of chlorinated solvents in finished water was first

detected in the city's north well field in 1993. Area residents are connected to the municipal water supply distribution systems and use municipal water as their potable water supply. The Site was added to EPA's National Priority List in March 2022.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and enclosed questions, found in Enclosure C, within thirty (30) calendar days from the date of this letter.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority that allows it to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with this Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

You may consider some of the information EPA is requesting to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in the instructions found in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you know of other parties who may have information that may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Instructions on how to respond to the questions in Enclosure C are described in Enclosure A. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request within thirty (30) calendar days from the date of this letter.

If you have specific questions about the Information Request or if you are unable to respond in a

timely fashion, then please contact David Nadel, Remedial Project Manager, at (312) 886-0274 or at nadel.david@epa.gov explaining the specific impacts on your ability to respond.

We strongly encourage you to use One Drive or email to submit your response. Your response to this Request for Information should be addressed to:

David Nadel, Remedial Project Manager
U.S. Environmental Protection Agency, Region 5
Superfund & Emergency Management Division – Remedial Response Branch 3
Remedial Response Section 8 - SR-6J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
nadel.david@epa.gov

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, the status of cleanup activities, or how to provide your response, please contact David Nadel, Remedial Project Manager at (312) 886-0274 or at nadel.david@epa.gov. If you have any legal questions, please contact Sophie Grueterich, Assistant Regional Counsel, at (312) 353-6481 or at grueterich.sophie@epa.gov.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

10/4/2023

X 

Karen Kirchner, Manager
Remedial Response Branch 1
Signed by: KAREN KIRCHNER

Enclosures

- A. Instructions
- B. Definitions
- C. Questions
- D. Declaration

cc: Daniel Chesterson, Sr. Environmental Manager
Indiana Department of Environmental Management
Office of Land Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
dchesterson@idem.IN.gov

Enclosure A
Information Request
North 5th Street Groundwater Contamination Site

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.

2. Response Format and Copies. Provide the responses to this Information Request and copies of all requested documents either electronically by email or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, indicates where each document is referenced in the written response, and identifies to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information (CBI) must be segregated out and submitted separately. These documents must be clearly marked as "Confidential Business Information."

To the extent possible you are strongly encouraged to use One Drive or email to submit your response in Portable Document Format (PDF) and to comply with the following requirements:

- (a) Electronic PDF files must be text-searchable.
 - (b) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought is not in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.
6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to

42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret," "proprietary" or "company confidential." Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to you.

You should also provide a redacted version of the same document that removes all CBI or personally identifiable information (PII) from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII are removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. EPA may make this redacted version available to the public without further notice to you.

7. Disclosure to the EPA Contractor. Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is CBI or PII. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information that you assert is entitled to treatment as CBI, you may comment on this intended disclosure within twenty (20) business days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you.

9. Objections. While you may object to certain questions in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.

10. Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document that are responsive to the Information Request must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Information Request
North 5th Street Groundwater Contamination Site

DEFINITIONS

Terms not defined here shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions apply to the following words as they appear in this Information Request:

1. The term "business activities" means all actions, endeavors, ventures, or financing arrangements related, in any manner whatsoever, to the use and development of your facility, including surveying, sampling, grading, documentation, photography, demolition, construction, waste disposal, and sales.
2. The terms "document" and "documents" mean any method of recording, storing or transmitting information. "Document" includes, but is not limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings; and
 - d. attachments to, or enclosures with, any document.
3. The term "facility" means the facility located at 1149 N. Main Street.
4. 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 and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.

5. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
6. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
7. The terms "material" or "materials" mean any and all raw materials, commercial products, wastes, chemicals, substances or matter of any kind.
8. The term "property" means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The term "Site" means the 15.1-acre groundwater plume of comingled chlorinated solvents.
10. The terms "waste" or "wastes" include, but are not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
11. The terms "you" or "Respondent" mean the addressee of this Information Request, together with the addressee's agents, employees, and contractors.

Enclosure C
Information Request
North 5th Street Groundwater Contamination Site

QUESTIONS

Identify all individuals consulted in the preparation of the answers to these Information Requests. Provide their full legal name, address, telephone number, and position held.

- Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be individuals 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.
4. List the EPA Identification Numbers of the Respondent, if applicable.
5. Describe the nature of your activities or business at the facility with respect to purchasing, receiving, processing, storing, treating, disposing or otherwise handling hazardous substances or materials.
6. State the dates during which you owned, operated or leased the facility and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases).
7. Provide information about the facility, including but not limited to the following:
 - a. Property boundaries, including a written legal description;
 - b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
 - c. Surface structures (e.g., buildings, tanks);
 - d. Ground water wells, including drilling log;
 - e. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when and how such systems are emptied;
 - f. Any and all additions, demolitions or changes of any kind on, under or about the facility, to its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the facility; and

- g. All maps and drawings of the facility in your possession.
- 8. Provide copies of all local, state and federal environmental permits ever granted for the facility or any part thereof (e.g., RCRA permits, National Pollutant Discharge Elimination System permits).
- 9. Did the facility ever have "interim status" under RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.
- 10. Did the facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.
- 11. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas) on the facility. For each such solid waste unit identified, provide the following information:
 - a. A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - b. The type of unit (e.g., storage area, landfill, waste pile), and the dimensions of the unit;
 - c. The dates that the unit was in use;
 - d. The purpose and past usage (e.g., storage, spill containment);
 - e. The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
 - f. The construction (materials, composition), volume, size, dates of cleaning and condition of each unit; and
 - g. If a unit is no longer in use, how such unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.
- 12. Identify the prior owners of the facility. For each prior owner, further identify:
 - a. The dates of ownership;
 - b. All evidence showing that they controlled access to the facility; and
 - c. All evidence that a hazardous substance, pollutant or, was released or threatened to be released at the facility during the period that they owned the facility.

3. Identify the prior operators, including lessors, of the facility. For each such operator, further identify:

- a. The dates of operation;
- b. The nature of prior operations at the facility;
- c. All evidence that they controlled access to the facility; and
- d. All evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at or from the facility and/or its solid waste units during the period that they were operating the facility.

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

15. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials, particularly chlorinated solvents, at the facility? If the answer to the preceding question is anything but an unqualified "no," identify:

- a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
- b. Who supplied you with such hazardous substances;
- c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
- f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed of, or otherwise handled by you.

16. Identify all leaks, spills or releases into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the facility. In addition, identify:

- a. When such releases occurred;

- b. How the releases occurred;
 - c. The amount of each hazardous substance, pollutant or contaminant so released;
 - d. Where such releases occurred;
 - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing undertaken; and
 - g. All persons with information relating to these releases.
17. Was there ever a spill, leak, release or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under a building at the facility? If the answer to the preceding question is anything but an unqualified "no," identify:
- a. Where the disposal system or floor drains were located;
 - b. When the disposal system or floor drains were installed;
 - c. Whether the disposal system or floor drains were connected to pipes;
 - d. Where such pipes were located and emptied;
 - e. When such pipes were installed;
 - f. How and when such pipes were replaced, or repaired; and
 - g. Whether such pipes ever leaked or in any way released hazardous materials into the environment.
18. Did any leaks, spills or releases of hazardous materials occur at the facility when such materials were being:
- a. Delivered by a vendor;
 - b. Stored (e.g., in any tanks, drums or barrels);
 - c. Transported or transferred (e.g., to or from any tanks, drums, barrels or recovery units); or
 - d. Treated.

. Provide all reports, information or data related to soil, water (ground and surface) or air quality and geology/hydrogeology at and about the facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

20. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the facility? If so, identify:

- a. What the nature and scope of these investigations will be;
- b. The contractors or other persons that will undertake these investigations;
- c. The purpose of the investigations;
- d. The dates that such investigations will take place and be completed; and
- e. Where at the facility such investigations will take place.

21. Has soil ever been excavated or removed from the facility? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:

- a. Amount of soil excavated;
- b. Location of excavation;
- c. Manner and place of disposal and/or storage of excavated soil;
- d. Dates of soil excavation;
- e. Identity of persons who excavated or removed the soil;
- f. Reason for soil excavation;
- g. Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials; and
- h. All analyses or tests and results of analyses of the soil that was removed from the facility.

22. Identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants or contaminants, particularly chlorinated solvents, and damages resulting therefrom.

Enclosure D
Information Request
North 5th Street Groundwater Contamination Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2023

Signature

Type or Print Name
