

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

Certified Mail:  
Return Receipt Requested

March 19, 2004

Bob Ferguson, Superintendent  
El Dorado Union High School District  
4675 Missouri Flat Road  
Diamond Springs, CA 95619

Re: Request for Information  
Oak Ridge High School Site  
1120 Harvard Way  
El Dorado Hills, CA 95762

Dear Mr. Ferguson:

The United States Environmental Protection Agency ("EPA") is spending public funds to respond to actual or threatened releases of asbestos in the soils at the Oak Ridge High School ("Site"), located at 1120 Harvard Way in El Dorado Hills, California.

Since the spring of 2003, EPA has been working closely with the El Dorado Union School District ("the District") to address issues related to potential exposure to asbestos fibers from asbestos in disturbed soils. In addition to completing an initial soil assessment at the Site, EPA performed removal assessment of certain exposed soils at the site, which indicated the presence of hazardous substances.

EPA now is conducting an investigation to identify activities and potentially responsible parties ("PRP") with respect to the hazardous substances present at the Site. EPA believes you have information that may assist the Agency in its investigation of the Site. The purpose of this letter is to request information you may have that pertains to this Site.

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 attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter.

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), EPA has broad information gathering authority that allows EPA 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.

(C) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$31,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you 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 Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency 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 above.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(3), 3507, 3512, and 3518(c)(1). See, also 5 C.F.R. §§ 1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. § 3502(4), (11); 5 C.F.R. §§ 1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by you or a duly authorized official of your company, within 30 calendar days of receipt of this letter. Please direct your response to:

Chris Reiner, SFD-9-2  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of

the District.

If you have questions regarding this information request, please contact Chris Reiner at 415-972-3414. If you have questions about the nature of the environmental conditions at the Site, or the status of clean-up activities, please contact Daniel Suter, USEPA's On-Scene Coordinator at 415-972-3050. Please direct any legal questions to Andrew Helmlinger at 415-972-3904.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

Peter Guria, Chief  
Emergency Response Section  
Superfund Division

Enclosures: Instructions and Definitions  
Questions

cc: Bill Wright

## ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

### ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

#### Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. 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 corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down 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 non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Information Request become known or available to you after you respond to this Information Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided 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 Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F. R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you

must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. clearly identify the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA's Authorized Representatives. Information which 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 confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

1. Arctic Slope Regional Corp.  
EPA Contract Number 68-W-01-0024
2. Department of Toxic Substances Control/California  
Environmental Protection Agency
3. Science Applications International Corporation  
EPA Contract Number 68-S9-00-10

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist the state of California in pursuing its own cost recovery action. Pursuant to 40 C.F.R. § 2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you" or "Respondent" shall mean El Dorado Union High School District or its authorized representative(s).
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: 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 the "Site" or the "Oak Ridge High School" shall mean the real property and facilities located at 1120 Harvard Way, El Dorado Hills, California 95762, including associated athletic property and facilities.
4. The term "identify" means, 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.
5. The term "identify" means, 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.

6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

7. 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, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda of telephone and other conversations including meetings, agreement 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 intraoffice 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 it produces, (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.

8. 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.

9. The term "arrangement" means every separate contract or other agreement between two or more persons.

10. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

11. 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.

12. 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.



## ENCLOSURE B: QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Define the El Dorado Union High School District's current and projected funding sources.
5. Describe the El Dorado Union High School District's current and anticipated budget situation, based on economic growth, population growth, and other relevant factors in the County.
6. Define the El Dorado Union High School District's tax reporting procedures and attach a copy of the last three years of the District's federal and state tax filings, if any.
7. Define the scope of decision-making authority regarding fiscal management held by the District.
8. Describe how the El Dorado County Office of Education interacts with the El Dorado Union High School District with regard to funding, budget review and approval, review and approval of the District budget expenditures, and review and approval of project solicitation, bid and contracting of the District's facilities.
9. Describe how the El Dorado Union High School District interacts with other Districts, including the Districts for Rolling Hills Middle School and Silva Valley Elementary School with regard to funding, budgets, development planning, construction and maintenance of facilities.
10. Provide the name and address of all schools and facilities in the El Dorado Union High School District budget.
11. Provide any and all documents relating to the District's acquisition of the Site property and current ownership of the Site, including the area now developed as soccer fields.
12. Provide a legal description or street address for all real property or related assets currently belonging to the District.
13. Describe and provide any and all supporting documents regarding the initial funding, permitting and contracting of construction of the Site, including any assessments of the presence, nature or quantity of asbestos at the Site.

14. Has any person provided funding or made non-monetary donations to the District for any specific construction project or use, or undertaken any specific construction project for the benefit of the District as a result of any permit requirements or other requirements to offset impacts of real estate development within the District's jurisdiction? If so, please provide the name of each such person, and describe what was provided in the context of each specific project.

15. Describe and provide any and all supporting documentation regarding any notice by any person providing real property to the District regarding the presence, nature or quantity of asbestos within the property provided. If there is no notice regarding the presence, nature or quantity of asbestos within any real property provided to the District, please state accordingly.

16. Describe and provide any and all supporting documentation relating to any other agreements or transactions between the District and the Site developer(s) and construction contractor(s).