

## CERCLA SECTION 104(e) NOTICES

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Upon receipt of a CERCLA Section 104(e) Notice, you must telefax a copy of all CERCLA Section 104(e) Notice to DRMS-G at (616)961-5069 and DRMS-LH at (616)961-5766 **within 24 hours**. When necessary DRMS-LH will seek assistance from the U.S. Army Corps of Engineers to have a consulting firm prepare a response to the CERCLA Section 104(e). All other information requests on potential hazardous waste sites, **except** information requests under the Freedom of Information Act (FOIA), should be forwarded to DRMS-G and DRMS-LH **within a reasonable time**. FOIA requests should be sent to DLIS-V, ATTN: Freedom of Information Officer.

#### ***DRMS-G will:***

- a. Forward a copy of the CERCLA Section 104(e) notice to responsible DRMS counsel.
- b. Provide legal advice and assistance in obtaining information and in responding to CERCLA Section 104(e) notices.
- c. Review the written response to EPA for completeness and legal sufficiency.

#### ***DRMS-LH will:***

- a. Coordinate with DRMS-G to provide an interim telephonic and/or written response to EPA acknowledging the request, asking for any information EPA may have connecting DRMS to the site and, if necessary, requesting an extension of time in which to answer the request.
- b. Within 1 working day after receiving the request, provide affected offices or directorates with a copy of the CERCLA Section 104(e) notice and provide written and oral requests that the offices or directorates begin searching for information or documents.

c. If needed, conduct a meeting to explain the scope of and the time limitations for the requested information or document search.

d. Advise offices or directorates that the scope of the search should include, but not be limited to, the following:

(1) Review of and response to EPA's specific questions.

(2) A thorough search for information or documents relating to the site and to other persons, locations, materials and business relationships identified by EPA.

- Both manual and automated research methods should be used to find current records, retired records, and records transferred to other locations, including archival storage.

- If no information or documents are found, offices or directorates may indicate, in a statement signed by the director or office chief, that a thorough search has been conducted and no information or documents were found.

- If records or information have been destroyed under the Federal Records Disposal Act, 44 U.S.C. 3301 *et seq.*, the specific policy relating to maintenance and destruction of those records should be described.

(3) Names and business addresses of DRMS employees having information on matters relating to the site.

(4) Interviews with DRMS employees having knowledge of the information or documents requested by EPA.

(5) Names and addresses of employees involved in searching for documents and preparing the response to EPA.

e. Set a suspense date, allowing 10 working days for DRMS-LH to prepare a written response to EPA and to obtain DRMS-G concurrence.

f. Provide directorates or offices with any available information that would facilitate the information or document search.

g. Visit the site in order to obtain information or documents and to conduct interviews with employees or other potentially responsible parties (PRPs).

h. Conduct a search of its own records for information or documents connecting DRMS to the site.

(1) The search should include, but not be limited to:

- Files on environmental audits.
- Files on third party sites.
- Files on hazardous waste disposal service contractor.
- Bidders Master File.
- Bidders Master File Extract.
- Inactive Bidders Purge List.
- Sales Extract by Bidder ID Number.
- Microfiche (for sales history by location where Federal Supply Codes (FSCs) are available).
- DAISY-NSP.
- Precious Metals Recovery Contract Files.
- IDMS
- HWDC-DBMS
- CBINS-DBMS
- HSC-DBMS

i. Review, organize, and summarize documents gathered as a result of the information or document search.

j. Forward information or documents received from the directorates or offices to DRMS-G for evaluation of legal sufficiency and liability issues.

k. Draft a proposed response to EPA and obtain DRMS-G concurrence.

l. Provide to EPA, and signed by DRMS-LH, a statement that the information sent to EPA is true, accurate and complete.

m. Obtain an IDMS or DAISY Extract (for information on types of material where National Stock Numbers (NSNs) and/or DD Form 1348-1/1As, Disposal Turn-In Documents are available).

***As requested, DRMS-TP will:***

a. Review the CERCLA Section 104(e) notice and respond to specific questions.

b. Conduct a thorough search for information or documents, including but not limited to, contract files, logs and other records. On request, contract records should be retrieved from archival storage.

c. Obtain names and business addresses of employees having information connecting DRMS to the site.

d. Upon request, interview employees having information connecting DRMS to the site.

e. Provide a statement, signed by the Director of Contracting, certifying that the information and documents submitted are accurate, authentic and complete, unless otherwise indicated.