



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

Date: FEB 10 2003

Certified Mail No: 70012510000359447789
Return Receipt Requested

John T. Dickson, President
Agere Systems, Inc.
2015 West Chestnut Street
Alhambra, CA 91803-1542

Re: Request for Information - Area 3 Operable Unit - San Gabriel
Valley Superfund Sites, East Los Angeles County, California

Dear Mr. Dickson:

This letter seeks your cooperation in providing information and documents relating to the contamination of soils and groundwater underlying all or portions of the cities of Alhambra, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City, California. This area of the San Gabriel Valley Superfund Sites ("the Site") is referred to as the Area 3 Operable Unit ("Area 3"). The Los Angeles Regional Water Quality Control Board ("RWQCB") and the United States Environmental Protection Agency ("EPA") are spending public funds to investigate actual and threatened releases of hazardous substances at the Site. RWQCB and EPA are conducting this investigation to determine the nature and extent of contamination in the area, to assess the effects of contamination on the environment and human health, and to identify activities and parties that contributed to the contamination. This request is for information you may have pertaining to the Agere Systems, Inc. facility located at 2015 West Chestnut Street, Alhambra.

In the mid 1990's the RWQCB and EPA began investigations at the Area 3 Operable Unit (formerly designated the "Alhambra Operable Unit"). Sampling results showed groundwater underneath the Area 3 Operable Unit was contaminated by hazardous substances, primarily trichloroethylene ("TCE") and perchloroethylene ("PCE").

EPA believes that you may have information which could assist the RWQCB and EPA in their investigation of the groundwater below the Area 3 Operable Unit. 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. Instructions on how to respond to the questions are provided in Enclosure A. Your response to this letter should be made in writing, signed by you or a duly authorized representative of Agere Systems, Inc.

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 which allows EPA to require:

[A]ny person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:

- (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 could result in enforcement action by EPA pursuant to section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision, as amended, authorizes EPA to seek the imposition of penalties up to \$27,500 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.

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, 1320.4, and 1320.6.

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 Enclosure A, including providing support for your claim of confidentiality.

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

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 Agere Systems, Inc. Your response should be directed to Steven Arbaugh at the following address:

Steven Arbaugh
Civil Investigator, SFD-7-B
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

We appreciate and look forward to your response to this Information Request. If you have any questions regarding this Information Request, please contact Steven Arbaugh at (415) 972-3113. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Lisa Hanusiak, Remedial Project Manager at (415) 972-3152. Please direct any legal questions to Sara Goldsmith, Assistant Regional Counsel at (415) 972-3931.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Salyer". The signature is written in black ink and is positioned above the typed name and title.

Kathleen Salyer, Acting Chief
Site Cleanup Section 3
Superfund Division

Enclosures (2)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Please provide the answers to the questions on a separate piece or pieces of paper. Please indicate at the beginning of each answer the number of the question to which the answer corresponds. Please type or print clearly.
3. For each question, please identify all documents consulted in the preparation of the answer.
4. To the extent that you do not respond to any question, please explain why you are not responding to the question.
5. If for any reason you are withholding any documents that are responsive to this Information Request, identify the document(s) and state your basis for withholding the document(s).
6. 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.
7. If additional information or documents responsive to this Information Request become known or available to you after you respond, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

Definitions

The following definitions shall apply in this Information Request.

1. The term "you" shall mean Agere Systems, Inc. The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of Agere Systems, Inc.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall mean the San Gabriel Valley Superfund Sites, located in eastern Los Angeles County, California.

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 mixtures of hazardous substances with petroleum products or other nonhazardous substances.

5. With respect to an individual, the term "identify" means to provide a name, present or last known business address and business telephone number, and affiliation (if any) with Agere Systems, Inc. If you do not know the individual's business address and business telephone number, provide the person's home address and home telephone number.

6. The term "document" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all drafts, and all non-identical copies.

7. Disclosure of confidential information. EPA is requesting this information pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), section 104(e). EPA has the authority to use the information requested in this letter in administrative, civil, or criminal actions. You may assert a business confidentiality claim covering all or part of the information requested in this letter, as provided in 40 Code of Federal Regulations ("C.F.R.") §2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must substantiate that claim. For each document, your substantiation must separately address the following points enumerated in 40 C.F.R. §2.204(e):

1. 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; and
6. whether you assert that disclosure of the information would be likely to 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 each page of any confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Where applicable, you should also indicate a date, if any, after which the information need no longer be treated as confidential. You must also include the information necessary to substantiate your claim (as described above). Please enclose all material identified as confidential in a separate envelope. For all information not clearly marked as confidential, EPA will consider any confidentiality claim to be waived, and this information may be made publicly available without further notice.

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. section 2.08, which provides in part 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 a claim will be disclosed by EPA only to the extent permitted by CERCLA section 104(e). This includes EPA's contemplated disclosure of the requested information to the following authorized representatives of EPA, for purposes of EPA's response actions at the Site:

Arctic Slope Regional Corp.
EPA Contract Number 68-W01-0024

Science Applications International Corporation
EPA Contract Number 68-S9-00-10

The information that EPA intends to disclose to its authorized representatives includes any response to this Information Request. This information may be made available to these authorized representatives of EPA for any of the following reasons: document handling, inventory, and indexing; document review and analysis for verification of completeness; and expert technical review of the contents of the response. Pursuant to 40 C.F.R. section 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 time period specified above.

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Any comments on this contemplated disclosure must be submitted within fifteen (15) days of receipt of this Information Request to:

Steven Arbaugh
Civil Investigator, SFD-7-B
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

This notice is provided pursuant to 40 C.F.R. section 2.310(h).

ENCLOSURE B: QUESTIONS

1. State the full name, address, and telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of Agere Systems, Inc. concerning the facility located at 2015 West Chestnut Street, Alhambra, California.
 - a. Identify the managers or individuals responsible for environmental matters at the facility. Provide their full name, current or last known address, telephone number and the dates each individual held such a position.
2. Identify the dates you owned the real property. If you are not the owner of the real property, provide the name, address and phone number of the owner. Provide a copy of the lease(s), rental agreement(s) or any other document(s) that establishes your relationship to the owner during your tenancy.
3. Identify and explain the present operational status (e.g., active, suspended, defunct, merged, and/or dissolved) of Agere Systems, Inc.
 - a. Provide the date this business was incorporated, formed or organized. If the business is operating under a fictitious business name, identify the fictitious name and provide a copy of the Fictitious Business Name Statement filed with the county in which it is doing business. Identify the State in which the business was incorporated, formed or organized. Provide a copy of the Articles of Incorporation, Partnership Agreements, or Articles of Organization together with any and all amendments.
 - b. Identify and explain any and all mergers, acquisitions, takeovers, including any sale of assets, or investments in another company or corporation equating to 5% or more of that company by Agere Systems, Inc., its predecessors, subsidiaries, and affiliated corporations, from January 1, 1975, to the date of this letter. You may provide a copy of Agere Systems, Inc.'s most current Form 10K or Annual Report or an equivalent document in satisfaction of this question, if it provides specific information, such as dates, names, and type of transactions.
 - c. List the names, titles, telephone number(s), and current or last known addresses of all individuals who are currently or were officers, directors, and/or shareholders of Agere Systems, Inc. You may provide a copy of Agere Systems, Inc.'s most current Form 10K or Annual Report in satisfaction of this question, if it

provides the specific information requested above.

4. Identify all current and former business addresses within Los Angeles County, for Agere Systems, Inc. and any of its subsidiaries, operating divisions, plants, or branches, and identify the dates and the name or names under which Agere Systems, Inc. and any such subsidiary, division, plant or branch conducts or conducted business at each such address.
5. Identify and explain all business operations at the facility, including such information as the size of the facility, number of employees, dates of operation, product(s) manufactured, and a description of the daily activities. Include a historical perspective of all changes in operations over time. In addition provide the following information:
 - a. A scaled map of the facility which includes the locations of significant buildings and features. Indicate the location of any maintenance shops, machine shops, degreasers, liquid waste tanks, chemical storage tanks and fuel tanks. Provide a physical description of the facility and identify the following:
 - 1) Surface structures (e.g., buildings, tanks, containment and/or storage areas, etc.);
 - 2) Subsurface structures (e.g., underground tanks, sumps, pits, clarifiers, etc.);
 - 3) Groundwater and dry wells, including drilling logs, date(s) of construction or completion, details of construction, uses of the well(s), date(s) well(s) was/were abandoned, depth to groundwater, depth of well(s), and depth to and of screened interval(s);
 - 4) Past and present stormwater drainage system and sanitary sewer system, including septic tank(s) and subsurface disposal field(s);
 - 5) Any and all additions, demolitions, or changes of any kind to physical structures on, under, or about the facility, or to the property itself (e.g., excavation work) and state the date(s) on which such changes occurred;
 - 6) Indicate the location of all waste storage or waste accumulation areas, waste disposal areas, dumps, leach fields, burn pits and any other disposal locations;
 - 7) Provide a list of all chemicals used in the production and maintenance activities at these facilities, identifying the chemical composition

and quantities used. Provide copies of Material Safety Data Sheets for all chemicals used; and

- 8) Provide copies of hazardous material business plans and chemical inventory forms (originals and updates) submitted to city, county and State agencies.
6. Identify and provide the following information for any chemicals or substances which are or were transported to or are or were used at the facility and which contain or contained trichloroethylene; perchloroethylene (commonly known as tetrachloroethene); 1,1,1-trichloroethane; 1,2,3-trichloropropane; carbon tetrachloride, 1,4-dioxane, hexavalent chromium, n-nitrosodimethylamine, perchlorate, or any product, mixture, or combination of these chemicals in any measurable quantity, provide the following information:
 - a. The trade or brand name, chemical composition, quantity used for each chemical or product and the Material Safety Data Sheet for each product;
 - b. The location(s) where each chemical or product is or was used, stored and disposed of. In addition, identify the kinds of wastes, (e.g., scrap metal, construction debris, motor oil, solvents, waste water), quantities and methods of disposal for each chemical or product;
 - c. The quantity purchased (in gallons), the time period which it was used, and identity of all persons who used it; and
 - d. Identify the supplier(s) and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks or any other documents pertaining to the supply of chemical or product.
 7. Provide copies of all technical or analytical environmental information including, but not limited to, data and documents related to soil, water (ground and surface), geology, hydrogeology, soil sampling, soil gas sampling, or air quality on and about each facility, and any known releases of hazardous substances to any media (soil, water or air) on and about this facility. Do not provide copies of environmental documents sent to the Los Angeles RWQCB but reference these documents in your response.
 8. Identify any prior operators of the facility and provide the dates each business operated. To the best of your knowledge, describe the types of operations that occurred at the facility address. Provide copies of all environmental documents and facility information in your possession regarding prior operators.

9. Identify all insurance policies held by you from the time you purchased the real property until the present. Provide the name and address of each insurer, the policy number, the amount of coverage and policy limits, the type of policy, and the expiration date of each policy. Include all comprehensive general liability policies and "first party" property insurance policies, and all environmental impairment insurance. Provide a complete copy of each policy.
10. Identify all indemnification or restitution agreements, contribution actions, and any other sources or arrangements through which you may recover expenses associated with the Site.