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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF ENVIRONMENTAL CLEANUP

MAY 10 2010

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ms. Barbara E. Ritchie  
Associate Director, Environment  
FMC Corporation  
1735 Market Street  
Philadelphia, Pennsylvania 19103

Re: Request for Information  
FMC Pocatello Plant Site  
EPA ID#JDD 07092 9518

Dear Ms. Ritchie:

The purpose of this letter is to request information regarding the above facility. Under the provisions of Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(a), the United States Environmental Protection Agency (EPA) may require persons who generate, store, treat, transport, dispose of, or otherwise handle or have handled hazardous waste to furnish information relating to such wastes for the purpose of enforcing the Act. Also, under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA), 42 U.S.C. § 9604, EPA may require persons to furnish information relevant to the identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility or transported to a facility, and the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility. Pursuant to EPA's authority set forth in Section 3007(a) of RCRA and Section 104(e) of CERCLA, you are requested to submit the information set forth in Enclosure B in accordance with the instructions specified in Enclosure A.

EPA requires that you provide the information requested within seven (7) calendar days of your receipt of this letter. An extension may be granted by EPA only for good cause, and if requested from EPA within five (5) calendar days after your receipt of this letter. If we do not hear from you within five (5) calendar days of your receipt of this letter, we will expect your response within seven (7) calendar days. Extension requests should be directed to Kira Lynch at (206) 553-2144.

Compliance with this Information Request is mandatory. The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, and Section 104 of CERCLA, 42 U.S.C. § 9604, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA and Section 104(e) of CERCLA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under



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18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

EPA requests that your submittals containing information required by this letter include the following signed and dated certification: "I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this and all enclosed documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete."

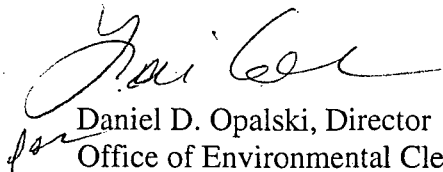
You are entitled to assert a claim of business confidentiality in the manner described in 40 C.F.R. § 2.203(b) covering any part or all of the information you provide. Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the request for information is submitted, EPA may make this information available to the public without further notice to you. This request for information is not subject to the review and approval requirements of the Paperwork Reduction Act 44 U.S.C. § 3501, et seq.

Please send all material submitted in response to this Information Request to:

Kira Lynch (ECL-113)  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

Thank you for your prompt attention to this important matter. If you have any questions, please contact Kira Lynch, at (206) 553-2144. Questions from legal counsel should be directed to Andrew Boyd, Office of Regional Counsel, at (206) 553-1222.

Sincerely,

  
Daniel D. Opalski, Director  
Office of Environmental Cleanup

Enclosures

cc: Bill Bacon, General Counsel  
Shoshone-Bannock Tribes

Kelly Wright, Environmental Program Manager  
Shoshone-Bannock Tribes

## ENCLOSURE A

FMC Pocatello Plant Site  
EPA ID No. IDD 07092 9518

### INFORMATION REQUEST INSTRUCTIONS

1. Respond to Each Request. Please provide a separate narrative response to each request and provide any and all documents requested, relied upon or related to your response to each request.
2. Submission of Documents. A request for documents shall be construed as a request for any and all documents relating to the matters described, which are maintained by you or in your custody, control, or possession, or in the possession, custody or control of any of your employees or agents. If you believe that documents or information responsive to one request are responsive, in whole or in part, to one or more other requests, you need not provide the information or documents more than once. In such cases, you may identify the documents or information already provided by some unambiguous means, as long as the precise manner in which the documents or information are responsive to the subsequent request is clearly specified. Do not substitute derivative or summary documents for more complete documents or responsive information. Where a document is requested, please provide the responsive document. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this information request. You may provide additional or explanatory documents to accompany the responsive documents.
3. Submit Documents with Labels Keyed to Request. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original, and the date the document became effective at the facility. Documents may be provided on disk provided the disk provides true and complete copies of the documents that can be readily viewed using Microsoft Word, Excel, or as a pdf.
4. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, and Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), that you supplement your response to EPA with the requested information or documents that later become known or available to you. Failure to supplement your response may subject you to penalties. Moreover, should you find at any time that any portion of your response is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.
5. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information

requested 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." In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 CFR Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 CFR §§ 2.201-2.311. 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.

6. Objections to Requests. While the Respondent may indicate that it objects to certain requests in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to enforcement action, including the penalties set out in the cover letter.
7. Previously Provided Documents. If the Respondent has already provided any documents to EPA Region 10 that may be responsive to this Information Request, the Respondent shall identify such information or documents, the date the Respondent provided such information or documents to EPA, and the Request number to which the Respondent believes the information or documents is responsive. The Respondent need not provide such information or documents a second time unless specifically requested to do so by EPA.
8. Definitions. Unless otherwise specified, the following definitions shall apply to the following words as they appear in Enclosures A and B.
  - (a) The term "you" or "Respondent" shall mean FMC Corporation, its successors, officers, managers, employees, contractors, assigns, and agents.
  - (b) The terms "document" and "documents" shall mean any object that records, stores, presents, or transmits information. "Document" shall include, but not be limited to:
    - (i) 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 of the following:
      - (A) e-mail, letter, correspondence, fax, telegram, postcard;
      - (B) record book, minutes, memorandum of meetings and telephone and other conversations, telephone messages, intra or interoffice communications;
      - (C) log book, diary, calendar, desk pad, journal, scrapbook;

(D) bulletin, circular, form, pamphlet, statement;

(E) report, notice, analysis, notebook;

(F) graph or chart;

(G) data: or,

(H) copy of any document.

(ii) microfilm or other film record, photograph, or sound recording on any type of device;

(iii) any tape, disc, or other type of memory generally associated with computers and data processing, together with:

(A) the programming instructions and other written material necessary to use such disc, or disc pack, tape or other type of memory; and

(B) printouts of such disc, or disc pack, tape or other type of memory if not readily viewable using Microsoft Word, Excel, or as a pdf.; and

(iv) attachments to, or enclosures with, any document as well as any document referred to in any other document.

(c) The term "identify" or "provide the identity of" means, with respect to a document, to provide: (1) its customary business description (e.g., letter, invoice); (2) its date; (3) its number if any (e.g., invoice or purchase order number); (4) the identity of the author, addressor, addressee, and/or recipient; and (5) a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.

(d) The terms "the Site" or "the facility" shall mean and include the FMC property located on Highway 30 west of the City of Pocatello, and largely within the boundaries of the Fort Hall Indian Reservation, owned or operated by FMC Corporation.

(e) 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.

(f) 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 request or requests.

## ENCLOSURE B

### INFORMATION REQUEST

#### Request 1

For the time period beginning January 1, 2003 through to the present, provide the results of any and all monitoring, testing or sampling of source gas from temperature monitoring points (TMPs) or perimeter piping systems, soil gas, and ambient air for phosphine and other hazardous gases at and in the vicinity of all of the ponds and other locations at the Facility where phosphorus containing waste and materials have been placed or disposed of. This request does not include Pond 16S results that have already been provided and temperature and pressure data and records from pond temperature and pressure sensors.

#### Request 2

On April 26, 2010, FMC provided EPA with the "FMC Report on Phosphine at FMC Pond 15S." The report was provided in response to EPA Questions, dated April 19, 2010. EPA requests that FMC provide any and all information, corrections or clarifications to the extent necessary to provide a complete and accurate response to the EPA questions.

#### Request 3

Provide the analysis and all of the data, information and calculations that FMC used to come to the conclusion that releases of phosphine facility-wide, including from Pond 16S, are less than 10 lbs per day, as stated in the "FMC Report on Phosphine at FMC Pond 15S" provided to EPA on April 26, 2010.