

# FMC Corporation

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Via Email

May 17, 2010

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

Re: Request for Information  
FMC Pocatello Plant Site  
RCRA ID #IDD070929518

Dear Ms. Lynch:

This is the initial response of FMC Corporation (FMC) to the May 10, 2010 EPA Request for Information (Request) under the provision of Section 3007(a) of the Resource Conservation and Recovery Act (RCRA) and Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). FMC received this Request via email on May 10, 2010 and via Certified Mail on May 14, 2010. The Request included three (3) items and set a response deadline of seven (7) calendar days, also noting that an extension may be granted by EPA for good cause if requested within five (5) calendar days of receipt. FMC contacted EPA on May 11, 2010 to request an extension and provided a copy of a June 19, 2006 EPA Request for Information (2006 Request) pursuant to RCRA (which provided 30 days for initial response, with a partial extension provided beyond that date). The 2006 Request, while broader than the current Request and not focused on phosphine or other hazardous gases, required FMC to provide some phosphine-related information such information regarding fires that would have largely resulted from phosphine. During our conversation on May 11, 2010, FMC advised that it could respond to Request item 2 and Request item 3 within the 7-day deadline but that a full response to Request item 1 would require additional time. FMC requested that the time frame for Request item 1 be limited to information generated after EPA's 2006 Request and the FMC responses to that request. FMC stated that it could provide complete information for this timeframe by June 10, 2010. FMC also stated that if EPA also requires the information for the 2003 through 2005 time frame as currently stated in the Request, it would need until July 10, 2010 to provide information from that earlier timeframe.

EPA provided clarification in a May 12, 2010 email that "FMC can focus on getting us the data post pond closure December 2005 to present...we understand that older data may require longer to retrieve and will be a lower priority than the more recent information." While the May 12 email does not explicitly set dates for the extension, FMC will move forward with the understanding that the requested dates have been agreed upon. Nonetheless, as was discussed

on May 11, FMC is providing with this initial response the phosphine measurement information that is readily available in its files. This information is being provided at this time to assist in the development of the site-wide phosphine sampling plan that EPA has directed FMC to prepare. This will be followed by additional gas measurement information that FMC will submit by June 10, 2010 and July 10, 2010 respectively for the periods 2006 to present and 2003 through 2005 assuming that EPA indicates that it is interested in information for the entire period 2003 to the present.

This initial partial response thus includes some information responsive to Request 1, which will be supplemented on June 10 and again on July 10 unless EPA revisits FMC's request that the time frame from January 1, 2003 through January 1, 2006, be excluded from the Request. During the 2003-2005 period the RCRA ponds were in operation or in the process of closure and the plant was being decommissioned and demolished. Because those activities and conditions do not in any way reflect current activities and conditions, measurements from that period do not appear relevant to current or anticipated future site conditions. Also, there would be a very substantial burden associated with locating and reviewing information generated from 2003 through 2005. Several major contractors involved at that time no longer work at the Pocatello site nor work for FMC at any other location. The effort that would be involved to locate these records particularly given their marginal relevance to current site conditions is heavily disproportionate to the potential value of any records that would be obtained. Lastly, the EPA May 12 email notes "priorities" and FMC is concerned that undertaking the search for 2003-2005 documents will divert resources that would otherwise be engaged on other higher priority matters, such as response to agency comments on the draft SFS report, finalization of that SFS report, work plan development/implementation/reporting on a site-wide phosphine sampling program, response to agency comments on a draft Pond 16S RCRA Post-Closure Plan, and revision of that plan in response to comments. Please reconsider modifying the Request to exclude information older than January 1, 2006.

FMC does not designate any of the information provided with this response as confidential business information. If you have any questions, please contact me at 215/299-6700.

*"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."*



Barbara E. Ritchie  
Associate Director, Environment  
FMC Corporation

Enclosures