

1. Southdown has a mining permit (No. IM-393) issued by ODNR for the A Tract Quarry;
2. Southdown has applied for a stormwater discharge permit for various facilities in the Fairborn area, including the A Tract Quarry;
3. In 1990 and 1991, Ohio EPA requested information from Southdown regarding its cement kiln dust landfills in Ohio;
4. On May 6, 1991, Ohio EPA requested information from U.S. Steel regarding Landfill No. 1; and
5. The only "action" or "claim" relating to the A Tract Quarry is the action filed by the Greene Environmental Coalition alleging a violation of the Clean Water Act (Case No. C-3-93-270, U.S. District Court, Southern District of Ohio, Western Division).

INTERROGATORY NO. 17.

Describe in detail all costs and expenses incurred by Southdown in the operation, maintenance, permitting or licensing of the A Tract Quarry from 1975 to the present.

Answer:

Southdown has performed no operation at the A Tract Quarry. The detail of costs and expenses associated with applying for and obtaining the mining permit is unknown. The costs and expenses to date associated with applying for the stormwater permit are approximately \$83,500.00. Costs for security for the A Tract Quarry are approximately \$25,000.00 per year.

INTERROGATORY NO. 18.

Please identify all documents relating in any way to the negotiations concerning the sale of the Site from USX to Southwestern Portland Cement Company.

Answer:

Objection: This interrogatory is duplicative and burdensome as this same information is provided in the documents being produced in response to USX's documents request.

INTERROGATORY NO. 19.

Please identify all documents which relate in any way to any valuation or appraisal of the A Tract Quarry or the Site.

Answer:

Objection: This interrogatory is duplicative and burdensome as this same information is provided in the documents being produced in response to USX's documents request.

INTERROGATORY NO. 20.

Please identify all Persons who may have knowledge regarding the sale of the Site from USX to Southwestern Portland Cement Company.

Answer: 1. William H. Strautman
2. L. L. Warner
3. Robert F. Bauer
4. Joe Dembeck, USS Realty Corporation
5. W. F. Miller, USS Realty Corporation
6. Glen Willard, USS Realty Corporation

INTERROGATORY NO. 21.

Please identify any Persons who prepared or caused to be prepared a valuation or appraisal of the A Tract Quarry or the Site, or who otherwise estimated the value of either property for or on behalf of Southdown.

Answer: L. L. Warner

INTERROGATORY NO. 22.

Please identify any study, report and/or cost assessment Southdown has prepared or caused to be prepared with respect to remedial measures at the A Tract Quarry.

Answer:

Objection: This interrogatory is duplicative and burdensome as this same information is provided in the documents being produced in response to USX's documents request.

INTERROGATORY NO. 23.

Please identify all environmental or health-related permits Southdown has acquired or is in the process of acquiring in connection with the Site, including, but not limited to, National Pollutant Discharge Elimination System (NPDES) permit, Ohio permit-to-install, or Ohio permit-to-operate.

Answer: Southdown has applied for a stormwater discharge permit for its Fairborn facility, including the A Tract Quarry, in a timely manner. Such application was revised on February 7, 1994.

INTERROGATORY NO. 24.

Please specifically describe all efforts Southdown has made to acquire a NPDES permit for discharges at the A Tract Quarry, including any communications with Ohio EPA or any other federal, state or local agency.

Answer: See response to Interrogatory No. 23.

INTERROGATORY NO. 25.

Please identify all documents relating to Southdown's efforts to acquire a NPDES permit for discharges at the A Tract Quarry, including any communications with Ohio EPA or any other federal, state or local agency.

Answer:

Objection: This interrogatory is duplicative and burdensome as this same information is provided in the documents being produced in response to USX's documents request.

INTERROGATORY NO. 26.

Please identify all Persons who may have knowledge of Southdown's efforts to acquire a NPDES permit for discharges at the A Tract Quarry.

Answer: 1. Gary Martin, Division of Water Pollution Control, Ohio EPA
2. Daniel W. Heintz 8. Tim Holdeman
3. Janet Krolczyk 9. Matthew Reed
4. Bernadette Johnson 10. Roy Dodson
5. James H. Kyles 11. Duane Barrett
6. John Goeddertz 12. Barry Davis
7. Dave Johnson 13. Leslie Cook
14. Lillian DePrimo

INTERROGATORY NO. 27.

Please identify **all** insurance policies potentially applicable to claims relating to or arising out of any environmental condition at the Site, including, without limitation, all liability and casualty policies, whether currently in effect or covering any period of Southdown's control or ownership of the Site.

Answer:

Objection: This interrogatory is duplicative and burdensome as this same information is provided in the documents being produced in response to USX's documents request.

INTERROGATORY NO. 28.

Please list by case caption, court, and case number all lawsuits in which Southdown has been a party and which included a claim under CERCLA and/or the Clean Water Act.

Answer:

Objection: This interrogatory seeks information which is neither admissible nor would it lead to the discovery of admissible evidence in the trial of this matter. Without waiving this objection, Southdown states that the answer is none.

INTERROGATORY NO. 29.

Please identify by case caption, case number, and court all lawsuits in which Southdown is or was a party and in which the subject matter included the generation, storage, treatment, transportation or disposal of cement kiln dust.

Answer:

Objection: This interrogatory seeks information which is neither admissible nor would it lead to the discovery of admissible evidence in the trial of this matter. Without waiving this objection, Southdown states that the answer is none.

INTERROGATORY NO. 30.

Please identify all documents you plan to use as exhibits in the trial of this matter.

Answer:

Southdown has not yet determined what documents will be used as exhibits in this trial of this matter and will supplement this response when that determination is made.

INTERROGATORY NO. 31.

Please identify all property owned by Southdown from 1970 to 1980 upon which cement kilns were operated or cement kiln dust was produced or disposed of. For each identified site, please indicate the disposition of cement kiln dust generated at each respective site.

Answer:

Objection: This interrogatory seeks information which is neither admissible nor would it lead to the discovery of admissible evidence in the trial of this matter.

INTERROGATORY NO. 32

Please identify all persons responsible for property acquisition at Southdown and any policies or procedures governing, or providing guidelines for, such property acquisitions.

Answer:

Objection: There is no time limitation as to this interrogatory and it does not seek to identify such persons who had such responsibility at the time the Site was acquired from Universal Atlas. As such, this interrogatory seeks information which is neither admissible nor would it lead to the discovery of admissible evidence. Nevertheless, without waiving this objection, Southdown states that at the time of Southdown's acquisition of the A Tract Quarry, William Strautman and Robert Bauer were involved in the property acquisition, and no known policies, procedures, or guidelines exist for this time period.

DOCUMENT REQUESTS

1. All documents which in any way identify or reveal the location of materials deposited into the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

2. All documents describing Southdown's use of the A Tract Quarry from 1975 to the present.

Response: Any such documents in the possession or control of Southdown shall be produced.

3. All documents identifying persons who may have knowledge of Southdown's use of the A Tract Quarry from 1975 to the present.

Response: Any such documents in the possession or control of Southdown shall be produced.

4. All documents relating to Southdown's waste generation, storage, treatment, transportation or disposal practices at the Site.

Response: Southdown has performed a diligent search for the requested documents, but no documents responsive to this request have been discovered.

5. All documents identifying persons who may have knowledge of Southdown's waste generation, storage, treatment, transportation or disposal and practices at the Site.

Response: Southdown has performed a diligent search for the requested documents, but no documents responsive to this request have been discovered.

6. All documents which in any way reveal the identity of current or former Southdown employees, agents or contractors who work or have worked at the Site or the A Tract Quarry.

Response: Objection: This request seeks information which is neither admissible nor would it lead to the discovery of admissible evidence. Nevertheless, without waiving this objection, Southdown will produce whatever documents it has in its possession which are responsive to this request.

7. All maps, charts, photographs and diagrams depicting the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

8. All insurance policies potentially applicable to claims relating to or arising out of any environmental condition at the Site, including, without limitation, all liability and casualty policies, whether currently in effect or covering any period of Southdown's control or ownership of the Site.

Response: Any such documents in the possession or control of Southdown shall be produced.

9. All documents relating in any way to any materials transported, stored or disposed of at the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

10. All documents identifying any Persons who generated, stored, treated, transported or disposed of materials at the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

11. All documents identifying persons who may have information as to what materials were generated, stored, treated, transported or disposed of at the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

12. All documents relating to any communications regarding the Site between Southdown and any health or environmental regulatory agency, whether federal, state or local.

Response: Any such documents in the possession or control of Southdown shall be produced.

13. All documents identifying persons who may have information concerning any communication regarding to the Site between Southdown and any health or environmental regulatory agency whether federal, state or local.

Response: Any such documents in the possession or control of Southdown shall be produced.

14. All documents related to any study, test, analysis, report, inspection, investigation or environmental audit of or relating to the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

15. All documents identifying persons who may have information concerning any study, test, analysis, report, inspection, investigation or environmental audit of or relating to the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

16. All documents relating to any type of study, test, analysis, report, inspection or investigation in any way related to ground water, surface water, Soil or other environmental media at or in the vicinity of the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

17. All documents relating to any type of study, test, analysis, report, inspection or investigation regarding waste storage or disposal at the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

18. All documents relating to any type of study, test, analysis, report, inspection or investigation at the A Tract Quarry concerning the condition of the A Tract Quarry at the time of the sale from USX to Southwestern Portland Cement Company.

Response: Any such documents in the possession or control of Southdown shall be produced.

19. All documents relating to any type of study, test, analysis, report, inspection or investigation at the A Tract Quarry regarding measures to mitigate, control or otherwise manage leachate and/or surface water runoff or to prevent the release of hazardous substances or other contaminants from the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

20. All documents relating to any measures Southdown has taken to mitigate, control or otherwise manage leachate and/or surface water runoff or to prevent the release of hazardous substances or other contaminants from the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.

21. All documents identifying persons who may have knowledge of any measures Southdown has taken to mitigate, control or otherwise manage leachate and/or surface water runoff or to prevent the release of hazardous substances or other contaminants from the A Tract Quarry.

Response: Any such documents in the possession or control of Southdown shall be produced.