



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

VIA Electronic Mail

David Lawson
Senior Vice President and Assistant General Counsel
AT&T, Inc.
208 S. Akard St.
Dallas, TX 75202
dl0470@att.com

Re: Information Request pursuant to Section 3007(a) of the Resource Conservation and Recovery Act and Section 308 of the Clean Water Act ("Information Request")

Dear Mr. Lawson:

The U.S. Environmental Protection Agency ("EPA") is requesting information pursuant to Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), and Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318. Specifically, EPA requests that AT&T, Inc. ("AT&T") respond to the enclosed questions in Enclosure B using the instructions and definitions set forth in Enclosure A. Included within these information requests is the formal reiteration of certain requests previously made to you informally by the U.S. Attorney's Office for the Southern District of New York ("SDNY"). AT&T's responses to these information requests may be used to inform EPA's sampling of the company's lead-sheathed cables in early 2024.

Please note that the enclosed Information Request requires AT&T to produce all information and documents specified in the request to EPA by January 26, 2024, which will share the material with SDNY, which is jointly conducting this investigation with EPA. Please produce records electronically by e-mail to EPA attorney Laura Welles at welles.laura@epa.gov.

Failure to comply with or respond adequately to an information request may result in enforcement proceedings under Section 3008 of RCRA, 42 U.S.C. § 6928, and Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties, or injunctive relief, or the administrative imposition of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide in response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

AT&T cannot withhold from EPA what it may consider to be confidential business information. However, AT&T has the discretion to assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA will not disclose any information covered by such a claim except as

authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with AT&T's submission, EPA may make the information available to the public without further notice. All confidentiality claims are subject to EPA verification. If AT&T claims confidential business information for all or part of its response to this Information Request, then AT&T is required to follow the procedures outlined in the instructions set forth in Enclosure A.

Please direct all questions to Laura Welles at welles.laura@epa.gov and Assistant United States Attorney Robert Yalen at robert.yalen@usdoj.gov.

Sincerely,

**GREGORY
SULLIVAN**

Digitally signed by
GREGORY SULLIVAN
Date: 2023.12.19
18:05:07 -05'00'

Gregory Sullivan, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance

Enclosures

cc: Robert Yalen, USAO-SDNY
Samuel Dolinger, USAO-SDNY
Laura Welles, EPA, Office of Enforcement and Compliance Assurance
Lynne Davies, EPA, Office of Enforcement and Compliance Assurance

Enclosure A:
Instructions and Definitions

I. INSTRUCTIONS

1. Your response to the Information Request must be provided by Friday, January 26, 2024.
2. Identify the person to contact regarding your response, including title, address, and phone number.
3. Identify the person(s) responding to each question in this Information Request.
4. Number each answer with the corresponding number of the question.
5. Respond to all questions using the following native electronic formats, as appropriate: MS Word Document, MS Excel Spreadsheet, MS Access Database, Geographic Information System (GIS) data, Adobe Acrobat Reader PDF format, or pictures and images in JPEG format.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA and SDNY thereof as soon as possible.
7. Provide all information in your possession that is responsive to this Information Request, regardless of whether the response relates to your activities or the activities of another entity.
8. Preserve, until further notice, all records (either written or electronic), which exist at the time of receipt of this Information Request that relate to any of the matters set forth in this request. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this Information Request shall include assurance that these record protection provisions were put into place, as required. No such records shall be disposed of until written authorization is received from EPA.
9. If information responsive to this Information Request is not in your possession, custody, or control, then identify the person(s) from whom such information may be obtained.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
11. If any question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, provide such information for each entity.

12. Your response must include the signed and dated certification found in Enclosure C.
13. Confidential Business Information. You should provide the information requested even if you consider it confidential information or trade secrets. You may assert a business confidentiality claim for part or all of the information requested, as described below and set forth in 40 C.F.R. Part 2, Subpart B. You may assert a business confidentiality claim covering all or part of the information you provide in response to this Information Request for any business information entitled to confidential treatment under Section 308(b) of the CWA, 33 U.S.C. § 1318(b), Section 3007(b), 42 U.S.C. § 6927(b), and 40 C.F.R. Part 2, subpart B. Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 308(b) of the CWA, Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this Information Request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event. EPA will ask you to substantiate each claim of confidential business information by separate letter in accordance with applicable EPA regulations, 40 C.F.R. Part 2, Subpart B.

II. DEFINITIONS

1. “Document” includes any writings, drawings, graphs, maps, charts, photographs, phone records, field records, operation logs/notes/field rounds sheets, electronic mail, facsimile, supervisory control and data acquisition (SCADA) information, and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
2. 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 outside its scope.
3. The term “identify” means, with respect to a natural person, to set forth the person’s name, job title, position or business, business address and business telephone number.

4. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and substance of the subject matter.
5. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership), organization, if any, and a brief description of its business.
6. The term “you” and “your” shall mean AT&T and/or any of its agents, employees or contractors, and/or any company, entity, or corporation that has directed work by or for AT&T.

Enclosure B:
Information Request Questions

1. A list of the locations of all lead-sheathed cables or cable segments owned or used, or previously owned or used by AT&T (the “Cables”). Please provide a spreadsheet containing the following information for each of the Cables.¹
 - a. A unique identifier (“Cable ID”) for each Cable location;
 - b. Whether the Cable is underground (whether or not in conduit), underwater, aerial, or otherwise located;
 - c. The date the Cable was placed or installed;
 - d. The type, model, and manufacturer of the Cable installed;
 - e. Whether the Cable is still in active use in the operations of AT&T;
 - f. Whether any Cable that is no longer in active use is actively maintained;
 - g. Whether any Cable that is no longer in active use, is retired, or is discontinued has been (i) left in place and physically connected to the network; (ii) left in place but physically cut from the network; (iii) removed and sent to a regulated hazardous waste disposal facility; (iv) removed and sent to disposal facility other than a regulated hazardous waste disposal facility; or (v) removed and recycled (e.g., reclaimed);
 - h. When the Cable was last inspected;
 - i. The retirement status, retirement date, discontinuance status, and discontinuance date for each Cable;
 - j. The number of pairs per cable/pair size of each Cable at the Cable Location; and
 - k. Whether any abatement, remediation, or containment work has been completed, is in progress, or is anticipated as to the Cable.
2. Each of AT&T’s written policies and practices, and information sufficient to explain each non-written policy or practices, for:
 - a. inspection, maintenance, and control of active Cables;
 - b. determining whether each inactive, retired, or discontinued Cable will be (i) left in place and physically connected to the network; (ii) left in place but physically cut from the network; (iii) removed and sent to a regulated hazardous waste disposal facility; (iv) removed and sent to disposal facility other than a regulated hazardous waste disposal facility; or (v) removed and recycled (e.g., reclaimed);
 - c. inspection, maintenance, control of inactive, retired, or discontinued Cables that remain in place; and
 - d. management (e.g., recycling) of Cables that have been physically removed.

¹ If this information has already been produced in response to the request for information issued by SDNY dated August 8, 2023, there is no need to produce it again in response to these requests.

Enclosure C:
Certification of Answers to Request for Information

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____