UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

URGENT MATTER – PROMPT REPLY NECESSARY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 11 2014

ATTN: Guy Kemble, Plant Manager
Bodycote Thermal Processing
284 Grove Street
Worcester, MA 01605

Re: Request for Information Issued Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1) and Section 104(e) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C § 9604(e)

Dear Mr. Kemble:

On September 18 and 19, 2013, representatives from the United States Environmental Protection Agency (EPA) conducted an inspection of Bodycote Thermal Processing located in Worcester, MA. A review of records obtained during that inspection indicated that a near full tank of ammonia (4,481 pounds) was used during the period from October 27, 2011 to November 4, 2011, well above the facility's average usage rates. This information request is to determine whether an ammonia release may have occurred over this period of time and to ask some questions about the company's storage of ammonia, which is an extremely hazardous substance subject to the Clean Air Act's General Duty Clause, found at 42 U.S.C. § 7412(r)(1). The request also has some questions about emergency preparedness.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine its compliance with the CAA. To enable EPA to determine the compliance status of the Worcester Facility, responses to the enclosed list of questions (Attachment 2) must be furnished within thirty (30) calendar days of your receipt of this letter. Likewise, Section 104(e)(2), of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, **within thirty (30) days of receipt of this letter** can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). 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. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to you.

You are required to submit the above-referenced information to:

Chris Rascher, RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship (Mail Code OES 05-1)
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. If you have any questions with regard to this Information Request, please contact Mr. Chris Rascher of my staff at (617) 918-1834.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

Enclosures

cc: Chris Rascher, EPA

ATTACHMENT 1

Instructions: Complete and Include With Your Response

DECLARATION

I declare under penalty of perjury that I am the

_____ of _____,
[Title] **[Name of Facility]**

that I am authorized to respond on behalf of

_____, and
[Name of Facility]

that the foregoing is a complete, true, and correct response.

Executed on _____ _____
[Date] **[Signature]**

_____
[Type Name and Title]

ATTACHMENT 2

Guidance on How to Respond. You must submit all responsive documents. Please respond separately to each of the questions, referencing each question by number in your answer. The response must include copies of all records and information which you reference in your response or which you feel are relevant to the information being requested. "Records" and "information" and "document" means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise), of any writings or records **(including electronic records)** of any type or description, however created, produced or reproduced.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. (If documents requested in response to one item duplicate those requested by another question, submit only one copy of the documentation.) Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to these questions become known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Chris Rascher of this fact as soon as possible and provide EPA with a corrected response. Provide a separate numbered response to each numbered paragraph or subparagraph below. **To the extent that you believe that you have answered a question in another section, please refer to the section and answer you have provided.**

QUESTIONS

Questions about Ammonia Usage from October 21, 2011 to November 4, 2011 and Any Potential Release

1. For the period October 21, 2011 through November 4, 2011, describe in detail all maintenance performed on the two ammonia tanks. State the full capacity of the two tanks (in pounds) and state the quantity of ammonia that can be stored in the each of the two tanks at 85% capacity (a typical fill point).

2. For the period October 21, 2011 through November 4, 2011, describe in detail all processes occurring at the facility that caused the high ammonia usage rate. Describe any extenuating circumstances for the ammonia usage at that time. In particular, identify if there was a release during that time-frame.

3. In the last five years, have there been any ammonia releases from the facility other than during the October 21, 2011 to November 4, 2011 time frame? Describe each instance.

4. If there was a release in the last five years, provide the following information about the release:

    a. How much chemical was released?
    b. How was the quantity determined?
    c. Who made the determination about the amount?
    d. On which days did any reportable release (i.e. of at least 100 pounds) occur?
    e. Who at the company was made aware of the release?
    f. Were any authorities notified? If so, which authorities and on what day and time?
    g. Who made the notification?
    h. Did the release go off-site? If so, please describe.
    i. Provide any follow-up Emergency Planning and Community Right-to Know Act or CERCLA reporting.

Questions Relating to the Company's Storage of Ammonia and Maintenance of Ammonia System

5. State the date the ammonia tanks were installed and provide the name, make and model number for all.

6. Provide any and all current site plans, facility diagrams, and diagrams of the ammonia system(s), including but not limited to the ammonia tanks, ammonia detectors, relief valves and all the related piping.

7. List all ammonia detectors and safety and pressure relief valves and their location in the ammonia system, and provide the expiration date on each of the valves listed in response to this question. State the date these valves were last replaced.

8. Please describe the method and frequency that Bodycote Thermal Processing and other qualified individuals, such as contractors, inspect the ammonia system, including the ammonia tanks, tank fittings, ammonia detectors, valves, valve stems, piping, and pipe joints. State the frequency the entire ammonia system is examined for signs of corrosion, damage, wear, and leaks. Provide all records of these inspections and their findings from January 1, 2011 to present.

9. Provide any Standard Operating Procedures (SOPs) for the ammonia system from January 1, 2011 to the present.

10. Provide any tank maintenance, tank rental, and ammonia delivery contracts that Bodycote Thermal Processing has with Tanner in place from January 1, 2011 to the present.

11. Provide a copy of any Process Hazard Analyses (PHAs) or assessments for the ammonia system, documentation of team members who participated in the PHAs (including their resumes identifying their area of expertise), and records that document the response to the team's findings and recommendations.

Questions Relating to Emergency Preparedness

12. Provide the name, title and telephone number for employees at the facility who have hazardous material management and/or emergency response responsibilities.

13. Provide all records and logs that document inspections, calibrations, and maintenance activities of the following components: (a) all fixed ammonia detectors performed since January 1, 2011; and (b) all portable and hand held ammonia detectors used at both plants since January 1, 2011. Include a copy of all applicable standard operating procedures used for each of these activities as well as a copy of the applicable manufacturers' manuals. Include all alarm set points associated with each fixed ammonia detector and identify where and how the alarms are discernible (for example, whether the alarms are both visual and audible and whether they sound locally, remotely, or both). Be specific for each detector alarm.

14. Describe the Worcester Facility's emergency response program, including:
    a Procedures for informing the public, fire department, and the local emergency response committee of any chemical releases;
    b. Procedures for the review and update of the emergency response program to reflect changes at the Facility and to ensure that the employees are informed of and trained about the changes;
    c. Chemical spill/release scenario evaluations and response procedures;

d. Information about who has the decision making authority for assessing and responding to spills or releases;

e. Describe any release assessment and response training, and provide any available documentation for such training that occurred in since January 1, 2011. Include a summary description of each trainer's qualifications; and

f. Provide copies of all current documents relating to the Facility's emergency response program. Include all activities coordinated with the fire department, and the local emergency response committee.