UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SENT VIA ELECTRONIC MAIL

Ms. Janice K. Taylor
Senior Environmental Engineer
Florida Gas Transmission Company
Southeast Division – Energy Transfer Partners
2405 Lucien Way, Suite 200
Maitland, Florida 32751
janice.taylor@energytransfer.com

Dear Ms. Taylor:

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), you are hereby ~~requested~~ required to provide the U.S. Environmental Protection Agency with information relating to the Florida Gas Transmission Company (FGT) Compressor Station No. 16, located in Brooker (Bradford County), Florida (the Brooker facility). This information is needed to determine whether the Brooker facility is in compliance with requirements of the Act and its implementing regulations. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Enforcement and Compliance Assurance Division, Region 4.

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Information Request (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA electronically, per the instructions in Enclosure 1. The responses shall be submitted **no later than 30 calendar days** after FGT's receipt of this letter as determined by the date of the EPA's electronic mail transmitting this request, unless the EPA, for good cause shown, extends in writing the deadline for responding to this request. This information must be submitted electronically to the following individual:

Kevin Taylor
Environmental Engineer
Air Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
taylor.kevin@epa.gov

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request; (2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b); and/or (4) any other action authorized under the Act.

Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and which FGT regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act, 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated in accordance with 40 C.F.R. Part 2, Subpart B, and will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. 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 FGT. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

The response to the information requested must be accompanied by Enclosure 5, Statement of Certification, which is to be signed and dated by a responsible official of FGT. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3520, because it seeks information from specific individuals or entities as part of an investigation.

If you have any questions regarding this matter, please contact Kevin Taylor at (404) 562-9134 or by email at taylor.kevin@epa.gov.

Sincerely,

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Jeff Koerner, Director, Air Division, FDEP
jeff.koerner@floridadep.gov
Hastings Read, Deputy Director, Air Division, FDEP
hastings.read@floridadep.gov
Jessica Dalton, Compliance and Enforcement Administrator, FDEP

Commented [RT1]: Add Jeff Koerner who is the Air Director And Jessica Chastain who is the Comopliance and Enforcement Administrator

Commented [TK2R1]: I added the additional cc:'s but I had to remove a line before Enclosure to have everything fit on one page.

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jessica.dalton@floridadep.gov

ENCLOSURE 1

Instructions

Each of the following instructions applies to each and every Request contained in Enclosure 4.

1. Provide a separate response to each and every Request, and each and every subpart of a Request.

2. If the company has no responsive information or documents pertaining to a particular Request, submit an affirmative statement and explanation.

3. Indicate on each document produced, or in some other reasonable manner, the number of the Request to which it corresponds. If a document is responsive to more than one Request, this must be so indicated and only one (1) version of the document needs to be provided.

4. The company shall submit documents in Portable Document Format (PDF) or in any other electronic format as specified in Enclosure 4. Do not create separate PDF files for each page of a single document.

5. Where a Request requires the submission of an electronic spreadsheet, please provide the spreadsheet as an unlocked, Microsoft Excel file. If Excel format is not available, then the format should allow for data to be imported and used in calculations by a standard spreadsheet program such as Microsoft Excel.

6. Identify each person whom you relied on or consulted with in preparing your responses to each Request. Provide their name, title, job duties and duration of employment with the company. If they are not an employee of the company, identify their employer and provide their name, title, job duties and duration of employment with their employer.

7. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to the EPA within 30 calendar days of discovery of the responsive information. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.

8. Please submit your response to this information request to the EPA electronically. You may submit your response using any of the following options: (A) via email to Kevin Taylor at taylor.kevin@epa.gov; (B) by requesting a link from the EPA for a secure file transfer site where you may upload your response; or (C) as electronic files on a USB drive or CD sent by mail to: Kevin Taylor, Air Enforcement Branch, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Please note, the EPA cannot receive compressed files (.zip) via email. If you wish to submit compressed files please select option B or C above.

9. Please do not send documents that you have claimed as confidential business information (CBI) to the EPA over the internet. If you have documents that you have claimed as CBI to submit please send them as electronic files on a USB drive or CD by mail (option C).

10. Prior to submitting your response, please send an email to Kevin Taylor at taylor.kevin@epa.gov indicating which option or combination of options (A, B, and/or C) you have selected to submit your response to this request.

ENCLOSURE 2

Definitions

1. The terms **"document"** and **"writing"** and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request, and which are in the company's possession, custody or control or to which the company has or has had access. The terms "document" and "writing" shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (email), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced.

2. The terms **"person"** and/or **"persons"** shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.

3. The terms **"relate to"** and/or **"pertain to"** (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

4. The terms **"you"** and/or **"your"** shall mean FGT, Energy Transfer Partners, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to FGT, or who may have obtained information for or on behalf of FGT.

5. The term "**hazard assessment**" shall mean the identification of individual hazards of a system, determination of the mechanisms by which they could give rise to undesired events, and evaluation of the consequences of these events on health, environment and property. A hazard assessment uses qualitative techniques to pinpoint weaknesses in the design and operation of facilities that could lead to incidents. Techniques for hazard assessment include: safety review, checklist analysis, relative ranking, preliminary hazard analysis, what-if analysis, what-if/checklist, hazard and operability analysis, failure modes and effects analysis, fault tree analysis, event tree analysis, cause-consequence analysis and human reliability analysis.

6. The term "**incident**" shall mean the emergency shutdown and release of ~~methane gas~~natural gas that occurred at the Florida Gas Transmission Company Compressor Station No. 16 on or around May 2, 2020.

Commented [RT3]: Should this be methane gas or natural gas? The questions use both terms interchangeable so should probably choose the most appropriate term and use it throughout the document.

Commented [TK4R3]: Methane gas references were changed to natural gas.

All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.

ENCLOSURE 3

Confidential Business Information (CBI)
Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information, other than emissions data and information or data that is otherwise publicly available, as described in 40 C.F.R. § 2.203(b). If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any information over which you make a claim of confidentiality should be marked by placing on or attaching to the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "business confidential" and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Act, and 40 C.F.R. Part 2, Subpart B. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B.[1] You bear the burden of substantiating your confidentiality claim and must satisfactorily show, among other things, that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that the information is not, and has not been, reasonably obtainable by legitimate means without your consent. Conclusory allegations will be given little or no weight.

Before the EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, the EPA will send you a letter asking you to substantiate fully your CBI claim by answering several questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled

[1] 40 C.F.R. § 2.208(e) conflicts with the holding in *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2366 (2019) (*Argus Leader*). In light of the *Argus Leader* decision, the Agency will not consider 40 C.F.R. § 2.208(e) in this determination. The Agency anticipates amending 40 C.F.R. § 2.208 so that it is consistent with the decision in *Argus Leader*.

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to confidential treatment. You must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

The EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied.. For each item or class of information that you identify as being confidential, the EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in the EPA's determination:

Commented [RT5]: Remove one of the periods

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.

5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public.

8. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.

9. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).

10. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is *not* entitled to confidential treatment under Section 114(c) of the Act, 42 U.S.C. § 7414(c) or 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air - (A) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

ENCLOSURE 4

Information Request

Please provide the following information using the instructions and definitions provided in Enclosures 1 and 2. A response must be sent to the EPA no later than 30 calendar days after FGT receives this request, unless the EPA, for good cause shown, extends the deadline in writing.

Commented [RT6]: Is this needed here to be consistent with the cover letter?

Commented [TK7R6]: Yes

1. Provide the following general facility information:
   a. The approximate date the facility was first constructed and began operations as a compressor station;
   b. A description of the facility ownership history during the past 10 years;
   c. A description of any substantial physical or operational changes during the past five (5) years (i.e. unit additions, unit removals, changes in pollution control equipment);
   d. The facility's typical operational schedule;
   e. The number of employees at the facility with the specific titles and duties associated with each position;
   f. A facility site layout; and
   g. An overview of the facility's current operations.

2. Provide a copy of all hazard assessments conducted at the facility.

3. Provide a copy of any standard operating procedures used for conducting a shutdown (normal and ~~or~~ emergency) at the facility.

Commented [RT8]: Shoud this be and?

Commented [TK9R8]: Yes, we want SOPs for both.

4. Provide a copy of the facility's emergency response/action plan.

5. Provide a detailed narrative of the events which led to the incident. Please include the following items in your narrative:
   a. Identify the concern that resulted in the events that led to the incident~~emergency shut down~~ at the Brooker facility compressor station (i.e., gas monitor alarm, sound of a gas releasing, etc.);
   b. Identify the investigative steps that followed once the concern was identified;
   c. Identify the problem that produced the concern, including the specific compressor station area for the concern and the unit and unit components creating the problem;
   d. Provide an explanation for why the problem could not be corrected without an emergency shut down;
   e. Provide the detailed steps used to conduct the emergency shut down at the time of the May 2020 incident;
   f. Indicate if all standard operating procedures for a shutdown were used during the incident. If not, identify the procedures that were not followed and provide an explanation for why the procedures were not followed;
   g. Provide an estimate of the amount of natural gas released during the May 2020 ~~emergency shut down~~incident, including the calculations or factors used to create the estimate of the emissions;
   h. Provide the time duration of the natural gas release and the method used to calculate the duration;

Commented [RT10]: Should the term "incident" be used throughout since it's defined?

There are different terms throughout. May 2020 incident, May 2020 emergency shutdown, emergency shutdown. Its probably better to use incident since it's defined.

i. Describe the operational practices used to minimize the amount of the natural gas released during the incident~~emergency shut down event~~ of May 2020;
j. On the facility site layout, identify the exact point where the ~~methane gas~~natural gas was released as a result of the incident;
k. Provide details of the repair that was needed to correct the problem, including work orders, purchase orders and any other evidence of the work done to perform the repair;
l. For the unit ~~being~~ repaired as a result of the incident, please provide copies of work orders or similar orders used to document maintenance and repairs for the past three (3) years on any of the unit's components;
m. For the resulting repair that was conducted on the unit, please provide work orders for repairs on the same or similar units for the same or similar component at the Brooker facility compressor station; and
n. Provide any changes made to the operating procedures at the ~~Brooker~~ facility as a result of the incident. Explain and describe what safeguards and protective measures the facility has implemented to prevent a recurrence of a similar incident.

Commented [RT11]: Methane gas is used at times and natural gas is used at times. Should probably use the most appropriate term throughout

Commented [RT12]: Won't find anyone this information for the same unit? Is m asking for information for similar repairs for other units?

Commented [TK13R12]: This is asking for work orders for the same type of repair to determine if the failing of the component was predictable or expected.

Commented [RT14R12]: ok

ENCLOSURE 5

STATEMENT OF CERTIFICATION

I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.

_____
(Signature)

_____
(Printed Name)

_____
(Title)

_____
(Date)