UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

MGPI of Indiana, LLC
7 Ridge Avenue
Lawrenceburg, Indiana 47025

ATTENTION:

Randy Graves
EHS Manager

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring MPGI of Indiana, LLC (MGPI or you) to submit certain information about the facility at 7 Ridge Avenue, Lawrenceburg, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 45 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

MGPI owns and operates an emission source at the Lawrenceburg, Indiana facility. We are requesting this information to determine whether your emission source is complying with the CAA.

MGPI must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

You must submit all required information under an authorized signature with the following certification:

> I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my 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 Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

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

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject MGPI to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Marie St. Peter at (312) 886-4746.

8/26/16
Date

Edward Nam
Acting Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.

2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.

3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.

4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.

5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.

6. If information not known or not available to you as of the date of submission later becomes 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 incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.

4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (*e.g.*, Company Name, Disk 1 of 4 for Information Request Response, Date of Response).

5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.

6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.* or in the Review of New Sources and Modifications at 40 C.F.R. Part 51, Subpart I.

1. The term "emission unit" shall mean "any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant…." 40 C.F.R. § 51.165(a)(1)(vii).

2. Pursuant to 40 C.F.R. § 51.165(a)(1)(xxxvii), "Regulated NSR pollutant" includes volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated, and precursors of such pollutants. Volatile organic compounds are precursors to ozone in all ozone nonattainment areas. 40 C.F.R. § 51.165(a)(1)(xxxvii)(C)(*1*).

3. The terms "distilled alcoholic beverage" and "distilled alcohol" shall mean any general beverage grade alcoholic beverage (*e.g.* whiskey, gin (non-barrel aged), vodka, and ethanol).

4. The term "whiskey" shall refer to *any* distilled alcoholic beverage which has been aged in wood casks and can be created from malted barley, barley, malted rye, rye, wheat, corn, or a blend of the aforementioned grains. In response to this information request, the terms "whisky," "bourbon," and any other barrel-aged product (*e.g.* barrel aged gin) shall be indistinguishable from whiskey, and reported as whiskey.

5. The term "whiskey distillation project" shall mean any activities MGPI or its predecessor(s) has engaged in to change the focus of the Lawrenceburg, Indiana facility

from the production of non-barrel aged products to the production of whiskey, bourbon, and/or other barrel-aged products.

Appendix B

Information You Are Required to Submit to EPA

MGPI of Indiana, LLC (MGPI) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) regarding operations at the Lawrenceburg, Indiana distillery (the Facility):

1. Identify all entities that have owned the Facility since January 1, 2011. Identify the date each ownership change took effect.

2. Using a unique identifier for each unit, provide a list that identifies each aging warehouse at the Facility, the aging warehouse's capacity in barrels and gallons, its construction commencement date, the date it was first put into service. Additionally, if an aging warehouse has been modified in such a way that it is able to hold more barrels and/or gallons, provide the date of its modification and its previous capacity.

3. For each aging warehouse at the Facility identified in question 2, above, provide a detailed explanation of the warehouse's ventilation system. This explanation should include, but is not limited to, the following:

    a. the type of emission points on the warehouse (*e.g.* vent, window, stack, etc.);
    b. the number of emission points, identified above, on the warehouse;
    c. the frequency at which emissions are theoretically coming from an emission point (*e.g.* 24/7, during spring and summer, etc.);
    d. how emissions are transported to the emission point (*e.g.* natural draft, fan, etc.);
    e. the flow rates of any fans used (actual cubic feet per minute);
    f. any automated technology used, including but not limited to, lower explosive limit sensors to determine when there is a risk of explosion, vents which open and close according to any sensor and/or trigger, and fans which turn on due to some sort of sensor and/or trigger; and
    g. what causes any of the automated technology listed in f, above, to turn on.

4. For every emission unit at the Facility used before storage and/or aging of any distilled alcoholic beverage, provide, in an excel spreadsheet or compatible format from January 2010 to the present, the throughput of each grain used by the Facility for each final distilled alcoholic beverage in bushels, pounds, or gallons, where appropriate.

5. Provide an excel spreadsheet or compatible format that lists the number of barrels filled each month since January 2010.

6. Provide an excel spreadsheet or compatible format that lists the number of barrels emptied each month since January 2010.

7. Provide an excel spreadsheet or compatible format that lists the number of barrels stored each month in each warehouse as identified in Question 2 since January 2010.

8. For every emission unit at the facility, provide the monthly volatile organic compound (VOC) emissions in pounds from January 2010 to the present.

9. For the monthly VOC emissions requested in question 8, above, provide the underlying data (*e.g.* emission factors) and example calculations demonstrating how the emissions were calculated.

10. Describe, in a chronologically organized table, all capital and/or maintenance expenditures greater than $25,000 made for emission units and process equipment at the Facility from January 1, 2010 through the present date. This table will identify the unit, approximate construction commencement date of each project, the construction completion and implementation date of each project, a brief description of each project that identifies the work completed, vendor information, the dollar amount approved, and the dollar amount expended. If MGPI or its predecessor(s) received a permit for a described project, indicate the type of permit and the permit number.

11. For each capital expenditure and/or maintenance expenditures identified in response to Question 10, above, that cost more than $50,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of MGPI or its predecessor(s) concerning each project.

12. For the whiskey distillation project at the Facility, provide copies of capital and/or maintenance appropriation requests, financial justifications, and authorizations, including attachments and addenda, related to any physical change or modification made to an emission units or process equipment that were not included in the response to Questions 10 and 11.

13. Provide copies of all air permit applications submitted to Indiana Department of Environmental Management (IDEM) or U.S. EPA and air permits received that relate to any physical changes, modifications, production changes, or increases and/or decreases in VOC emissions at the Facility since January 2011.

14. Provide copies of any written correspondence, determinations, documents or communications with U.S. EPA or IDEM concerning the applicability of Prevention of Significant Deterioration (PSD) and major New Source Review (NSR) rules regarding the construction or modification of the Facility since January 2011.

15. Provide copies of all excess emissions reports and deviation reports submitted to IDEM from January 1, 2011 to the present.

16. Provide a list of all air enforcement actions related to the Facility taken by U.S. EPA, IDEM or a local regulatory agency from January 1, 2011 to the present. Include copies of any air-related administrative or judicial complaints; any notices of violation or notices of non-compliance; any documents resolving violations, such as consent decrees or consent orders; and any orders, such as administrative orders.

17. To the extent not provided before, provide copies of any correspondence between the state, local, or federal permitting authority since 2010 regarding the installation or modification of any emissions unit or the emission limits for any emissions units at the Facility, including, but not limited to, applicability determinations, regulatory interpretations and approval orders.

18. Provide all records required since January 1, 2010 pursuant to 40 C.F.R. § 51.165(a)(6).

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

> 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;
>
> 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
>
> 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).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

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 special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to 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 number 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 still be considered confidential?

4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? 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?

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

6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position.

Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

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, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the 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.

Personal Privacy Information

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

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Randy Graves
MGPI of Indiana, LLC
7 Ridge Avenue
Lawrenceburg, Indiana 47025

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by E-mail to:

Phil Perry
Chief, Air Compliance Branch
Indiana Department of Environmental Management
pperry@idem.IN.gov

On the 30 day of August 2016.

Loretta Shaffer

Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7646 9623