UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

AUG 18 2015

Ref: 8ENF-AT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sarah Bartlett
PDC Energy, Inc.
1775 Sherman Street, Suite 3000
Denver, Colorado 80203

Re: Section 114(a) Information Request for PDC Energy, Inc.'s Oil and Natural Gas Well Production Facilities in Colorado

Dear Ms. Bartlett:

The United States Environmental Protection Agency (EPA) hereby requires PDC Energy, Inc. (PDC) to provide certain information to determine the Clean Air Act (CAA or the Act) compliance status of its oil and natural gas production facilities located in Colorado.

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. This authority has been delegated to the undersigned official. For the EPA to determine whether a violation of the CAA has occurred, you are hereby required, pursuant to section 114(a) of the CAA, to provide responses to Requests 1-8 herein within ninety (90) calendar days from receipt of this request. Instructions and definitions are provided in Enclosure 1 and the information being requested is described in Enclosure 2. For ease of organization, the EPA is providing an electronic copy of an excel spreadsheet (Enclosure 5) for the responses to Requests 1-6.

You are required to attach a properly executed Statement of Certification (Enclosure 3) to your response to this request. The statement must be signed and dated. You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information is a violation of the Act and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the Act, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this request; 3) the initiation of a civil action pursuant to section 113(b) of the Act, 42 U.S.C. § 7413(b); and/or 4) any other action authorized under the Act. In addition, knowingly providing false information in response to this information request may be actionable under section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat such information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that emission data cannot be claimed as confidential under section 114(c). For detailed instructions, please see Enclosure 4 to this letter. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

YOU MUST SUBMIT ALL RESPONSIVE INFORMATION: ***Whether or not you make a claim of confidentiality.***

Please submit your response to this request to:

U.S. Environmental Protection Agency, Region 8
Technical Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street
Denver, Colorado 80202-1129
Attention: Scott Patefield

If you have any questions regarding this Information Request, please contact Scott Patefield, at 303-312-6248, or your counsel may contact Virginia Sorrell, at 303-312-6669.

Sincerely,

Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosures

1) Instructions and Definitions
2) Information Requested
3) Statement of Certification
4) Confidential Business Information
5) Workbook for Responses to Requests 1-6

cc: Martha Rudolph, Director of Environmental Programs, CDPHE
Will Allison, Director, Air Pollution Control Division, APCD-CDPHE
Mark McMillan, Stationary Sources Program Manager, APCD-CDPHE
Scott Patefield, EPA
Virginia Sorrell, EPA

ENCLOSURE 1:

A. INSTRUCTIONS

1. Provide a separate narrative response to each request and subpart set forth in Enclosure 2 of this Information Request. If PDC has no responsive information or documents pertaining to a particular request, submit an affirmative statement and explanation.

2. Precede each answer with the number of the request to which it corresponds and at the end of each answer identify the person(s) (including name, title, and a description of job duties) that provided information that was used or considered in responding to that request, as well as each person (including name, title, and a description of job duties) who was consulted in the preparation of that response.

3. Indicate on each document produced in response to this Information Request, 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 copy of the document needs to be provided.

4. The EPA is providing an Excel workbook as Enclosure 5 for ease of organization of responses to Requests 1-6. Please populate the workbook with your responses to those Requests in accordance with all instructions here and therein, and in the units noted. Except for the information specifically requested to be in an Excel spreadsheet format, PDC may choose to either submit documents in .pdf format or submit documents as hard copy documents. Electronic submissions are preferred to save paper and expenses.

5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner and the basis for the number provided (e.g., estimated, measured or engineering judgment).

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

B. DEFINITIONS

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401 *et seq.*; 40 C.F.R. Part 60, Subpart OOOO; and/or other CAA implementing regulations.

Control device or its plural means the air pollution control equipment used to achieve VOC emission reductions, for example, enclosed flare, combustor, combustion device, vapor recovery unit, etc.

Denver-Boulder-Greeley-Ft. Collins-Loveland Area means the area designated by the EPA as nonattainment for the 1997 ozone National Ambient Air Quality Standard. The boundaries of this nonattainment area are identified in that designations rule at 69 Fed. Reg. 23858 (Apr. 30, 2004).

Document and writing and the plural forms thereof means 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 action. 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 (emails), 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, in PDC's possession, custody or control or to which PDC has or has had access.

Enclosed combustor means a thermal oxidation system with an enclosed combustion chamber that maintains a limited constant temperature by controlling fuel and combustion air.

Flash emissions means entrained natural gas vapors or other emissions that are released from hydrocarbon liquids when exposed to temperature increases or pressure drops, for example such as when produced oil is transferred from production vessels to other vessels or to atmospheric storage tanks.

Oil means hydrocarbon liquids.

Oil and natural gas production facility means all of the air pollution emitting units and activities located on or integrally connected to one or more oil and natural gas wells that are used for production operations and storage operations.

Oil and natural gas well means a single well that extracts subsurface reservoir fluids containing a mixture of oil, natural gas, and water.

Owner or operator means any person who owns, leases, operates, controls, or supervises an oil and natural gas production facility.

Person or its plural or any synonym thereof, is intended to and shall embrace and include any individual, partnership, corporation, company, association, government agency (whether federal, state, local or any agency of the government of a foreign country) or any other entity.

Produced oil means oil, or condensate, that is separated from extracted reservoir fluids during production operations.

Produced oil storage tank means a unit that is constructed primarily of non-earthen materials (such as steel, fiberglass, or plastic) which provides structural support and is designed to contain an accumulation of produced oil.

Tank vapor capture system means all vent lines, connectors, fittings, valves, relief valves, thief hatches, tanks, liquid knockout vessels, or any other appurtenance employed to contain and collect produced oil storage tank vapors and transport or convey them to an emissions control device.

Working, breathing, standing (w/b/s) emissions means those emissions that can occur as vapors are displaced from the produced oil storage tank headspace when the tank is filled (working) or when there are temperature or pressure fluctuations in the produced oil storage tank that volatilize lighter ends (breathing/standing).

You and/or *your* means PDC, and all its agents, servants, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, contractors and others who are in possession, custody or control (actual or constructive) of relevant information that is otherwise available to you, or may have obtained information for or on behalf of, PDC.

ENCLOSURE 2:

INFORMATION REQUESTED:

Using the instructions and definitions set forth in Enclosure 1, provide the following information within the time period specified previously.

1. Column C ("Tank Battery Location Name") of Enclosure 5 includes a list of tank battery location names, while column D ("APCD ID (AIRS AFS #") provides the Colorado Department of Health and Environment (CDPHE) facility identification number for that tank battery location. Column B ("EPA-Assigned Tank Vapor Capture System #") assigns a tank vapor capture system number to the tank battery location names in Enclosure 5 in order to identify tank battery locations that are manifolded together and controlled with a common vapor capture system. Please state whether the tank battery location names associated with the tank vapor capture system numbers identified by the EPA in Enclosure 5 are correct. If they are incorrect (i.e. a tank battery has been removed, added, or was never connected to that vapor capture system), please use column E ("Are the tank battery location names correctly associated with their common tank vapor capture system #'s?") and column F ("If incorrect, provide correct identification and explain") in the workbook to provide correct identification and explain in accordance with the directions in the column F header. If additional tank battery locations are connected to a common tank vapor capture system with an EPA-assigned tank vapor capture system number in Enclosure 5, include these locations by adding rows to the workbook in Enclosure 5 and provide all of the information requested in Requests 2-6 of this Enclosure 2 for those locations.

2. Separately, for each tank vapor capture system listed in Enclosure 5 (reflecting any corrections made in response to Request 1), affirmatively state in column G ("Did PDC conduct a design analysis of the tank vapor capture system & control device prior to its construction?") of the workbook whether or not PDC conducted, prior to construction of the tank vapor capture system and control device, a design analysis of the tank vapor capture system and control device to determine whether the vapor capture system is adequately designed to handle the peak flow of vapors associated with the movement of produced oil to the storage tanks. If your response is yes, please provide the date of that analysis in column H ("If yes, what was the date the analysis was conducted?") of the workbook. If a pre-construction design analysis was conducted, please supply all documents supporting the design analysis of each tank vapor capture system and control device in column I ("Supply all documents supporting the design analysis of each tank vapor capture system and control device.") of the workbook and in accordance with the directions in the column I header.

3. Regardless of whether PDC conducted a design analysis of the tank vapor capture system and control device prior to construction, as addressed in Request 2, affirmatively state in column J ("Did PDC conduct a design analysis of the tank vapor capture system & control device since its construction?") in the workbook whether or not PDC has ever conducted such an analysis since commencement of construction. If your response is yes, please provide the date of that analysis (or those analyses) in column K ("If yes, what was the date each such analysis was conducted?") of the workbook. If one or more design analyses have been conducted since commencement of construction of the tank vapor capture system and/or control device, please supply all documents supporting each design analysis of each tank vapor capture system and control device in column L ("Supply all documents supporting each design analysis of each tank vapor capture system and control device") of the workbook and in accordance with the directions in the column L header.

4. For those tank vapor capture systems listed in Enclosure 5 (reflecting any corrections made in response to Request 1) for which PDC has never conducted a design analysis of the tank vapor capture system and control device, conduct a design analysis for each such existing tank vapor capture system(s) and control device(s) and document such analysis in column M ("For tank vapor capture systems for which analyses are not already provided in response to Requests 2 & 3, conduct an analysis and supply all input parameters, calculations and supporting documents of the design analysis of each tank vapor capture system and control device.") and in accordance with the directions in the column M header. Quantify in column N ("Quantify the peak total emission flow due to flash emissions attributed with liquid dump events from the pressurized vessel upstream of the storage tanks, along with working, breathing and standing emissions") in the workbook, the peak total emission flow (cubic feet per second) due to flash emissions attributed with liquid dump events from the pressurized vessel(s) upstream of the produced oil storage tanks, along with working, breathing and standing emissions. Your design analysis shall establish the flow capacity in cubic feet per second of the existing tank vapor capture system(s) and control device(s) and document such capacities in column O ("What is the flow capacity of the existing tank vapor capture system(s) and control device(s)?") in the workbook. You must supply input parameters, calculations and all supporting documentation.

5. For each tank vapor capture system listed in Enclosure 5 (reflecting any corrections made in response to Request 1), provide responses to the information requested below. Please use columns P ("Piping & instrumentation diagram of the process (wellhead(s) to control device.") through BJ ("Provide a narrative description of the servicing PDC performs on the combustor(s) and the frequency of such.") and in accordance with the directions provided in row 4 (column headers) of the Enclosure 5 workbook to provide the following information:

    a. A piping & instrumentation diagram of the process (wellhead(s) to control device). If more than one storage tank is present within a tank vapor capture system, describe how produced oil flows between the storage tanks.

    b. Identify the gas gathering pipeline into which gas enters and the maximum allowable operating pressure (psig) of that pipeline.

    c. A list of the wells which flow to the initial separator(s) and a narrative description of how the production from those wells is set to flow to the initial separator(s) (e.g., continuous pump, based on time, pressure, other parameter(s), or a combination of these). State whether more than one well can flow to an initial separator concurrent with another well or wells.

    d. A description, name and tag # ID of the initial separator(s) (e.g., single stage, dual stage, dual coil, HLP, VGR, etc.). For each stage of the initial separator(s) provide the following:

        i. The maximum operating pressure (psig) and minimum temperature (°F).
        ii. If more than one stage in the initial separator(s), describe where flash emissions from subsequent stages of initial separator(s) are routed.
        iii. Whether or not the final separator stage features a device on the liquid outlet line to prevent a vortex from forming during a liquid dump event which could lead to unintentional gas carry through. Provide a narrative description of the device.

e. State whether there is an intermediate separation vessel(s) between the initial separator and the storage tank(s). If so, provide:

   i. The maximum operating pressure (psig) and minimum temperature (°F).
   ii. Describe where flash emissions from the intermediate separation vessel(s) are routed.

f. The interior pipe diameter (inches) of the produced oil outlet pipe from the separation vessel immediately upstream of the storage tank(s) (if the interior pipe diameter is not available, measure the separator outlet exterior pipe diameter, and so note).

g. The orifice plate diameter (inches) of the produced oil outlet pipe and make, model, size and trim of the liquid dump valve from the separation vessel immediately upstream of the storage tank(s).

h. State whether the liquids are trucked or piped (specify batch or continuous) offsite from the produced oil storage tank(s).

i. State whether the flow of liquids from the separation vessel immediately upstream of the storage tank(s) is continuous or is in intermittent batches.

j. If the flow of liquids from the separation vessel(s) immediately upstream of the storage tank(s) is in intermittent batches:

   i. If intermittent batches, a narrative description of what triggers a liquid dumping event.
   ii. The maximum produced oil volume (barrels) of the separation vessel immediately upstream of the storage tank.
   iii. An estimate of the instantaneous flow rate during a dumping event. This may be estimated using one of the following methods:
      1. Instantaneous flow rate = average daily production (barrels) / (dumping frequency (dumping events per day) x duration of a dumping event (minutes). *[calculate the average daily production from PDC's reported Oil Production data to COGIS for 2014]*; or
      2. Instantaneous flow can be calculated based on the flow coefficient of the dump valve (gpm/psi$^{0.5}$) and the pressure differential across the valve (psi) and the specific gravity of the hydrocarbon liquid (available in the extended hydrocarbon pressurized liquid analysis asked for in Request 6).

k. If the flow of liquids from the separation vessel(s) immediately upstream of the storage tank(s) is continuous, the maximum produced oil pump rate from the separation vessel immediately upstream of the storage tank.

l. For each tank vapor capture system, the number of associated storage tank(s) and their volume (barrels). For this request, associated storage tank means a tank whose vapors are captured and conveyed as part of that tank vapor capture system.

m. A description of the storage tank vapor capture system which routes tank vapors to the on-site control device by providing the following:

   i. Pressure relief settings (psi) on both the thief hatch and the pressure relief valve on any storage tank(s) or elsewhere in the tank vapor capture system. Note any changes in pressure relief settings that may have occurred, include the original and modified setting and date(s) when changed.
   ii. Thief hatch gasket/seal information, including the type of gasket/seal used (e.g., rubber, Viton).
   iii. Pipe length (feet) from the storage tank(s) to the control device (if the vapor capture system collects vapor from multiple tanks, use the average pipe length for all the storage tanks to the control device).
   iv. Inner pipe diameter (inches) of the tank vapor capture system from the storage tank(s) to the control device.
   v. Number of short radius elbows (short radius elbows have a radius equal to the pipe diameter).
   vi. Number of long radius elbows (long radius elbows have a radius 1.5 times the pipe diameter).
   vii. Number and type of valves (e.g., gate, check, globe, etc.).
   viii. If the control device is a combustor, the rated pressure loss across the combustor burner assembly as provided by the manufacturer of the combustion device (psi).
   ix. A description of any low points in the tank vapor collection system piping where liquids could accumulate, the frequency of draining these liquids, and the indicator, if any, that notifies the operator that liquids must be drained.
   x. Set-point pressure (ounces per square inch) and maximum flow capacity (scf/hr) at that set-point of any backpressure valves installed on the vapor collection system.
   xi. Flame arrestor information including make, model, size and performance curve showing the pressure loss as a function of the flow rate. List the filenames if provided electronically or an Attachment name identifier if hard copy.

n. Identify the type of control device used (e.g., open flare, enclosed combustion device, VRU, etc.). If a combustor is used, provide the following:

   i. The combustor manufacturer specifications showing the maximum flow rate of tank vapors under which a control efficiency of at least 95% for volatile organic compounds can be achieved (scf/hr).
   ii. The combustor manufacturer recommended maintenance and service requirements.
   iii. A narrative description of the servicing PDC performs on the combustor(s) and the frequency of such.

6. For each tank battery location listed in column C of Enclosure 5 (reflecting any corrections made in response to Request 1), provide the following analytical results for at least one well from which produced oil is routed to one tank or multiple tanks manifolded together. The analytical results shall be recorded in columns BK ("Filename of extended hydrocarbon liquid analysis of a pressurized oil sample from the pressurized vessel immediately upstream of the storage tank(s)") through column BM ("Reid Vapor Pressure of the produced oil in the storage tank(s)") and in accordance with the directions provided in row 4 (column headers) of the Enclosure 5 workbook:

a. An extended hydrocarbon liquid analysis of a pressurized oil sample from the pressurized vessel immediately upstream of the storage tank(s). Follow the test procedure found in appendix B to the California Air Resource Board's (CARB) Regulation for the Mandatory Reporting of Greenhouse Gas Emissions. The CARB test procedure may be found on page 271 of the document at the following link: http://www.arb.ca.gov/cc/reporting/ghg-rep/regulation/mrr-2014-unofficial-02042015.pdf.

   If such samples and analyses have been done within the past 12 months, you may provide that data in lieu of analyzing new samples. Include a copy of the lab analysis report showing:

   i. The protocol or test procedure used to collect and analyze the samples.
   ii. Date of each sample collection.
   iii. Start and end times for each sample collection and the duration of time that the samples were collected over (minutes).
   iv. Name of oil and natural gas wells associated with the pressurized vessel sampled.
   v. Description of where, within the oil and natural gas production process, the sample was collected.
   vi. Operating temperature (°F) and pressure (psi) of the vessel at the time the sample was collected.
   vii. The pressure (psi) of the sample at the time it was received by the laboratory.

At least 15 days prior to sampling, please provide a sampling protocol and schedule of sampling locations to Scott Patefield at EPA Region 8, at patefield.scott@epa.gov.

b. API Gravity and Reid Vapor Pressure (RVP) (psia) of the produced oil in the storage tank(s).

7. With regard to the operation and maintenance (O&M) program(s) and related activities implemented to minimize VOC emissions to the maximum extent practicable from any of your tank battery locations in the Denver-Boulder-Greeley-Ft. Collins-Loveland Area, provide the following:

   a. All of the following documents describing or related to such O&M programs and associated activities, including all versions of such documents that have been in use since January 1, 2013: O&M plans; O&M procedures, including internal directives, guidelines, or guidance; O&M program and/or activity descriptions; response procedures for maintenance issues observed; O&M training program materials, procedures, program descriptions, and other documents that memorialize personnel training requirements and training schedules for O&M activities; and templates of inspection and/or maintenance forms.

   b. To the extent not fully and completely described in the documents responsive to subpart 7.a, a narrative description of all inspection and monitoring programs (*e.g.* audio, visual, olfactory (AVO) inspections, IR camera inspections, or similar) employed to minimize VOC emissions from your tank battery locations since January 1, 2013, including a description of the frequency of each type of inspection or monitoring event(s).

c. To the extent not fully and completely described in the documents responsive to subpart 7.a, a narrative description of all maintenance programs employed to minimize VOC emissions from your tank battery locations since January 1, 2013, including the frequency of all such maintenance programs (e.g., for unscheduled maintenance activities, describe the triggering events and, if applicable, any required response time, and for periodic scheduled maintenance activities, describe the work done and the schedule for completing such work).

d. State whether any individual tank battery locations have O&M programs and related activities scheduled or conducted more frequently than described in response to subparts 7.b and 7.c, above, and identify any such tank battery locations by AIRS ID.

e. To the extent not fully and completely described in the documents responsive to subpart 7.a, a narrative description of all training programs employed since January 1, 2013 to ensure that your personnel are qualified to conduct O&M programs and related activities to minimize VOC emissions from tank battery locations (including AVO inspections, IR camera inspections, or similar inspections to identify emissions).

f. State whether you aggregate data on rates of failure leading to actual or potential emissions from tank battery locations (e.g., rate of tank battery locations requiring maintenance to address emissions) or on rates for a subset of such failure types/modes (e.g., rate of produced oil storage tanks with one or more emitting pressure relief valve). If so, provide all such data. Provide any documents referencing, analyzing, or discussing equipment failure rates that lead to actual or potential emissions from tank battery locations.

g. For the period of time beginning January 1, 2011, any documents evaluating or discussing the useful life of any equipment used to minimize VOC emissions from tank battery locations (e.g., thief hatch gaskets, pressure relief valves, control devices) and any documents evaluating or discussing whether to upgrade and/or replace any such equipment (including any cost analyses).

h. Identify (by AIRS ID) the produced oil storage tanks that were, at any time since January 1, 2013, included in any IR camera inspection program, provide all documents evaluating or discussing which produced oil storage tanks to include in any IR camera inspection program, and state:

   i. The months during which each such tank was included in the program;
   ii. The frequency of IR camera inspections for each such tank (including notation of any changes to the frequency);
   iii. The date and location (e.g. thief hatch) of any emissions discovered through use of an IR camera at each such tank during calendar year 2014; and
   iv. The annual production for each such tank during calendar years 2013 and 2014.

8. Describe the processes and procedures used at any of your tank battery locations in the Denver-Boulder-Greeley-Ft. Collins-Loveland Area to address observed VOC emissions (whether observed by you or by personnel of the CDPHE) by providing the following:

a. State whether you document instances of observed VOC emissions.

b. State whether you document instances of any response action(s) to observed emissions.

c. State whether you track the time between observing emissions and completing response actions to address the emissions.

d. A summary table of each emissions observation during calendar year 2014 and the time elapsed before response actions were completed (in hours or days).

e. A narrative description of what, if any, factors are considered in determining whether to shut-in wells associated with a tank battery location until observed emissions are addressed.

f. Copies of any root cause analyses conducted since January 1, 2013 following observation of emissions from a produced oil storage tank.

g. All inspection forms or other inspection documents from the month of June 2014 in which emissions from a produced oil storage tank were identified by your personnel (including contractor personnel) or the CDPHE.

h. All June 2014 work orders and invoices for all repairs, replacements, upgrades, or other work performed in response to observed emissions from a produced oil storage tank.

ENCLOSURE 3

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

_____
(Signature)

_____
(Printed Name)

_____
(Title)

_____
(Date)

ENCLOSURE 4

Confidential Business Information (CBI) Assertion and Substantiation Requirements

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 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, subpart B. Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." 40 C.F.R. § 2.201(e).

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 114(c) of the Act and 40 C.F.R. Part 2, subpart B. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure 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.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive position. See 40 C.F.R. § 2.208 (a)-(e). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.

2. 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, specify that event. Additionally, explain why the information should be protected for the time period you have specified.

3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? 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 material such as the Internet, 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 the 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 whether disclosure of the information is likely to result in 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. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Virginia Sorrell
U.S. EPA Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1129
(303) 312-6669

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your answers or comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.