**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 5**

**IN THE MATTER OF**:

**Mid-America Steel Drum Company, Inc.**
**8570 South Chicago Road**
**Oak Creek, Wisconsin 53154**

**ATTENTION:**

**Scott Swosinski**
**Vice President of Operations**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Mid-America Steel Drum Company, Inc. (Mid-America) to submit certain information about the facility at 8570 South Chicago Road, Oak Creek, WI. 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 according to the deadlines specified in Appendix B.

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.

Mid-America owns and operates an emission source at the Oak Creek, WI facility. We are requesting this information to determine whether your emission source is complying with: the Wisconsin State Implementation Plan; your Part 70 Source Operation Permit; the National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products at 40 C.F.R. Part 63, Subpart MMMM; and the Clean Air Act (CAA).

Mid-America 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

Mid-America 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 Mid-America 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 Dakota Prentice at 312.886.6761.

_____ _____ _____ _____

Date

_____ ___ _____ _____ _____ _____ -

George T. Czerniak
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 as defined in the National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products at 40 C.F.R. Part 63, Subpart A and MMMM.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.

2. The terms "relate to" 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.

## Appendix B

## Information You Are Required to Submit to EPA

Mid-America must respond to this information request pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a). Mid-America must submit an emission test plan, conduct emission testing and submit all other information requested in accordance with the schedule specified below:

| | |
|---|---|
| Respond to Items 1-7 | Within 30 days of receipt of this request |
| Submit Testing Protocol(s) | Within 30 days of receipt of this request |
| Notification of Intent to Test | Not less than 21 days before testing |
| Complete Testing | Within 65 days of receipt of this request |
| Submit Testing Report | Within 30 days of completion of testing |

1. Provide a copy of each current air permit issued to Mid-America for the facility by the Wisconsin Department of Natural Resources (WDNR), including Construction and Operating Permits.

2. Provide a copy of all permit applications submitted to WDNR for the facility since March 2004.

3. Provide a list and copies of each emissions test conducted at the facility for any reason, from March 2004 to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack tests:

    a. **List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with the state permitting agency.

    b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations. If not included in the test report, provide production data corresponding to the time of the test.

4. From March 2009 to the present, provide the monthly and annual (12-month rolling total) number of drums processed by the Drum Reclamation Furnace, Process P30 from Renewal of Part 70 Source Operation Permit No. 241021220-P10.

5. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports, or equivalent documents submitted to either WDNR or EPA for the facility since March 2009.

6. Provide copies of Mid-America's Initial Notification and Notification of Compliance Status for the National Emission Standards for Hazardous Air Pollutants for Surface

Coating of Miscellaneous Metal Parts and Products at 40 CFR Part 63, Subpart MMMM.

7. Mid-America shall state all compliance options for meeting the emissions limits, as listed in 40 CFR § 63.3891, used at the facility for the last five years preceding the date of this request. Mid-America shall provide all documentation of compliance for each compliance option used within the last five years preceding the date of this request.

8. Mid-America must submit an emission test plan, conduct emission testing, and submit all other information requested within the schedules provided below for the facility. Specifically, Mid-America must:

   a. Within 65 days of the receipt of this request, perform the following emission testing at the Drum Reclamation Furnace: quantify the mass emission rate of PM/PM10 (filterable and condensable) in pounds per hour and determine the destruction efficiency for volatile organic compounds (VOCs);

   b. During the testing conducted pursuant to Item 8.a, operate the Drum Reclamation Furnace at maximum production rates and under representative conditions;

   c. Within 30 days after receipt of this request, submit to EPA and WDNR the proposed testing protocol that completely describes the methods and procedures for testing. Mid-America shall conduct the testing under a protocol approved in advance by EPA. Mid-America must make any adjustment to the testing protocol or operating conditions required by EPA. The protocol shall address the requirements of Item 8.a and 8.b of this information request;

   d. At least 21 days prior to the planned test(s), submit notification to EPA and WDNR of the intent to perform emission testing; and

   e. Within 30 days after completion of those tests, submit a complete report of the emissions testing on its facility, including the following, at a minimum:

      i. Summary of Results
         A. Results of the above specified emission tests;
         B. Process and control equipment data related to determining compliance;
         C. Discussion of test errors;
         D. Discussion of any deviations from the reference test methods; and
         E. Production data.

      ii. Facility Operations
         A. Description of the process and control equipment in operation;
         B. Operating parameters of the Drum Reclamation Furnace and related equipment at the time of the test; and
         C. Facility operating parameters that demonstrate that the facility was being operated at maximum production rates.

      iii. Sampling and Analytical Procedures

A. Sampling port location(s) and dimensions of cross-section;
B. Sampling point description, including labeling system;
C. Brief description of sampling procedures, including equipment and diagram;
D. Description of sampling procedures (planned and accidental) that deviated from any standard method;
E. Brief description of analytical procedures, including calibration;
F. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
G. Quality control/ quality assurance procedures, tests and results.

iv. Appendix
A. Complete results with example calculations;
B. Raw field data (original, not computer printouts);
C. Laboratory report, with signed chain-of-custody forms;
D. Calibration procedures and results;
E. Raw process and control equipment data, signed by plant representative;
F. Test log;
G. Project participants and titles; and
H. Related correspondence.

f. In the emission test report described above, Mid-America must describe and provide the results of any other emission test runs, emissions characterizations, or emissions studies, conducted or attempted on the Drum Reclamation Furnace after receipt of this letter.

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

Scott Swosinski
Mid-America Steel Drum Company, Inc.
8570 South Chicago Road
Oak Creek, Wisconsin 53154

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

Bill Baumann
Compliance, Enforcement & Emission Inventory
Section Chief
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AM/7)

Dan Schramm
Supervisor
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

On the _____ day of _____ 2014.

_____ _____ _____ _____ _____
Loretta Shaffer, Administrative Program Assistant
AECAB, Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: _____

Standard bcc's: Official File Copy w/Attachment (s)
Originating Organization Reading File w/Attachment(s)

Other bcc's:
G:\Air Enforcement And Compliance Branch\IL and IN\KOwens\Madison-Area\Mid-America Steel Drum\Mid-America_114 v5.docx
Padma Bending (C-14J)