<u>Overview of Pertinent Info, Regarding Valero, in the 2014 RFI (Reporting Forms & Instructions)</u>

73401TTLPTHIGHW

Page iv, Informs reader of utilizing the Audit Policy if violations are discovered

Page iv, Brief synopsis of the EPA Enforcement Response Policy deals mostly with *revisions*.

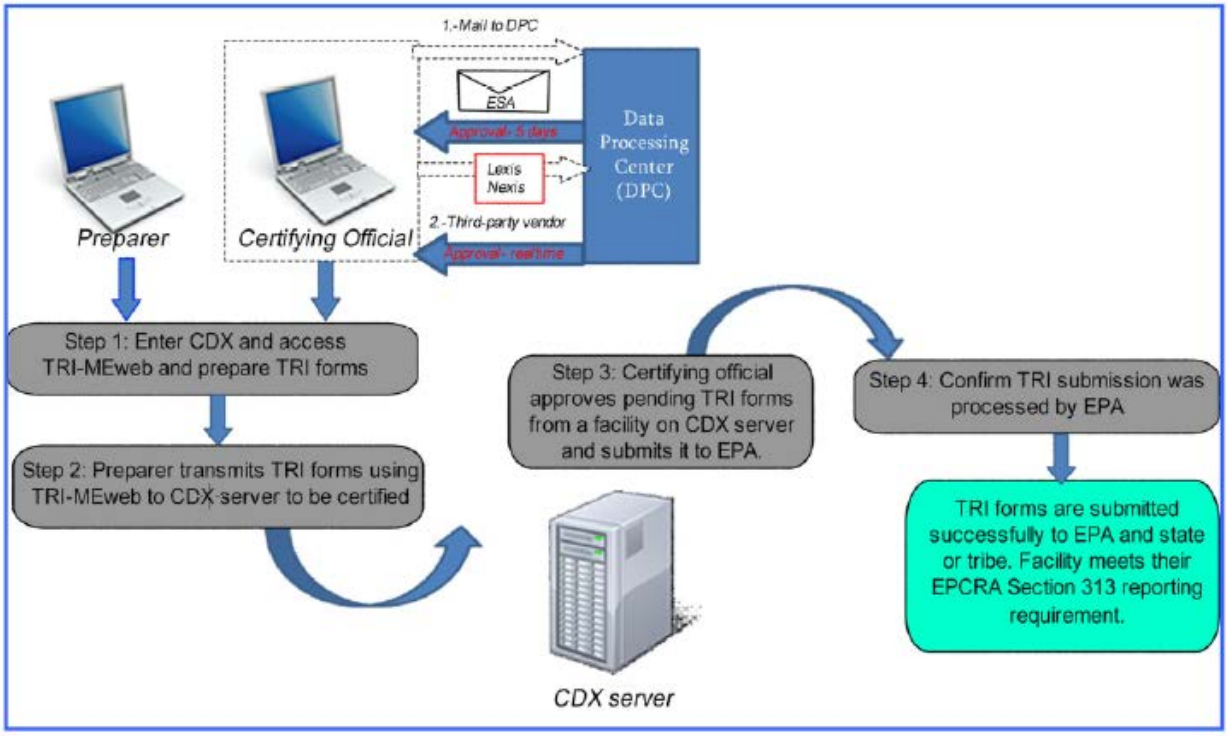
Page v, in bold letters at top of column 1: ***TRI-MEweb RY 2014 Version***
First sentence says this software helps fulfill a facility's obligation for EPCRA 313 and PPA Section 6607

Furthermore:

> The TRI-MEweb software provides guidance for each data element on the TRI reporting Forms. TRI-MEweb checks the entered data for common errors and then prepares it for electronic transmission and certification in the Agency's Central Data Exchange (CDX) (see the flow diagram of the TRI-MEweb reporting process (Figure 1) on page 2.)
>
> **<u>The Electronic Reporting Rule of 2014 expanded the use of the TRI-MEweb application to allow submission of RY 1991 –2014 data.</u>** TRI-MEweb allows facilities to submit, revise, and withdraw TRI reporting forms for RYs 1991 – 2014, provided the

Figure 2 leaves little that the Certifying Official certifies pending forms. I find it a stretch to equate being approved as a certifying official as to certifying forms – see next page:

Figure 2 (Toxic Chemical Release Inventory Reporting Forms and Instructions, *Revised 2014 Version*)



Page v further clarifies:

July 1 is the TRI reporting deadline. There is a legal obligation to file an accurate and complete Form R report for each chemical by July 1 each year. EPA may take enforcement action and assess civil administrative penalties regarding corrections to errors in Form R reports that are not changes based on previously unavailable information or procedures which improve the accuracy of the data initially reported. The kinds of errors which may result in enforcement and in penalties include but are not limited to the following: (1) errors caused by not using the most readily available information, for example, not using monitoring data collected for

The bottom of page 5 leaves little doubt, in my estimate, that *being approved for certification* is a completely different process than *certifying reporting forms*. These instructions make it clear one has to certify a Form, not simply respond to email messages.

Uncertified TRI-MEweb Submissions. A facility's registered certifying official must electronically sign Form R and/or Form A reports via TRI-MEweb before the submission is complete. Uncertified TRI-MEweb electronic submissions are not considered complete according to the reporting requirements in EPCRA Section 313. Lack of certification will prevent the submission from being processed.

No documentation sent by Valero shows an ***access key*** was sent to the facility for the first time certifiers.

Getting started. In early 2015, all technical contacts, preparers, and certifying officials from reporting facilities that filed TRI reports in the prior reporting year will be emailed their 6-digit alpha numeric ***access key*** for each facility account in TRI-MEweb. This unique access key is used to load any TRI data received by EPA in the past seven reporting years into its corresponding TRI-MEweb facility account. If you have not received a unique 6-digit access key by February, call the CDX helpdesk at (888) 890-1995, however the access key is ONLY needed if you cannot access your facility

Based on information supplied by Valero, all rests on Greg Elliot as having transmitted the reporting forms.

25	helpdesk@epacdx	Kevin Lassahn	2015 7:52 PM	TRI Facility
26	helpdesk@epacdx	Kevin Lassahn	Mon June 29 2015 7:53 PM	Identified as a Certifying Official for a TRI Facility
27	Greg Elliott	Outlook Invitation to Meeting in Kevin Lassahn's Office	Tue June 30 2015 8:15 AM	Overview and Submittal of TRI
28	helpdesk@epacdx	Kevin Lassahn	Tue June 30 2015 6:22 AM	CDX Password Reset Instructions
29	helpdesk@epacdx	Kevin Lassahn	Tue June 30 2015 6:23 AM	CDX Password Reset Confirmation

Does this then imply he was in fact the preparer for the 2014 calendar year? Since he was a certifying official at one time, he should know the procedure.

VALERO RESPONSE (FEB 2017)

Exhibit A
Email from CDX to acknowledge password reset (June 30, 2015) 6:22 AM
Email from CDX acknowledged password has been reset (June 30, 2015) 6:23 AM
Email from CDX have created a new account (June 30, 2015) 6:26 AM
Subject was: CDX Registration Status Change
June 30, 2015 6:29 AM same message as above
Email from CDX verification reset (June 30, 2015) 9:26 AM
apparently identify verifcation failed and this is a reset
Email from CDX have successfully created a new account (June 30, 2015) 9:27 AM
Email from CDX – role has been activated (June 30, 2015) 9:32 AM
Email from CDX successfully signed a document CROMERR, (June 30, 2015) 9:32 AM
Email from CDX help desk ticket closed #22464, June 30, 2015) 9:38 AM
Email from Lassahn to Turner what? (June 30, 2015) 9:45 AM
TRIFID Certifier Agreement Document

Exhibit B
Email from CDX to certify forms (November 23, 2015) 9:28 AM
Email from CDX confirmation of certification (November 23, 2015) 9:31 AM

Why would certifying official “think” the reporting forms had been submitted and were ready for certification?