Message

From: Valentine, Greg [valentine.greg@epa.gov]
Sent: 11/22/2013 5:51:37 PM
To: Hoyt, Daniel [Hoyt.Daniel@epa.gov]; Secrest, Cary [Secrest.Cary@epa.gov]
CC: Lutz, Craig [Lutz.Craig@epa.gov]
Subject: RE: GMAP data: clarification needed
Attachments: Intercontinental - EPA Onsite IR Camera Survey.docx

Dan/Cary,

Here is a letter that was sent to the facility describing what we shot IR videos of. This should answer your questions.

Greg Valentine
Environmental Scientist - Toxics Section

U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202
Mail Code: 6EN-AT

Phone: (214) 665-3111
Fax: (214) 665-7446

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From: Hoyt, Daniel
Sent: Friday, November 22, 2013 11:12 AM
To: Secrest, Cary
Cc: Valentine, Greg; Lutz, Craig
Subject: RE: GMAP data: clarification needed

ENFORCEMENT CONFIDENTIAL

Cary,

(b) (7)(A)

Dan

Daniel Hoyt
Environmental Engineer
Air Surveillance Section
US EPA, Region 6 (6EN-AS)

1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Phone: 214.665.7326
Fax: 214.665.3177 (call before faxing)

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From: Secrest, Cary
Sent: Friday, November 22, 2013 10:58 AM
To: Hoyt, Daniel
Subject: RE: GMAP data: clarification needed

ENFORCEMENT CONFIDENTIAL

Hi Dan

(b) (7)(A) Perhaps (b) (7)(A) I hope Martha can send me the GMAP data. That might inform.

Regards,
Cary

Mr. Cary Secrest, Rm. 2119
U.S. EPA William Jefferson Clinton Building South
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Offc: 202.564.8661
Cell: 202.360.9527
Air Lab: 410.305.3069

From: Hoyt, Daniel
Sent: Thursday, November 21, 2013 5:58 PM
To: Secrest, Cary
Subject: RE: GMAP data: clarification needed

Per the 2009 TCEQ EI, the following tanks were sources of benzene in 2009 (see attached image):

512
513
514
515
607

Info provided by Vopak during our inspection indicates Tanks 512-515 were in benzene service and Tank 607 was in steam cracked naphtha service during our inspection.

Daniel Hoyt
Environmental Engineer
Air Surveillance Section

US EPA, Region 6 (6EN-AS)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Phone: 214.665.7326
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From: Secrest, Cary
Sent: Thursday, November 21, 2013 1:28 PM
To: Hoyt, Daniel; Thoma, Eben; Hamre, Martha; Bustamante, Armando
Subject: GMAP data: clarification needed

ENFORCEMENT CONFIDENTIAL

Martha and Armonda:

(b) (7)(A)

(b) (7)(A) And, please see Eben's email of just a few minutes ago today.

Were you in the location shown in my jpg image, or in Dan's?

Regards,
Cary

Mr. Cary Secrest, Rm. 2119
U.S. EPA William Jefferson Clinton Building South
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Offc: 202.564.8661
Cell: 202.360.9527
Air Lab: 410.305.3069

From: Hoyt, Daniel
Sent: Thursday, November 21, 2013 2:21 PM
To: Secrest, Cary
Subject: RE: Eben does not have the GMAP data

Cary,

(b) (7)(A)

Dan

Daniel Hoyt
Environmental Engineer
Air Surveillance Section
US EPA, Region 6 (6EN-AS)

1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Phone: 214.665.7326
Fax: 214.665.3177 (call before faxing)

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

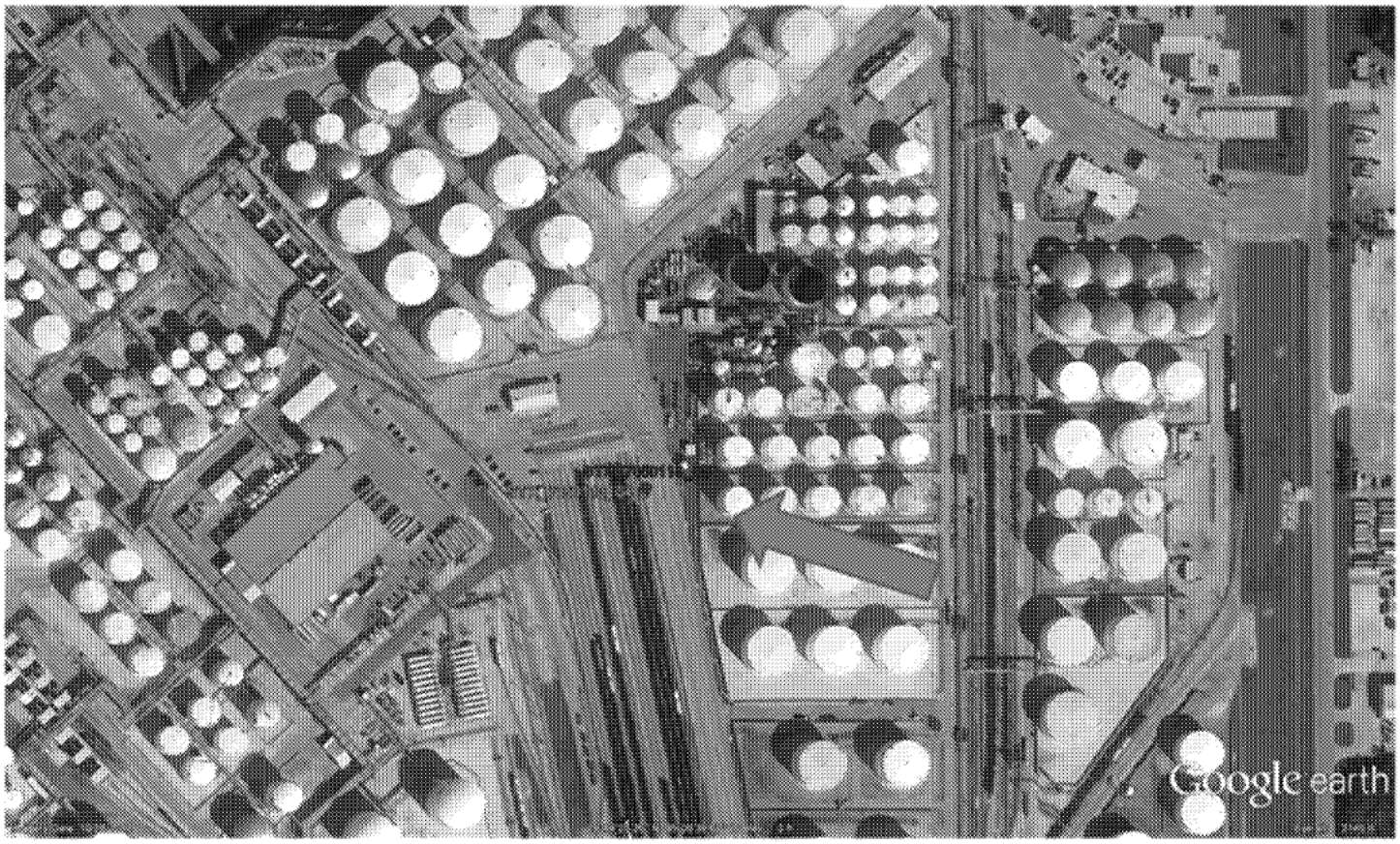
From: Thoma, Eben
Sent: Thursday, November 21, 2013 12:24 PM
To: Secrest, Cary; Hamre, Martha; Bustamante, Armando
Cc: Hoyt, Daniel
Subject: RE: Eben does not have the GMAP data

Cary,

(b) (7)(A)

Thanks,

Eben



From: Secrest, Cary
Sent: Thursday, November 21, 2013 12:55 PM
To: Thoma, Eben; Hamre, Martha; Bustamante, Armando
Cc: Hoyt, Daniel
Subject: Eben does not have the GMAP data

ENFORCEMENT CONFIDENTIAL

Martha and Armondo:

Eben doesn't have the GMAP data for the "stationary" monitoring, including the May 1 monitoring of VOPAK's wastewater benzene emissions while you were across the fence line at Intercontinental Terminals. He only has the mobile monitoring. He suspects that you still have that stationary data.

Regards,
Cary

Mr. Cary Secrest, Rm. 2119
U.S. EPA William Jefferson Clinton Building South
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

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Air Lab: 410.305.3069

ENCLOSURE
INFORMATION REQUEST
for
INTERCONTINENTAL TERMINALS COMPANY LLC (ITC)
PART 1 OF 4
AUTHORITY, INSTRUCTIONS, & DEFINITIONS

AUTHORITY

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this request for information to Intercontinental Terminals Company LLC (ITC) to provide certain information regarding their Deer Park Terminal, pursuant to Section 114(a) of the Clean Air Act ("the Act" or "CAA"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of this information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, you are hereby required to provide responses to the questions and requested information regarding the ITC's Deer Park Terminal located in Deer Park, Texas, as identified in **PART 2** of this Enclosure.

EPA requires ITC to submit the information requested no later than thirty (30) calendar days after your receipt of this letter. If information or documents not known or not available to you as of the date of submission of a response to this information request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

This 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.

Please be advised that failure to provide the information required by this letter in a timely manner and in accordance with this information request may result in the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false statements or omission in any response required under the Act. EPA may also seek criminal penalties from any person who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of EPA or in relation to or contemplation of any such matter or case. *See* 18 U.S.C. §§ 1001, 1341, 1519.

ITC INFORMATION REQUEST
PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS

Any information that you provide in response to our request may be used in administrative, civil, and criminal proceedings. Therefore, a duly authorized officer or agent of ITC should certify your response to this information request by signing the enclosed Statement of Certification, provided in **PART 3**, and returning it with your response. For claiming any information you provide as confidential business information, please see **PART 4**.

INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.

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 that was used or considered in responding to that question, as well as each person 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 question to which the document 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 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 is not available or in your possession and identify any source that either possesses or is likely to possess such information.

6. When specific questions request data in electronic form to be provided, the data and corresponding information should be provided 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.

7. You have the option to provide any individual document that would otherwise be provided in hard copy form in response to our request for information in Portable Document Format (PDF), saved to a compact disc, rather than hard copy.

    a. Each document provided in PDF must still be provided in accordance with those instructions for submittal of documents as outlined above (e.g., each PDF document should include all enclosures/attachments associated with the document, or a reference page added to indicate that a separate PDF document

is provided as the enclosure/attachment so referenced).

b. For each compact disc containing PDF documents submitted in response to our request, a table of contents for the PDF documents on individual or multiple discs must be provided so that each PDF document can be accurately identified in relation to your response to a specific question. In addition, each compact disc should be labeled appropriately (e.g., Disc 1 of 4 for Information Request Response, Date of ITC Response). This option does not include any "data" specifically covered in item 6 of these instructions, above.

c. For PDF submittals please ensure that confidential business information and non-confidential information are submitted on separate disks. Please also mark each page that is confidential business information as such.

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, 40 C.F.R. Part 52 (which incorporates the Federally-approved State Implementation Plan), other CAA implementing regulations, or otherwise defined herein.

1. The term "Air Pollution Control Equipment" or "APCE" shall mean any control device and/or equipment used to reduce the release of particulate matter and other pollutants to the atmosphere.

2. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or

enclosures with any document, and (e) every document referred to in any other document.

3. The term "Emissions Unit" shall have the same meaning as defined at 40 C.F.R. §52.21(b)(7).

4. The terms "person" 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.

5. The term "ITC" includes any officer, director, agent, or employee of ITC, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

6. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

7. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

ENCLOSURE
INFORMATION REQUEST
for
INTERCONTINENTAL TERMINALS COMPANY LLC (ITC)

PART 2 OF 4
QUESTIONS AND INFORMATION SPECIFIC TO INTERCONTINENTAL TERMINALS DEER PARK TERMINAL

In accordance with that authority outlined in Enclosure, Part 1, this information request pertains specifically to ITC's Deer Park Terminal, located in Deer Park, Texas:

INTERCONTINENTAL TERMINALS DEER PARK TERMINAL
Latitude 29° 44' 06'', Longitude 095° 05' 47''
Physical location: 1943 Battleground Road
Nearest City: Deer Park
County: Harris
State/Zip Code: TX/ 77571

The Intercontinental Terminals Deer Park Terminal ("Facility") contains emission units that emit or have the potential to emit pollutants subject to requirements of the Prevention of Significant Deterioration (PSD) and/or New Source Review (NSR) programs and is subject to the requirements of Title V of the Clean Air Act (CAA). ITC must [SEQ CHAPTER \h \r 1]provide the following information for the Deer Park Terminal:

1. ITC previously provided true vapor pressure records to EPA by letter dated October 6, 2012. The true vapor pressure records provided indicate that for certain materials, the vapor pressure was determined using AP-42. Provide all associated calculation information that was used for the AP-42 maximum true vapor pressure determinations for:

   a. Pyrolysis Gasoline that was in Tank 80-20 on October 19, 2012
   b. Methanol that was in Tank 80-25 on October 19, 2012
   c. Pyrolysis Gasoline that was in Tank 80-7 on October 19, 2012
   d. Ethanol that was in Tank 80-2 on October 19, 2012

2. Provide with the calculation information, specific references identifying sources of information or data and calculation methodologies that were used, test methods used, and numerical values used for assumptions and calculation inputs, including composition data, temperature, molecular weights, and calculation constants. Also provide an example calculation for each different type of calculation.

3. Provide records of maximum true vapor pressure at actual storage temperatures for the Pyrolysis Gasoline stored in Tanks 80-15, _____ on ___. Provide the associated (b)(5) Deliberative Process

basis information for the true vapor pressure records provided. Provide with the basis information, specific references identifying sources of information or data and calculation methodologies that were used, test methods used, and numerical values used for assumptions and calculation inputs, including composition data, temperature, molecular weights, and calculation constants. Also provide an example calculation for each different type of calculation.

4. Provide a copy of the most recent API 653 inspection report for Tank 80-15.

5. Provide a copy of the most recent internal (out of service) seal inspection report for Tank 80-15.

6. Provide a copy of the most recent through the hatch (external) seal inspection report for Tank 80-15.

7. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings associated with the most recent API 653 inspection, most recent internal (out of service) seal inspection and most recent through the hatch (external) seal inspection for Tank 80-15.

8. Provide a copy of all through the hatch (external) seal inspection reports for inspections of Tank 80-7 that have occurred since August 15, 2012, if there have been any.

9. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings, including but not limited to, liquid accumulation around the gauge well, associated with the August 15, 2012 through the hatch (external) seal inspection, and any subsequent through the hatch (external) seal inspections of Tank 80-7.

10. Provide a copy of all API 653 inspection reports for inspections of Tank 80-7 that have occurred since February 16, 2010, if there have been any.

11. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address the findings associated with the February 16, 2010 API 653 inspection, and any subsequent API 653 inspections, of Tank 80-7, including:

    a. Shell deformation of Tank 80-7 located in Courses 4 and 5 from Stations 158.0 to 167.0, in Courses 5 and 6 from Stations 277.0 to 285.0 and in Courses 4 and 5 from Stations 337.0 to 346.0 (measured in feet counterclockwise from Manway A), and any consideration that has been given to evaluate the effects of this deformation on the operation of the floating roof;

b. Damage/deterioration of the floating roof vertical ladder well cover plate and vapor seal of Tank 80-7; and,
c. The condition of the floating roof aluminum deck sheeting near the vertical ladder well of Tank 80-7.

12. Provide a copy of the most recent internal (out of service) seal inspection report for Tank 80-7.

13. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings associated with the most recent internal (out of service) seal inspection of Tank 80-7.

14. Provide a copy of all API 653 inspection reports for inspections of Tank 80-2 that have occurred since August 10, 2010, if there have been any.

15. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address the findings associated with the August 10, 2010 API 653 inspection, and any subsequent API 653 inspections, of Tank 80-2. Include internal documents and emails regarding the shell deformation of Tank 80-2 located at Station 197.5, between shell Courses 5 and 6, and at Station 189.5 between shell Courses 4 and 5, and internal documents and emails that consider or evaluate the effects of this deformation on the operation of the floating roof.

16. Provide a copy of all through the hatch (external) seal inspection reports for inspections of Tank 80-2 that have occurred since August 13, 2012, if there have been any.

17. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings, if any, associated with the most recent through the hatch (external) seal inspection of Tank 80-2.

18. Provide a copy of the most recent internal (out of service) seal inspection report for Tank 80-2.

19. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings associated with the most recent internal (out of service) seal inspection of Tank 80-2.

20. Provide a copy of all through the hatch (external) seal inspection reports for inspections of Tank 80-20 that have occurred since September 13, 2012, if there have been any.

21. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings associated with the September 13, 2012

through the hatch (external) seal inspection, and any subsequent through the hatch (external) seal inspections, of Tank 80-20, including the ½ inch by 12 foot gap identified at the secondary seal.

22. Provide a copy of all API 653 inspection reports for inspections of Tank 80-20 since July 19, 2011, if there have been any.

23. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address the findings associated with any API 653 inspections of Tank 80-20 that occurred after July 19, 2011, if any.

24. Provide a copy of the most recent internal (out of service) seal inspection report for Tank 80-20.

25. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings associated with the most recent internal (out of service) seal inspection of Tank 80-20.

26. Provide a copy of all through the hatch (external) seal inspection reports for inspections of Tank 80-25 that have occurred since October 15, 2012, if there have been any.

27. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings, if any, associated with the most recent through the hatch (external) seal inspection of Tank 80-25.

28. Provide a copy of all API 653 inspection reports for inspections of Tank 80-25 that have occurred since March 20, 2012, if there have been any.

29. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address the findings associated with the March 20, 2012 API 653 inspection, and any subsequent API 653 inspections, of Tank 80-25. Include internal documents and emails regarding the aluminum pontoons that were found to have deterioration and etching present on the lower half that was in contact with the product, the three holes that were found in the floating roof panels, and the small amount of sag that was noted for the floating roof panels.

30. Provide a copy of the most recent internal (out of service) seal inspection report for Tank 80-25 that have occurred since May 25, 2012, if there have been any.

31. Provide a copy of all internal documents and emails regarding corrective actions, costs and alternatives to address findings, if any, associated with the most recent internal (out of service) seal inspection report for Tank 80-25.

ITC INFORMATION REQUEST
PART 2: QUESTIONS

32. Provide a table identifying each permit application and permit by rule (PBR) registration representation since January 1, 1995 for emissions quantities, storage scenarios (identifying the allowable tank types and maximum number of each tank type by size), and physical and chemical characteristics of the emissions and stored material (including composition, density, molecular weight, temperature and vapor pressure), for storage tanks containing:

    a. Fuel Oil Blendstock;
    b. Ethanol 190-192.5 Proof;
    c. Pyrolysis Gasoline;
    d. No. 6 Fuel Oil, and;
    e. Methanol.

    Include in the table the submittal date of each permit application and PBR registration representation, the associated permit and PBR registration numbers, and the project number assigned by the Texas Commission on Environmental Quality (TCEQ) for the application or registration review.

33. Provide a copy of each permit application and permit by rule (PBR) registration identified in response to question # 32, which was not provided in response to the CAA Section 114 Information Request dated August 24, 2012, issued to ITC.

34. Provide a copy of all sample analysis results for composition, density, molecular weight, and vapor pressure of stored Fuel Oil Blendstock, Pyrolysis Gasoline, and No. 6 Fuel Oil, for samples collected at the Facility and analyzed since August 22, 2003.

35. Provide recalculated emissions representations for Fuel Oil Blendstock, Pyrolysis Gasoline, and No. 6 Fuel Oil, including maximum hourly standing emissions, maximum hourly working emissions, and maximum annual emissions, if sample analysis results provided in response to question #34 differ from any currently applicable permit application or PBR registration composition, density, molecular weight, or vapor pressure representations identified in response to question #32, for samples collected at the Facility and analyzed since August 22, 2003.

ENCLOSURE
INFORMATION REQUEST
for
INTERCONTINENTAL TERMINALS COMPANY LLC (ITC)

PART 3 OF 4
STATEMENT OF CERTIFICATION FORM FOR DULY AUTHORIZED AGENT

[SEQ CHAPTER \h \r 1]

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, 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, accurate, 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, and 18 U.S.C. §§ 1001 and 1341.

_____
(Signature)

_____
(Title)

_____
(Date)

ENCLOSURE
INFORMATION REQUEST
for
INTERCONTINENTAL TERMINALS COMPANY LLC (ITC)

PART 4 OF 4
CONFIDENTIAL BUSINESS INFORMATION (CBI) CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. 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. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation Requirements

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, 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 the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

ITC INFORMATION REQUEST
PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

Pursuant to 40 C.F.R. Part 2, subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. 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. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? 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 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 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 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?

ITC INFORMATION REQUEST
PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

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. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. "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 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).

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. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Please also note that broad, non-specific CBI claims will likely result in an immediate request from EPA for substantiation.