UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 26 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rebecca Lundberg
Lundberg Studios
121 & 131 Old Coast Road
Davenport, California 95017

Re: Requirement to Provide Information Pursuant to Section 114 of the Clean Air Act

Dear Ms. Lundberg:

The enclosed information request is being issued to you pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414. The Environmental Protection Agency (EPA) is seeking information concerning the Lundberg Studios glass manufacturing facilities.

Under Section 114 of the CAA, EPA is authorized to require the submission of records, reports, and other information for the purpose of determining whether any violations of the CAA have occurred. In accordance with this authority, you are hereby served the enclosed Information Request, and required to provide the requested responses and documents within fourteen (14) days of receipt of this Request. See Enclosures 1 and 2 for the instructions, definitions, and Information Requests.

You must submit a copy of the full response to:

Gregory Fried, Chief
Stationary Source Enforcement Branch
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Failure to provide the required information in a timely manner may lead to civil action to obtain compliance or to recover a civil penalty in accordance with Section 113 of the CAA, 42 U.S.C. § 7413. EPA also has authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification. Even if you fully comply with this

letter, you may still be subject to administrative, civil, or criminal action as provided by the CAA.

You are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b). See Enclosure 3 for instructions on assertion of business confidentiality claims. Note that emissions data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, is not entitled to confidential treatment. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Any technical questions regarding this Information Request should be directed to Gregory Fried, Office of Civil Enforcement, at (202) 564-7016; for legal matters, contact Sara Froikin, Office of Civil Enforcement, at (212) 637-3263.

Sincerely,

Phillip A. Brooks, Director
Air Enforcement Division

Enclosures (2)

cc: Matt Salazar, EPA Region 9

ENCLOSURE 1

A. INSTRUCTIONS:

1) Please provide a separate narrative response to each Information Request and subpart of an Information Request set forth in Enclosure 2 of this Information Request and precede each answer with the number of the Information Request to which it corresponds.

2) For each Information Request, identify each person responding to any Information Request contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.

3) For each Information Request, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the Information Request, and provide a true and correct copy of each such document if not provided in response to another specific Information Request. Indicate on each document produced in response to this Information Request the number of the Information Request to which it corresponds.

4) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.

5) Requested information should be submitted in electronic format, if possible.

For purposes of this Information Request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

B. DEFINITIONS:

1) "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Lundberg Studios or the possession or control of any person or entity hired by Lundberg Studios. A copy of a document rather than the original may be provided.

2) "Facility" means a Lundberg Studios glass manufacturing facility.

3) "Glass melting furnace" means a unit comprising a refractory-lined vessel in which raw materials are charged and melted at high temperature to produce molten glass.

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 include 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) "Raw material" means minerals, such as silica sand, limestone, and dolomite; inorganic chemical compounds, such as soda ash (sodium carbonate), salt cake (sodium sulfate), and potash (potassium carbonate); metal oxides and other metal-based compounds, such as lead oxide, chromium oxide, and sodium antimonate; metal ores, such as chromite and pyrolusite; and other substances that are intentionally added to a glass manufacturing batch and melted in a glass melting furnace to produce glass. Metals that are naturally-occurring trace constituents or contaminants of other substances are not considered to be raw materials. Cullet and material that is recovered from a furnace control device for recycling into the glass formulation are not considered to be raw materials.

6) The terms "you" or "your", as used above and in each Information Request set forth in Enclosure 2 of this Information Request, refer to, and shall mean, Lundberg Studios, including its subsidiaries, divisions, 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.

ENCLOSURE 2
INFORMATION REQUEST

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information for the Lundberg Studios glass manufacturing facilities. Please supply all information in electronic format, if possible.

1. Provide a description of what glass products are made at the facility.

2. Provide a list of all glass melting furnaces (including day tanks, pot furnaces, kilns, etc.) at your facility. For each furnace, please provide the following information:
   a. A description of the type of furnace (e.g. tank, pot furnace, etc.).The capacity of the furnace in pounds per day.
   b. A general description of the annual and weekly production schedule of the furnace, including when the furnace is producing glass and when the furnace is cooled to ambient temperatures. For each furnace, how many weeks during the year does the furnace operate? If operation is seasonal, please indicate which portion of the year the source operates.
   c. Is the furnace ever cooled to ambient temperatures outside of a re-bricking project? If so, give a description of when it is cooled and the purpose of it.
   d. The total amount of glass made from raw materials per year for the last 3 years.
   e. Whether the furnace is charged with compounds of one or more glass manufacturing metal HAP (chromium, cadmium, lead, manganese, nickel, or arsenic) as raw materials.
   f. The total amount of glass produced per year for the last 3 years that contained compound(s) of a glass manufacturing metal HAP as raw materials in a glass manufacturing batch formulation.
   g. Whether the furnace is a process unit whose purpose is to conduct research and development for new processes and products and is not engaged in the manufacture of products for commercial sale, except in a de minimis manner.

3. Please provide the total amount of each compound of a glass manufacturing metal HAP used per year at your facility for the last 3 years.

4. Have you ever done any emission testing or performance testing of the furnaces or materials handling operations? If yes, then please submit a copy of any air emissions test report.

5. Have you reported any emissions to a government entity? If yes, then please submit a copy of the report.

6. Does your facility have any federal, state, or local air emissions permits? If so, please submit an electronic copy of each permit.

7. Identify any equipment and/or practices used at your facility to control emissions of metals during raw material receiving, batch weighing, batch mixing, furnace charging and glass melting. If you use air pollution control devices (APCD) to control any of these steps, what is the estimated efficiency of the APCD? What is the basis for this efficiency estimate (i.e., source test, vendor guarantee, materials balance, etc.)?

Enclosure 3

Confidential Business Information Assertion and Substantiation Requirements

A. 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. Section 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 the EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret" or "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 the EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. 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 Clean Air Act (the Act) and 40 C.F.R. Part 2. The 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.

B. Substantiation Requirements

All confidentiality claims are subject to the 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. Sections 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.

Pursuant to 40 C.F.R. Part 2, subpart B, the 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 the 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 the EPA may release the information. If you receive such a letter, the 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 are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, 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 the 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, <u>explain with specificity</u> 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 the 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. Section 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/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. Sections 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.