UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

September 7, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7003 0500 0003 0872 5477

JeanMarie Cencetti
Director of Environment and Sustainable Development
Arkema Inc.
900 First Ave
King of Prussia, PA 19406

Dear Ms. Cencetti:

Enclosed is an Information Request (Request) issued to Arkema Inc. This request is being made pursuant to the authority set forth in Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). Pursuant to this authority, the United States Environmental Protection Agency (EPA), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding the Arkema facility in Crosby, Texas in order to determine compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68.

Please provide the information requested within ten (10) calendar days of your receipt of this letter to the person identified in Enclosure A. If you have any technical questions, please direct them to Marie Stucky at (214) 665-7560. If you have any other questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact James Murdock of the Office of Regional Counsel at (214) 665-7302. Thank you for your attention to this matter.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures
cc: Ramiro Garcia Jr., TCEQ

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ENCLOSURE A

ARKEMA CROSBY INFORMATION REQUEST

The Environmental Protection Agency (EPA) is issuing this request for information to Arkema Inc. regarding its Crosby, Texas facility pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68. 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 Compliance Assurance and Enforcement Division, EPA Region 6. Therefore, Arkema, Inc. is required to provide a response to this Request regarding the Arkema Inc. facility in Crosby, Texas (the Facility).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA 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. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Arkema Inc. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Arkema Inc. to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If the Texas Commission on Environmental Quality has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Samuel Tates, Chief
Chemical Accident Enforcement Section (6EN-AS)
Air Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Arkema Inc. qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF. Please be aware that SBREFA does not eliminate Arkema Inc.'s responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Samuel Tates, listed above.

Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by Arkema to EPA's authorized representatives, including its contractors, Eastern Research Group ("ERG"). Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), Arkema may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.

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.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this 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.

2. Please identify each person answering and each person consulted in preparing to answer each Question and subpart of each Question.

3. For every Question contained herein, please identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.

4. Please provide a separate response to each question or subquestion in this Request, and precede each answer with the number of the question to which it responds.

5. Please submit all information for each question in a logically sequenced, electronic format (e.g., PDF). Data should be provided in searchable and editable electronic format (e.g., spreadsheet). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.

6. If Arkema Inc. has previously submitted the requested information to EPA, it may identify the document instead of resubmitting the document

7. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.

8. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, 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, 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 hard drive, USB drive, CD, DVD, 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 hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, 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 enclosure with any document, and (e) every document referred to in any other document.

2. The term "Arkema" includes any officer, director, agent, or employee of Arkema, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.

3. The term "you" or "yours" refers to Arkema.

4. The term "facility" refers to the Arkema facility located at 18000 Crosby Eastgate Road, Crosby, Texas.

5. The term "event" refers to planning and response activities for the severe weather and flooding, and the subsequent incident at the facility from the start of weather preparations through the completion of response activities.

6. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.

7. All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et* seq. or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.

8. The term "organic peroxides" will have its ordinary meaning and will include, but not necessarily be limited to, the temperature-sensitive material moved by Arkema in response to flooding at the facility.

9. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

10. 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.

11. 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.

III. QUESTIONS

1. Please provide a detailed description and timeline of the event. Include the best known start time and duration of the incident. The timeline should address in detail the following events as well as any other relevant points:

    a. Primary power failure.

    b. Use of backup power supply and subsequent failure.

    c. Use of liquid nitrogen and related equipment and subsequent failure.

    d. Removal of organic peroxides material to each of the nine refrigerated trailers, and which specific organic peroxides materials were placed in each trailer.

    e. Relocation of each of the nine refrigerated trailers.

    f. Temperature readings on each of the nine trailers.

    g. Failure of primary and backup refrigeration systems in trailers.

    h. Initial ignition and combustion of materials in each of the nine trailers.

    i. Controlled burn of each trailers.

    j. Other emergency response activities.

2. Please provide any documents associated with the identification of hazards posed by organic peroxides at your facility, operating procedures related to organic peroxides, and procedures related to flood, hurricane, loss of power, and emergency operations, and shutdown.

3. What are the names and Chemical Abstract Service (CAS) Numbers of the organic peroxides moved to the refrigerated trailers?

    a. How and where are organic peroxides normally stored at the facility?

    b. How much organic peroxides are stored at the facility at any one time?

    c. What layers of protection or other release prevention measures are in place for the storage of organic peroxides on site?

    d. Under what conditions are organic peroxides moved to refrigerated trailers? Prior to the incident, when and for how long did you store materials, including organic peroxides, in refrigerated trailers?

    e. Are organic peroxides ever moved off site for safe storage? If so, where are they moved, and what conditions trigger such movement?

4. What backup power and safety systems were in place prior to the flooding?

    a. What "Recognized And Generally Accepted Good Engineering Practices" are followed by Arkema for the design, installation, operation, maintenance, and reliability of the backup power and safety system?

    b. What were the engineering and administrative controls for the safety and power systems, and what were their known consequences of failure, and what additional safety measures were in place in event of such failure?

5. What measures did Arkema take in response to the flooding to minimize consequences of an accidental release or fire/explosion involving either RMP-regulated substances or other hazardous chemicals held at the site, including organic peroxides?

Enclosure B

Clean Air Act Section 114 Information Request
Statement of 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 submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Printed Name: _____

Office or Title: _____

Date: _____