Clean Air Act Section 114 Information Collection Request For Chemical Manufacturers

(chemical manufacturing process units, elastomer product process units, polyether polyol manufacturing process units, and other affected facilities or sources subject to certain SOCMI related NESHAP and/or NSPS)

Survey Questions, Testing, and Submittal Instructions

1.0 Introduction

Under the authority of Section 114 of the Clean Air Act (CAA), this Information Collection Request (ICR) is to be completed for source categories at your company that comprise one or more of the following operations:

- "Air Oxidation Reactors" subject to 40 CFR part 60, subpart III and defined by 40 CFR 60.611;
- "Distillation Units" subject to 40 CFR part 60, subpart NNN and defined by 40 CFR 60.661;
- "Reactor Processes" subject to 40 CFR part 60, subpart RRR and defined by 40 CFR 60.701;
- "Chemical Manufacturing Process Units" subject to 40 CFR part 63, subparts F through H and defined by 40 CFR 63.101;
- "Elastomer Product Process Units" subject to 40 CFR part 63, subpart U and defined by 40 CFR 63.482;
- "Polyether Polyol Manufacturing Process Units" subject to 40 CFR part 63, subpart PPP and defined by 40 CFR 63.1423; and
- "Equipment" in VOC service subject to 40 CFR part 60, subpart VVa and defined by 40 CFR 60.481a.

This CAA Section 114 ICR consists of two components: survey questions (Component I); and testing and sampling certain operations (Component II). This Enclosure 1 includes instructions for both Component I and II of this CAA Section 114 ICR. CAA Section 114 authorizes the U.S. Environmental Protection Agency (EPA) to require a person who owns or operates an emission source to sample emissions and allows EPA a right of entry to "sample any emissions which such person is required to sample." (42 U.S.C. § 7414 (a)(1)(D) and (a)(2)).

Instructions for completing Component I (survey questions) and Component II (testing and sampling) of this CAA Section 114 ICR are provided in Sections 2.0 and 3.0, respectively. Contact information and instructions for submitting your response(s) to EPA can be found in Section 4.0. A summary of submittal due dates can be found in Section 5.0.

As part of this effort, EPA requires that you complete this CAA Section 114 ICR and all additional actions outlined in Table 4 at the end of this document.

2.0 Component I: Survey Questions

The survey questions (Component I of this CAA Section 114 ICR) are being provided to you in the format of Microsoft® Word (see Chemical Manufacturing Section 114 Component I Questions.docx). However, we are also providing you a corresponding Microsoft® Excel file template that you must use to respond to these questions (see Chemical Manufacturing Section

114 Component I Response_[Company]_[Facility].xlsx). When responding to the survey questions, you must create and complete a separate Microsoft® Excel file for each of your applicable facilities. Do NOT submit your response(s) in Microsoft® Word format. EPA will only accept responses to the survey questions in the Microsoft® Excel file template provided by EPA (and copies of relevant documents as separate items as requested in the survey questions). Before submitting each Microsoft® Excel file to EPA, the file name must be changed to reflect the actual company name and facility name. Please do NOT alter the structure of any of the sheets in the Microsoft® Excel file template unless it is explicitly stated in the instructions to do so (*e.g.*, instructions are provided for adding more columns if there are more storage vessels than the template currently allows). The template has been carefully designed so EPA can collect and combine data from all facilities that have received the CAA section 114 survey using predefined code. To ensure that all responses are collected accurately, it is important that all data is entered within the boundaries this template has set.

The EPA intends to use the 2017 National Emissions Inventory (NEI) data, January 2021 version, as the baseline emissions inventory for your facilities. Therefore, as part of Component I, we require you to review your 2017 NEI for certain air pollutants and emission points. We are providing your facility-specific NEI files and instructions for this review in the format of Microsoft Excel (see Chemical Manufacturing Section 114 NEI Review_[Company]_[Facility].xlsx).

Please direct questions related to Component I of this CAA Section 114 ICR to the appropriate person listed in Section 4.0.

3.0 Component II: Testing and Sampling Procedures, Methods, and Reporting Requirements

The testing and sampling procedures, methods, and reporting requirements (Component II of this CAA Section 114 ICR) are provided to you in this section and are organized as follows:

3.1 Stationary Source Stack Testing Procedures and Methods

The emission sources that must be tested for this CAA Section 114 ICR are listed in Table 1. For each emission point associated with the emission sources listed in Table 1, you must conduct stack testing according to the methods specified in Table 2 to determine your emissions, if any, of each specified pollutant.[1] If you would like to use a method not provided in Table 2,

[1] If your facility does not contain any of the emission sources listed in Table 1, you are not required to conduct stationary source stack testing as specified in this Section 3.1; however, we request you submit an email to

you must contact the appropriate EPA personnel listed in Section 4.0 to request permission to use the alternative method. If stack testing has been conducted within the last 5 years for the emissions source(s) specified in Table 1, and the pollutants specified in Table 2, you may submit those previous test results in lieu of performing new testing, provided the previous tests meet the testing requirements (e.g. test method, sample volume, etc.) specified in this enclosure.

You must follow all of the procedures as specified in the test methods, including the quality assurance and quality control measures, and document the results in a test report that you must submit to EPA at the same time you submit (as described below) the results of the stack tests. Any deviations from the methods must be documented in the test report (see section 3.5 for additional details on the required content of a test report). You do not need to obtain audit materials from your state or local agency, or from EPA.

For copies of the U.S. EPA test methods specified in this Enclosure, please refer to 40 CFR part 60, Appendix A and 40 CFR part 63, Appendix A or the following website:

https://www.epa.gov/emc/emc-promulgated-test-methods.

Testing must be performed at the locations and operational conditions identified in Tables 1 and 2. You must use U.S. EPA Method 1 or 1A of Appendix A of 40 CFR part 60 to select the locations and number of traverse points for sampling. You must conduct test runs for each sample point as directed in Tables 1 and 2. Testing for each of the pollutants listed in Table 2 should be conducted simultaneously. The required units of measure for each pollutant vary and are listed in Table 2.

For stack test data collected using test methods accepted by the EPA's Electronic Reporting Tool (ERT) as listed on the ERT website[2] (i.e., U.S. EPA Methods 1 through 4, U.S. EPA Method 3A, U.S. EPA Method 5, U.S. EPA Method 25A, and U.S. EPA Method 29), you must report the results of the performance test using the latest version of the ERT. The ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) contains the latest version of the ERT, as well as frequently asked questions and a user's guide. The ERT is a Microsoft® Access program that must be downloaded onto your computer prior to data entry. If you are not a registered owner of Microsoft® Access, you can install the runtime version of the ERT Application. There are no 'optional' test data for this CAA section 114 ICR; therefore, all data fields in the EPA ERT are required fields.

For all other stack test data (i.e., data collected using U.S. EPA Method 18, U.S. EPA Method 320, ASTM D-6348-03, and NCASI Method ISS/FP-A105.1), you must record and submit the results of the performance test using the Microsoft® Excel template provided (Chemical Manufacturing Section 114_nonERT Stack Test Results_[Company]_[Facility].xlsx). This template(s) and your full test report must be included as attachments to your ERT file. Submit the ERT file (one per facility) according to the instructions in Section 4.0 and due dates in Section 5.0. Direct your questions to the appropriate person listed in Section 4.0.

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chemsector114@erg.com stating that you qualify for this exemption. Importantly, this does not exempt you from any other testing requirements in this CAA Section 114 ICR (e.g., other testing is still required in Section 3.2).

[2] https://www.epa.gov/system/files/documents/2021-09/ert-compatible-methods-and-pollutants.pdf

Table 1. Summary of Emission Sources and Emission Points for Stationary Source Stack Testing

Emission Sources and Emission Points	Operational Condition	Number of Runs and Run Length
All vent streams associated with each ethylene oxide production line (e.g., these vents may include but are not limited to main process vents, stripper vents, CO_2 desorber vents, purge vents, and other vents from process, storage, transfer operations, and handling; all of these vents may or may not exit through a shared control device).[1]	Normal production rate[2] of ethylene oxide for the production line	Three valid test runs. Minimum sample time of 4 hours per run.
All vent streams associated with each polyether polyols production line (these vents may include but are not limited to poly kettle vents, purge vents, and other vents from process, storage, transfer operations, and handling; all of these vents may or may not exit through a shared control device).[1]	Normal production rate[2] of polyether polyols for the production line	For continuous operations: Three valid test runs. Minimum sample time of 4 hours per run. For batch operations: Three valid test runs. Minimum sample time of 4 hours or the length of the batch cycle, whichever is shorter. For batch cycles longer than 4 hours, the runs should be spaced to represent the range of batch emissions (high, average, and low).
All vent streams that could potentially contain metal HAP associated with a chemical manufacturing process unit (e.g., a vent stream associated with catalyst regeneration).[1]	Normal production rate[2] of the process unit	For continuous operations: Seven valid test runs. Minimum sample time of 4 hours per run. For batch operations: Three valid test runs. Minimum sample time of 4 hours or the length of the batch cycle, whichever is shorter. For batch cycles longer than 4 hours, the runs should be spaced to represent the range of batch emissions (high, average, and low).

[1] You may conduct a stack test on more than one vent at a time (i.e., you may conduct a stack test on comingled vents that all release to the atmosphere through one emission point) provided that as part of your test results you describe each vent that is associated with the emission point being tested. For example, if you conduct stack testing on a scrubber associated with an ethylene oxide production line, you must describe each vent (e.g., each purge vent and main process vent associated with an ethylene oxide production line) that is controlled by the scrubber. However, if possible, conduct testing on only vents associated with a single production line (i.e., do not comingle other non-related production line emissions if possible). [NOTE: USE EMISSION POINT IDS THAT CORRESPOND TO THE IDS USED IN YOUR RESPONSES TO COMPONENT I SURVEY QUESTIONS.]

[2] For purposes of this CAA section 114 ICR. 'normal production rate' is when the production line is operating at no less than 90 percent of its design capacity.

Table 2. Summary of Required Emissions Test Methods and Alternative Methods for Stationary Source Stack Testing

Pollutant (CAS number)	Required Method	Testing Location	Reported Units of Measure
Acetaldehyde (75070)[1]	U.S. EPA Method 320. Validate according to Section 13.0 of Method 320. Alternatively, ASTM D-6348-03[2] may be used. Your in-stack detection limit must be at least 1 ppmv. If you cannot achieve this detection limit, you must use U.S. EPA Method 18 for ethylene oxide and propylene oxide and NCASI Method ISS/FP-A105.1[6] for acetaldehyde and formaldehyde.	If controlled: inlet and outlet to control device(s)[3] If not controlled: outlet of emission source(s)	Pound per hour (lb/hr) and parts per million by volume, dry (ppmvd)
Ethylene Oxide (75218)[1]			
Formaldehyde (50000)[1]			
Propylene Oxide (75569)[1]			
Ethylene Glycol (107211)[1]	U.S. EPA Method 18. You must use the adsorbent tube procedure as written in Section 8.2.4 of Method 18, and you must also meet the recovery study specified in Section 8.4.3 of Method 18.		lb/hr and ppmvd
Total Hydrocarbons (THC)[1]	U.S. EPA Method 25A. Calibrate the measuring instrument with propane. The low level and high level calibration gases (see sections 7.1.3 and 7.1.5 of Method 25A) must bracket the measured concentrations. Alternatively, CEMS[4] (if installed).		lb/hr and ppmvd
Filterable PM and Metal HAP[5]	U.S. EPA Method 5 for Filterable PM and U.S. EPA Method 29 for Metal HAP. Collect a minimum sample volume of 4 dry cubic meters per run. Maintain a filter temperature of 248 ±25 °F. Use ICP/MS for the analytical finish. Report front and back half results for metals separately.		lb/hr and µg/dscm @ 3% O2
O_2 and CO_2	U.S. EPA Method 3A. Alternatively, U.S. EPA Method 3B or CEMS[4] (if installed).	All pollutant testing locations	Volume % dry
Moisture	U.S. EPA Method 4 or U.S. EPA Method 320. Alternatively, ASTM D-6348[2] may be used.	All pollutant testing locations	Volume %
Flow Rate	U.S. EPA Method 2, simultaneous with each pollutant test run. Alternatively, U.S. EPA Method 2A, 2B, 2C, 2D, 2F, or 2G, as appropriate.	All pollutant testing locations	Actual cubic feet per minute (acfm), standard cubic feet per minute (scfm), and dry standard cubic feet per minute (dscfm)

[1] Only required for vent streams associated with each ethylene oxide production line and vent streams associated with each polyether polyols production line.

[2] The test plan preparation and implementation in the Annexes to ASTM D6348-03, Sections A1 through A8 are mandatory; (2) For ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be determined for each target analyte (A5.8) and be within 30%; (3) The percent R value for each target analyte must be reported in the test report; and (4) the analytical accuracy of the algorithm (A7.6) must be documented and reported in the test report.

[3] When the location is specified as inlet and outlet, the sampling at the inlet and outlet must be performed simultaneously. If there is more than one control device in series, test the inlet of the first control device and the outlet of the last control device that vents to the atmosphere.

[4] If you provide data from a plant Continuous Emissions Monitoring System (CEMS), your CEMS must be certified according to the appropriate performance specification in 40 CFR part 60 Appendix B, and you must perform the continuing quality assurance/control measures outlined in 40 CFR part 60 Appendix F.

[5] Only required for vent streams that could potentially contain metal HAP associated with a chemical manufacturing process unit (e.g., a vent stream associated with catalyst regeneration). Metal HAP includes compounds of antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, nickel, manganese, mercury, and selenium and emissions of phosphorus (7723-14-0). Report concentrations and mass emissions rates of each pollutant separately.

[6] Available at: https://www.ncasi.org/wp-content/uploads/2019/02/ISS-FP-A105.01.pdf.

3.2 Fugitive Emission Testing Procedures and Method

In addition to the stack testing described in Section 3.1, if your facility uses, produces, or stores benzene, 1,3-butadiene, ethylene oxide, ethylene dichloride, and/or vinyl chloride, then we also require you to conduct sampling according to the methods specified in Table 3 to determine your fenceline fugitive emissions, if any, of each specified pollutant that you use, produce, and/or store.[3]

Use U.S. EPA Methods 325A/B to sample for benzene and/or 1,3-butadiene. You must perform **three** 14-day long sampling episodes at each location (for a combined total of 42 days of sampling).

Use Compendium Method TO-15 to sample for ethylene oxide, ethylene dichloride, and/or vinyl chloride. You must sample at a minimum of 6 locations equally spaced around the facility's fenceline. When siting monitors, you must consider the seasonal prevailing winds, and at least one of your fenceline sampling locations must be the closest fenceline location expected to be impacted by the primary ethylene oxide, ethylene dichloride, and/or vinyl chloride emission source. You must perform **seven** 24-hour long sampling episodes at each location. Each 24-hour long sampling episode must occur on an approximately weekly basis (for a combined total of between 37 and 43 days before all seven 24-hour long sampling episodes are completed). Summa canister inlets must be located within 1.5 to 3.0 meters above ground using a pole or other secure structure. The canister sampling flowrate must be maintained nominally at a constant flowrate during the sample period.

The analytical laboratory chosen for fugitive emission testing samples must also perform Tentatively Identify Compound (TIC) Analysis on each sample and report this data to the EPA. For additional information about a TIC analysis, please refer to: https://www.epa.gov/sites/default/files/2015-06/documents/tics.pdf.

For each sampling episode (i.e., each 14-day long sampling episode and each 24-hour long sampling episode), the sampling must be performed at each location as simultaneously as possible and during process unit operation (during normal production rate of the primary product

[3] If your facility does not use, produce, or store benzene, 1,3-butadiene, ethylene oxide, ethylene dichloride, or vinyl chloride, then you are not required to conduct fugitive emission testing as specified in this Section 3.2; however, we request you submit an email to chemsector114@erg.com stating that you qualify for this exemption.

for the production line). If Section 3.1 is applicable to you, then these sampling episodes must overlap with the stationary source stack testing prescribed in Section 3.1. EPA may elect to collect some co-located measurements and/or duplicate samples that are associated with this Section 3.2.

For each sampling episode,[4] you must deploy a meteorological station consistent with the requirements in Section 8.3 of EPA Method 325A of Appendix A of 40 CFR part 63. You must report the meteorological data, including wind speed, wind direction, temperature, and barometric pressure on an hourly basis for each sampling episode.

If you are required to conduct fenceline measurements, **you must submit a 'fugitive sampling location plan' to EPA for approval prior to conducting any of your fenceline measurements** according to the instructions in Section 4.0 and due dates in Section 5.0**.** The 'fugitive sampling location plan' must depict the following: (1) The facility's significant emission sources of ethylene oxide, ethylene dichloride, and/or vinyl chloride; (2) a description of each emission source containing enough information that EPA is able to properly review the emission sources; (3) each U.S. EPA Methods 325A/B sampling location and each Compendium Method TO-15 sampling location; and (4) the location of the meteorological station. You must also develop a test plan and associated quality assurance procedure plan to ensure the quality of the data being produced; however, the test plan is not subject to approval prior to beginning your fenceline measurements. Instead, you must submit this test plan and the quality assurance procedure plan to EPA at the same time that you submit to EPA the results of the fugitive emission tests.

If you are required to sample using TO-15, additional considerations must be made to improve the overall data quality and/or to avoid potential bias in the ethylene oxide measurements from canister effects[5]. In addition to the recommended procedures in TO-15, you must:

- Meet the sample cleanliness requirements in Compendium TO-15A[6] for all canisters used in this study. You may not use glass bottles or non-rigid containers for the purpose of this ICR.
- Void any sample with initial canister pressure and final pressure at completion outside of ranges required in TO-15A table 11-2.
- Examine chromatograms for potential interferences (e.g., acetaldehyde, methanol, trans-2-butene, 2, 2-dimethyl propane and ethyl nitrite), full scan ion spectra MS mode highly recommended.
- Ensure ethylene oxide standards are of good quality and stability through certification and recertifications. If using a recertified standard, you must provide the previous certification in the report.

[4] For fenceline sampling with EPA Method 325A, the meteorological station must be deployed for the entirety of each 14-day sampling episode. For fenceline sampling with Compendium Method TO-15, the meteorological station only needs to be deployed during the 24-hour sampling periods.
[5] https://www.epa.gov/sites/default/files/2021-05/documents/ord-eto-canister-background-memo-05072021.pdf
[6] https://www.epa.gov/sites/default/files/2019-12/documents/to-15a_vocs.pdf

- Collect at least one method blank and duplicate sample per test day. The method blank does not need to travel to the field with the samples but must be analyzed by interspersing the blank among the field samples.
- Collect canister field blanks and field spikes during at least three of the sampling episodes according to the procedures found in Section 15.3.5 of TO-15A. The diluent gas for the field blank must be humidified air.
- Analyze all samples within 7 days of collection.
- Use an analytical laboratory which participates in a performance testing program sponsored by the Environmental Protection Agency for the target analytes.
- Drift-correct the measured values of the target analytes based on the continuous calibration verification (CCV) criteria using the procedures in EPA Method 325B.
- Report all data and associated raw data that is necessary for EPA to replicate the reported results including data from the most recent detection limit study.

Use the Microsoft® Excel template provided (Fugitive Emission Test Results_[Company]_[Facility].xlsx) to record and submit the results of the fugitive emission tests according to the instructions in Section 4.0 and due dates in Section 5.0. Direct your questions to the appropriate person listed in Section 4.0.

Table 3. Summary of Required Emissions Test Methods for Fugitive Emission Testing

Pollutant (CAS number)	Required Method[1]	Reported Units of Measure
Benzene (71432)	U.S. EPA Methods 325A/B.	micrograms per cubic meter ($\mu g/m^3$)
1,3 Butadiene (106990)		
Ethylene Oxide (75218)	Compendium Method TO-15 determination of volatile organic compounds (VOCs) in air collected in specially-prepared canisters and analyzed by gas chromatography/mass spectrometry (GC/MS).	
Ethylene Dichloride (107062)		
Vinyl Chloride (75014)		
Other Pollutants	TIC Analysis[2] of each U.S. EPA Methods 325A/B and Compendium Method TO-15 sample.	report concentration in $\mu g/m^3$, if possible

[1] For copies of the U.S. EPA test methods specified in this Table, please refer to:

40 CFR part 63, Appendix A, and Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air, Second Edition, Compendium Method TO-15 (EPA/625/R-96-010b) or the following websites:

https://www.epa.gov/emc/emc-promulgated-test-methods; https://www3.epa.gov/ttnamti1/files/ambient/airtox/to-15r.pdf

[2] You must provide the laboratory procedures for this type of analysis when you submit the results of the fugitive emission tests. For additional information about a TIC analysis, please refer to:

https://www.epa.gov/sites/default/files/2015-06/documents/tics.pdf

3.3 Collection of Process Information During Stationary Source Stack Testing and Fugitive Emission Testing

During the stationary source stack testing (described in Section 3.1, if applicable) and fugitive emission testing (described in Section 3.2), record information that is necessary to document process and control device operating conditions and parameters. Submit this

information as part of your test report (see section 3.5 for additional details on the required content of a test report).

Include the following process information for the time period during which testing occurs:

- Date and time for all process data;
- Processes in operation and their production rates, recorded on a 15-minute basis;
- Temperature and flowrates for each process, recorded on a 15-minute basis;
- Temporal process variability (if applicable); and
- Tank movements (if applicable).

You must also include maintenance records for each control device at your facility, as well as all control device operating parameter values (i.e., values you monitor and record for each control device per consent decrees and Federal, State, and Local air regulations) for the time period during which testing occurs.

3.4 Information Related to Numerical Detection Levels

You must flag all data that are below the method detection limit (MDL) and provide the MDL. You must use the method specified approach for calculation and determination of the MDL. If the method does not specify the approach and calculation of the MDL, determine the MDL in accordance with the procedures specified in Section 15 of Method 301 (located in Appendix A of 40 CFR part 63). Calculate emission rates for any pollutant below the MDL using the relevant MDL.

For sampling using Method 320, you must be able to obtain a detection limit (i.e., fractional analytical uncertainty) of less than 1 ppmv. Estimated detection capabilities for all methods and compounds must be outlined in the test plan. For other analyses, we are not specifying numerical detection levels; instead, we have specified testing conditions and methods that we believe will provide sufficient data quality for decision making. We remind you of the CAA section 114(a)(1) requirement to provide information requested for the development of emissions standards using methods that provide data necessary for the decisions. This information includes data of quality sufficient to support those decisions. For the most part, we can identify test methods and procedures that will satisfy those decision-making needs (e.g., minimum sampling times). In other cases, we recognize that the source owner's or tester's selection of test procedures or equipment could bear significantly on the quality of the data. See Attachment A of this enclosure for information regarding guidance for calculating and reporting values measured below method detection levels.

We believe that the CAA is clear that it is incumbent on the source owner/operator and the tester to apply methods and procedures resulting in data quality necessary for those decisions including providing for the lowest possible detection levels considering practical and reasonable limitations. For example, source owners/operators and testers should not automatically choose to use low or medium quality equipment for testing (e.g., for cost reasons) when high quality equipment is reasonably available. We will review test reports considering this expectation and

will be particularly mindful of whether the testing procedures applied are representative of the highest reasonably expected capabilities (e.g., comparing reported minimum measurement detection levels between tests and testers). If we believe that a source owner/operator or tester has failed to meet the requirement of the CAA to provide data sufficient decisions, we can and will request additional measurements requiring the use of improved testing procedures. The enclosed certification statement must be signed by a responsible official (See Enclosure 6).

3.5 Test Report Content

At a minimum, all performance test reports must include the following information:

- General identification information for the facility including a mailing address; the actual facility address; the owner or operator, responsible official, or an appropriate representative (where applicable) and an email address for this person; and the appropriate Federal Registry System (FRS) number for the facility;
- A brief process description, including a flow diagram;
- A complete unit description, including a description of emission streams and control devices, the appropriate source classification code (SCC), the latitude and longitude of the emission point being tested (decimal degrees to five decimal points), and the permitted maximum process rate (where applicable);
- **USE EMISSION POINT IDS THAT CORRESPOND TO THE IDS USED IN YOUR RESPONSES TO COMPONENT I SURVEY QUESTIONS.**
- Sampling site description; description of sampling and analysis procedures and any modifications to standard procedures; quality assurance procedures;
- Process data and control device monitoring data required in this Section 3.3;
- Clear correlation between emissions measurement results and process data (e.g., identify Method 320, run 1 for the associated process data);
- Raw data sheets for field sampling;
- Raw data sheets for field and laboratory analyses;
- A complete analytical report (if applicable), including:
    - Sample results;
    - All raw laboratory data such as chromatographs and their ancillary data;
    - All quality control data;
    - All calibration and certification data;
    - Chain-of-custody documentation;
    - Explanation of laboratory data qualifiers; and
    - Most recent MDL study for the measured compounds. Include a description of the procedures used to determine the MDL.
- Additional required Method 320 data, including:
    - Details of the recipe for the target analytes and interferents including reference spectra and associated source and traceability;
    - Instrument and software specifications such as instrument linearity, analysis technique, signal-to-noise ratio, instrument resolution, path length, cell volume;

  - Results of the Method 320 (Section 13.0) validation study for this source category for all target compounds;
  - Data (approximately 1 min averages) for all measured compounds, including targets and interferents, for all sampling periods and for all periods when the user is performing method quality control (e.g., calibration transfer checks, analyte spikes); and
  - All sample spectra as created/saved by the instrument programming used to quantify emissions (saved to a portable data drive).
- Example calculations of all applicable stack gas parameters, emission rates, percent reduction rates, and analytical results, as applicable;
- Identification information for the company conducting the performance test including a contact person and his/her email address; and
- Any other information required by the test method, a relevant standard, or the Administrator.

4.0 Contact Information and Instructions for Submitting your Survey Responses, Fugitive Sampling Location Plan, and Sampling Results

4.1 Contact Information

For general questions:	Andrew Bouchard (U.S. EPA) (919) 541-4036 bouchard.andrew@epa.gov Or Send an email to: chemsector114@erg.com
For questions on test methods, including the use of alternative methods:	Ned Shappley (U.S. EPA) (919) 541-7903 shappley.ned@epa.gov Or Jason DeWees (U.S. EPA) (919) 541-9724 dewees.jason@epa.gov

4.2 Instructions for Submitting your Survey Responses, Stack Testing Results, Fugitive Sampling Location Plan, and Fugitive Emission Testing Results

You have two options to submit non-confidential[1] documents:	**Option 1** – upload documents electronically using the following website: https://projects.erg.com/chemsector114/index.aspx username: chemsector114 password: 2022survey! **Option 2** – email documents to: chemsector114@erg.com.
You must submit any confidential[1] documents as follows:	CBI submissions must be transmitted directly to the OAQPS CBI Office using the email address, oaqpscbi@epa.gov, and should include clear CBI markings. You must transmit confidential documents to OAQPS electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (e.g., Dropbox, OneDrive, Google Drive). If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email oaqpscbi@epa.gov to request a file transfer link.

[1] The EPA has identified only a few questions in Component I where a facility may choose to claim their response as CBI (refer to the instructions tab of Chemical Manufacturing Section 114 Component I Response_[Company]_[Facility].xlsx). In other words, EPA has determined that these few questions are the only questions that are part of this CAA Section 114 ICR where the facility can make a CBI claim. EPA has determined that facility responses to all other questions related to Component I and II of this CAA Section 114 ICR cannot be withheld from disclosure as confidential. Refer to Enclosures 3 and 5 for our rationale for this determination.

5.0 Summary of Submittal Due Dates

Table 4 summarizes the submittal due dates for the information requested by the U.S. EPA as part of this CAA Section 114 ICR:

Table 4. Summary of Submittal Due Dates

Action	Schedule
Component I: Survey responses	Due no later than March 21, 2022
Component II: Fugitive Sampling Location Plan submitted by facility to U.S. EPA	Due no later than March 21, 2022 (if applicable)
Component II: Fugitive Sampling Location Plan reviewed by U.S. EPA and approved	Due no later than April 19, 2022 (if applicable)
Component II: Stack Testing and Fugitive Emission Testing results submitted to U.S. EPA after QA/QC	Due no later than July 19, 2022

ATTACHMENT A

Guidance for Calculating and Reporting Values Measured Below Method Detection Levels

1. Identification of Detection Levels

Identify the status of measured values relative to detection levels on the spreadsheet or in the ERT using the following descriptions:

- **BDL** (below detection level) – all analytical values used to calculate and report an in-stack emissions value are less than the laboratory's reported detection level(s);
- **DLL** (detection level limited) – at least one but not all values used to calculate and report an in-stack emissions value are less than the laboratory's reported detection level(s); or
- **ADL** (above detection level) – all analytical values used to calculate and report an in-stack emissions value are greater than the laboratory's reported detection level(s).

2. Reporting and Calculating Method Detection Limits

For reporting and calculating individual test run data:

- You must use the method specified approach for calculation and determination of the method detection limit (MDL). If the method does not specify the approach and calculation of the MDL, determine the MDL in accordance with the procedures specified in Section 15 of Method 301 (located in Appendix A of 40 CFR part 63).
- For analytical data reported from the laboratory as above the MDL, include the ADL flag in the columns labeled "Run #1 Detection", "Run #2 Detection", and/or "Run #3 Detection" as appropriate in the Excel spreadsheet or in the ***Comments*** line in the ERT.
- For analytical data reported from the laboratory as "nondetect" or "below detection level;"
    - Include a brief description of the procedures used to determine the analytical detection and in-stack detection levels:
        - In the ***Notes*** line of Excel spreadsheet template; or
        - In the ***Comments*** line of the Lab Data tab in the Run Data Details in the ERT.
    - Describe these procedures completely in the full test report including the measurements made, the standards used, and the statistical procedures applied.
    - Calculate the in-stack emissions rate for any analytical result reported as below detection level using the relevant MDL, sampling volumes and other relevant run specific parameters (such as oxygen or flowrate). The reported value must assume that the analyte is present at the full MDL value.
    - Report the calculated emissions concentration or rate result:

        - As a detection level numerical value (i.e., no brackets or < symbol) in the **Excel spreadsheet template** and select the appropriate flag in the columns labeled "Run #1 Detection", "Run #2 Detection", and/or "Run #3 Detection" as appropriate; or
        - As a numerical value in the **ERT** with the appropriate flag in the Comments line.
    - Report as numerical values (i.e., no brackets or < symbol) any analytical data measured above the MDL, including any data between the MDL and a laboratory-specific reporting or quantification level (i.e., flag as ADL).
    - Apply these reporting and calculation procedures to measurements made with **Method 23**:
        - Report data in the **ERT** for each of the D/F congeners measured with Method 23 below the detection level as [< detection level];
        - Do **not report emissions as zero,** as described in the method.
- For pollutant measurements composed of multiple components or fractions (e.g., Hg and other metals sampling trains) when the result for the value for any component is measured below the MDL:
    - Calculate in-stack emissions rate or concentrations as outlined above for each component or fraction;
    - Sum the measured values and/or calculated values (using the MDL as outlined above) for all the components or fractions; and
    - Report the sum of all components or fractions
        - As a detection level numerical value (i.e., no brackets or < symbol) in the **Excel spreadsheet template** and select the appropriate flag in the columns labeled "Run #1 Detection", "Run #2 Detection", and/or "Run #3 Detection" as appropriate; or
        - As a numerical value in the **ERT** with the appropriate flag in the Comments line.
        - If all components or fractions are BDL, the appropriate flag is BDL. If any component or fraction is ADL, the appropriate flag is DLL.
    - In addition to reporting the sum of the components or fractions, report the individual component or fraction values for each run if the Excel spreadsheet template or ERT format allows.
    - If the Excel spreadsheet template or ERT format does not allow reporting of the individual components or factions (i.e., the format allows reporting only a single sum value):
        - For the Excel spreadsheet template, next to the sum reported as above report in the ***Notes*** line the appropriate flag along with the values for the measured or MDL value for each component or fraction as used in the

calculations (e.g., 0.036, [<0.069], 1.239, [<0.945] for a four fraction sample)

- For the ERT, next to the sum reported as above, report on the ***Comments*** line the appropriate flag and the measured or MDL value for each component or fraction as used in the calculations (e.g., 0.036, [<0.069], 1.239, [<0.945] for a four-fraction sample)

- For measurements conducted using instrumental test methods (e.g., Methods 3A, 6C, 7E, 10, 25A):
  - Record gaseous concentration values **as measured** including negative values and flag as ADL; do not report as BDL
  - Calculate and report in-stack emissions rates using these measured values
  - Include relevant information relative to calibration gas values or other technical qualifiers for measured values in ***Comments*** line in the ERT or ***Notes*** line of the Excel spreadsheet.
- For reporting and calculating average emissions rate or concentration for a test when some results are reported as BDL:
  - Sum all of the test run values including those indicated as BDL or DLL as numerical values
  - Calculate the average emissions rate or concentration (e.g., divide the sum by 3 for a three-run test)
  - Report the average emissions rate or concentration average:
    - As a detection level numerical value (i.e., no brackets or < symbol) in the **Excel spreadsheet template** and select the appropriate flag in the columns labeled “Run #1 Detection”, “Run #2 Detection”, and/or “Run #3 Detection” as appropriate;
    - As a numerical value in the **ERT** and include the appropriate flag in the relevant ***Comments*** line
    - If all test run values are BDL, the appropriate flag is BDL. If any test run value is ADL or DLL, the appropriate flag is DLL.

Enclosure 2

EPA's Information Gathering AuthorityUnder Section 114 of the Clean Air Act

Under Section 114 of the Act (42 U.S.C. § 7414), Congress has given the U.S. Environmental Protection Agency broad authority to secure information needed "for the purpose of developing or assisting in the development of any implementation plan under Section 110 or 111(d), any standard of performance under Section 111, or any emission standard under Section 112, (ii) of determining whether any person is in violation of any such standard or any requirement of such a plan, or (iii) carrying out any provision of this Act." Among other things, Section 114 authorizes EPA to make inspections; conduct tests; examine records; install, use, and maintain monitoring equipment; and require owners or operators of emission sources to submit information reasonably required for the purpose identified in Section 114(a). In addition, the EPA Office of General Counsel has interpreted Section 114 to include authority to photograph or require submission of photographs of pertinent equipment, emissions, or both.

Under Section 114, EPA is empowered to obtain information described by that section even if you consider it to be confidential business information (CBI). You may, however, assert a CBI claim covering a portion or all information submitted. EPA will handle information obtained under Section 114 and covered by a CBI claim in a manner that is consistent with its CBI regulations under 40 C.F.R. Part 2, Subpart B. Procedures to be used for making confidentiality determinations, substantive criteria to be used in such determinations, and special rules governing information obtained under Section 114 are set forth in 40 C.F.R Part 2, Subpart B.

Pursuant to 40 C.F.R. § 2.204(a), please be advised that the EPA will seek additional information to support your claim as required by 40 C.F.R. § 2.204(e)(4) in the event that (1) a request is received, (2) it is determined that a request is likely to be received, or (3) the EPA desires to determine whether business information in its possession is entitled to confidential treatment even though no request for release of the information has been received. In making its final confidentiality determination, the EPA will consider the relevant substantive criteria under 40 C.F.R. § 2.208(a)-(d), as well as relevant case law.

Enclosure 3

[AD-FRL-3906-3]

Disclosure of Emission Data Claimed as Confidential Under Sections 110 and 114(c) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice of policy on public release of certain emission data submitted under sections 110 and 114(c) of the Clean Air Act (CAA).

SUMMARY: Section 114(c) of the CAA excludes emission data from the general definition of trade secret information. Certain classes of data submitted to the EPA under sections 110 and 114(a) of the CAA are emission data, and, as such, cannot be withheld from disclosure as confidential pursuant to section 1905 of title 18 of the United States Code. This notice clarifies EPA's current policy, and solicits comment regarding that policy and categories of data which it considers excluded from a trade secret definition.
DATES: Written comments pertaining to this notice are requested by April 22, 1991.
ADDRESSES: Submit comments to: Nancy D. Riley, U.S. Environmental Protection Agency, Emission Standards Division, Pollutant Assessment Branch (MD-13), Research Triangle Park, NC 27711.
FOR FURTHER INFORMATION CONTACT: Timothy Mohin (telephone: (919) 541-5349 commercial/FTS 629-5349) or Karen Blanchard (telephone: (919) 541-5503 commercial/FTS 629-5503), Pollutant Assessment Branch (MD-13), Emission Standards Division; or Thomas Rosendahl (telephone: (919) 541-5404 commercial/FTS 629-5404), National Air Data Branch (MD-14), Technical Support Division; U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.
SUPPLEMENTARY INFORMATION: The EPA routinely uses the authority of sections 110 and 114(a) of the CAA to gather technical information from industries involved in operations that lead to emission of pollutants to the ambient air. This information has been used, among other things, to better characterize emitting facilities and to evaluate the need for and impacts of potential regulation.

Information requests under sections 110 and 114(a) of the CAA typically include questions on uncontrolled and controlled emission rates and emission parameters of the pollutant or group of pollutants of concern. The respondents sometimes claim that its response constitutes trade secret information, and thus, should be treated as confidential. Claims of confidentiality may be made under section 114(c) of the CAA, which states "* * * upon a showing satisfactory to the Administrator by any person that records, reports, or information, or a particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such * * * confidential in accordance with the purposes of section 1905 of title 18 of the United States Code * * *." If the Administrator so determines, the information is not disclosable to the public.

However, section 114(c) of the CAA provides that information claimed to be a trade secret but which constitutes emission data may not be withheld as confidential. Although typically the EPA evaluates whether information constitutes emission data on a case-by-case basis, it believes that some kinds of data will always constitute emission data within the meaning of section 114(c). The purpose of this notice is to describe, without attempting to be comprehensive, that information which the EPA generally considers to be emission data, and which cannot qualify as confidential under either section 114(c) or section 110 (as set forth in 41 CFR 51.321, 51.322, and 51.323) of the CAA. The EPA is issuing this notice to clarify its policy and procedures, to facilitate the use of these data in automated data systems and computer-based simulation models, and to expedite processing of claims for confidentiality or requests for disclosure.

The EPA presently determines that data submitted to it as emission data does not qualify as confidential if it meets the following definition under 40 CFR 2.301(a)(2)(i):

a. Definitions. For the purpose of this section, (1) *Act* means the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. (2)(i) *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 extend 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 emission 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 or rate of operation of the source), or any combination of the foregoing.

(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).

The table below lists the specific data fields which the EPA presently considers to constitute emission data and provides a brief description of what each data field describes. The descriptions are intended to provide general information. This list is not exhaustive, and, therefore, other data might be found, in a proper case, to constitute emission data.

Emission Data Fields

Facility Identification: The following data fields are needed to establish the identity and location of emission sources. This shall also include a description or an identifier of the device, installation, or operation constituting the source. These data are used to locate sources for dispersion evaluation and exposure modeling.
Plant Name and related point identifiers
Address
City
County
AQCR (Air Quality Control Region)
MSA, PMSA, CMSA (Metropolitan Statistical Areas)
State
Zip Code
Ownership and point of contact information
Locational Identifiers:

Enclosure 3 (con't)

Latitude & Longitude, or UTM Grid Coordinates
SIC (Standard Industrial Classification)
Emission point, device or operation description information
SCC (Source Classification Codes)

Emission Parameters: The following data fields are needed to establish the characteristics of the emissions. This information is needed for the analyses of dispersion and potential control equipment.

Emission type
(e.g., nature of emissions such as CO_2), particulate or a specific toxic compound, and origin of emissions such as process vents, storage tanks or equipment leaks)
Emission rate
(e.g., the amount released to the atmosphere over time such as kg/yr or lbs/yr)
Release height
(e.g., height above ground level where the pollutant is emitted to the atmosphere)
Description of terrain and surrounding structures
(e.g., the size of the area associated with adjacent structures in square meters and terrain descriptions such as mountainous, urban, or rural)
Stack or vent diameter at point of emissions
(e.g., the inside diameter of vent at the point of emission to the atmosphere in meters)
Release velocity
(e.g., velocity of release in m/sec)
Release temperature
(e.g., temperature of release at point of release in degrees Kelvin)
Frequency of release
(e.g., how often a release occurs in events per year)
Duration of release
(e.g., the time associated with a release to the atmosphere)
Concentration
(e.g., the amount of an emission stream constituent relative to other stream constituents expressed as parts per million (ppm), volume percent, or weight percent)
Density of the emissions stream or average molecular weight
(e.g., density expressed as fraction or multiple of the density of air: molecular weight in g/g-mole)
Boiler or process design capacity
(e.g., the gross heating value of fuel input to a boiler at its maximum design rate)
Emission estimation method
(e.g., the method by which an emission estimate has been calculated such as material balance, source test, use of AP-42 emission factors, etc.)
Percent space heat
(e.g., the percent of fuel used for space heating)
Hourly maximum design rate
(e.g., the greatest operating rate that would be expected for a source in a 1-hour period)

The EPA has determined that these data are emission data and releasable upon request. This determination applies to data currently held by EPA as well as to information submitted to EPA in the future. Future requests for information under sections 110 and 114 of the CAA will indicate that these emission data will not be held confidential. This determination applies only to the data listed in the table. Determinations will continue to be made on a case-by-case basis for data not specified in this generic determination.

After consideration of comments on this policy, a revised policy/determination may be published.

Dated: February 8, 1991.

Michael Shapiro.

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 91-4114 Filed 2-20-91: 8:45 am]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF AIR QUALITY PLANNING AND STANDARDS
RESEARCH TRIANGLE PARK
109 T.W. ALEXANDER DRIVE
DURHAM, NORTH CAROLINA 27711

OAQPS-SPPD September 23, 2020

TO: Jason Huckaby, BPA Program Manager
Eastern Research Group (ERG)

FROM: Penny E. Lassiter, Director
Sector Polices and Programs Division

SUBJECT: Designation of Authorized Representative for Standards of Performance for New Stationary Sources (Section 111), National Emission Standards for Hazardous Air Pollutants (Section 112), Solid Waste Combustion (Section 129), and Federal Ozone Measures (Section 183)

As the Prime Contractor under EPA Blanket Purchase Agreement 68HERD20A0002, Eastern Research Group (ERG) is hereby designated Authorized Representatives of the Administrator of the United States Environmental Protection Agency for the purpose of assisting in the development of standards of performance for new stationary sources under 42 U.S.C. 7411, national emission standards for hazardous air pollutants under 42 U.S.C. 7412, solid waste combustion under 42 U.S.C. 7429, and Federal ozone measures under 42 U.S.C. 7511 (b). This designation applies to all task orders issued under EPA Blanket Purchase Agreement 68HERD20A0002 and is in effect for the full duration of the BPA, to include any task orders with option periods that should extend beyond the expiration of the final BPA ordering period. This designation also extends to the following authorized subcontractors under the referenced BPA:

Hall Associates;
PG Environmental, LLC;
RTI International;
SC&A, Inc.;
TD Environmental Services, LLC.

This designation is made pursuant to the Clean Air Act, 42 U.S.C. 7414. The United States Code provides that, upon presentation of this credential, the Authorized Representatives named herein: (1) shall have a right of entry to, upon, or through any premises in which an emission source is located or in which records required to be maintained under 42 U.S.C. 7414 (a) (1) are located and (2) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under 42 U.S.C. 7414 (a) (1), and sample any emissions that the owner or operator of such source is required to sample.

Authorized Representatives of the Administrator are subject to the provisions of 42 U.S.C. 7414 (c) respecting confidentiality of methods or processes entitled to protection as trade secrets, as implemented by 40 CFR 2.301 (h) (41 FR 36912, September 1, 1976).

PENNY LASSITER

Digitally signed by PENNY LASSITER
Date: 2020.09.24 12:21:42 -04'00'

Penny E. Lassiter
Division Director
Sector Polices and Programs Division

Enclosure 5

November 2021

Summary of Procedures for Safeguarding Clean Air Act Confidential Business Information

1. Purpose

This memorandum describes U.S. Environmental Protection Agency (EPA), Office of Air Quality Planning and Standards (OAQPS) policy and procedures set forth for the handling of information claimed as Confidential Business Information (CBI), whether submitted voluntarily or obtained under Section 114 of the Clean Air Act (CAA), and governed by EPA regulations in 40 Code of Federal Regulations (CFR), Part 2, Subpart B, and other EPA regulations and policies.

2. Reference Documents:

a. Clean Air Act, as amended.
b. 40 CFR, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information.
c. EPA Information Security Manual.
d. OAQPS Confidential Business Information Security Manual (January 2009).
e. MEMORANDUM. Exception to Policy to Allow Virtual Access to Clean Air Act (CAA) Confidential Business Information (CBI) (September 28, 2021)

3. Exception:

This document was prepared as a summary of data gathering and handling procedures used by the OAQPS of the EPA. Nothing in this document shall be construed as superseding or being in conflict with any applicable regulations, statutes, or policies to which EPA is subject.

4. Definition:

Confidential Business Information (CBI) - Information claimed by the provider to be confidential. This information may be identified with such titles as trade secret, secret, administrative secret, company secret, secret proprietary, privileged, administrative confidential, company confidential, confidential proprietary, or proprietary. NOTE: These markings should not be confused with the classification markings of national security information identified in Executive Order 11652.

5. Background

Section 114 (c) of the CAA, as amended, reads as follows:

"Any records, reports, or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than emission data), to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of Section 1905 of Title 18 of the United States Code (U.S.C.), except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act."

The treatment of CBI by EPA, including data obtained under Section 114 of the CAA, is governed by 40 CFR Part 2. These regulations require EPA offices to include a notice with each request for information to inform the business of: (1) its right to assert a claim of confidentiality covering part or all of the information, (2) the method for asserting a claim, and (3) the effect of failure to assert a claim at time of submission. In addition, the regulations: (1) set forth procedures for the safeguarding of confidential information, (2) contain provisions for providing confidential information to authorized representatives, (3) contain provisions for the release of information to the Congress, Comptroller General, other Federal agencies, State and local governments, and Courts, (4) permit the disclosure of information within EPA to employees with an official need for the information, and (5) prohibit wrongful use of such information and cite penalties for wrongful disclosure. Further, the regulations contain the Agency's basic rule concerning the treatment of requests for information under the Freedom of Information Act (FOIA) (5 U.S.C. 552).

6. Procedures:

a. Request for Information.

Each request for information made under the provisions of Section 114(a) includes the standard enclosure "EPA's Information Gathering Authority under Section 114 of the Clean Air Act" which was designed to meet the requirement of 40 CFR Part 2 discussed above.

b. Receipt of CAA CBI.

CBI may be received in the following manner:[1]

- Our preferred method to receive CBI is for it to be transmitted to OAQPS electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (e.g., Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the OAQPS CBI Office using the email address, oaqpscbi@epa.gov, and should include clear CBI markings. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email oaqpscbi@epa.gov to request a file transfer link.

- Sent to the OAQPS Document Control Officer through a postal service (U.S. Mail, UPS, Federal Express). The actual CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.
- Hand carried by EPA employee from a site visit or meeting

Upon receipt of information for which confidential treatment has been requested, the OAQPS Document Control Officer (DCO) logs the material into the OAQPS CAA CBI tracking system, and a permanent file is established. The part of the material is claimed to be confidential should be marked "Subject to Confidentiality Claim." Electronic submittals are stored on a restricted SharePoint site. The OAQPS CAA CBI tracking system provides a brief description of the material (submitter, subject, number of pages, etc.), identifies it with the correct project number or work assignment number, and lists those persons who are authorized to have access to the information. A record of personnel accessing the information (is also kept on file. By regulation, confidential information must be so marked or designated by the originator. The EPA takes additional measures to ensure that the proprietary designation is uniformly indicated and immediately observable. All unmarked or undesignated information (except as noted below) may be authorized for public release.

In compliance with Sections 2.204 and 2.208 of 40 CFR Part 2, the Group Leader responsible for the requested information may review the information to determine the validity of the confidentiality claim as prescribed by the sections. If the information is clearly not confidential, the Group Leader prepares a letter for the signature of the responsible Division Director to notify the business of this finding. This information will still be treated as CBI until the submitter has an opportunity to respond to this determination.

c. Storage of CAA CBI.

[1] Though submitters of CBI are requested to submit this information directly to the OAQPS DCO, there have been situations where the information was sent to other EPA staff. If this occurs, the EPA staff person receiving the CBI will hand carry the CBI to the OAQPS CBI Office as soon as practicable. If received electronically the CBI should be handled in accordance with the procedures in Section 3.b of the OAQPS Confidential Business Information Security Manual.

Folders, documents, or material containing CAA CBI (as defined) shall be secured according to the instructions listed in the OAQPS Security Manual. In addition, the CBI storage area that has been identified specifically for that purpose is equipped with a supplementary locking device. The storage area and files are under the direct control of the OAQPS DCO.

Access to the storage area is limited to the DCO, Document Control Assistant, and the minimum number of persons required to effectively maintain normal business operations as directed by the Director, Central Operations and Resources (CORE).

Files may be issued upon confirmation that the requesting individual is authorized to receive the information. All confidential files must be returned no later than close of business on the same day. The intended user must sign the CBI Control Record when checking out files.

Individuals signing out confidential files are responsible for their safekeeping. Files must never be left unattended. The information must not be disclosed to any non-authorized personnel.

CBI in an electronic format will be stored, retrieved, and catalogued on a restricted SharePoint site. Access to the restricted site will be limited to personnel with active OAQPS CBI authorization. Requirements for OAQPS CBI authorization and access to specific CBI will continue to follow the guidance that is outlined in the OAQPS CBI Security Manual. Sharing electronic CBI information with unauthorized personnel continues to be prohibited. Electronic CBI Information may not be copied, printed, scanned, or stored in any location outside of the designated restricted CBI SharePoint site.

Storage procedures for CAA CBI by an authorized representative of EPA (see Section d. below) must be, at a minimum, as secure as those established for EPA offices within OAQPS. Whenever CBI is removed from the EPA files to be transmitted to an authorized representative, a notation is made in the file's control record and transfer log indicating what information was transmitted, the date, and the recipient. The authorized representative returns a signed receipt to the DCO.

d. Access to CAA CBI.

Only authorized EPA employees may open or distribute CAA CBI.

Only employees who require, have a need to know, and are authorized access to CAA CBI in the performance of their official duties are permitted to review documents and, upon receiving a confidential document, must sign and date a form to certify their access to the document.

The Group Leader having primary responsibility for the CAA CBI provides a memorandum to the DCO designating those personnel authorized to access specific CBI. This memorandum may be submitted electronically. No person is automatically entitled to access

based solely on grade, position, or security clearance. The names of persons granted access to CAA CBI are placed on the CAA CBI access list. The CAA CBI access list indicates the "specific" CBI each person is permitted to see. The access list is reviewed and updated periodically.

Companies under contract to perform work for the EPA may be designated authorized representatives of EPA. As authorized representatives, contractors may be granted access to CAA CBI. The following conditions apply when it has been determined that disclosure is necessary:

(1) The contractor designated as a representative and its employees (a) may use such confidential information only for the purpose of carrying out the work required, (b) must refrain from disclosing the information to anyone other than EPA without having received from EPA prior written approval of each affected business or of an EPA legal office, and (c) must return to EPA all copies of the information (and any abstracts or excerpts there from) upon request or whenever the information is no longer required for the performance of the work.

(2) The authorized contractor designated as a representative must obtain a written confidentiality agreement from each of its employees who will have access to the information. A copy of each employee agreement must be furnished to EPA before access is permitted.

(3) The contractor designated as an authorized representative must agree that the conditions in the contract concerning the use and disclosure of CAA CBI are included for the benefit of, and shall be enforceable by, both EPA and any affected business having a proprietary interest in the information.

Information may be released to or accessed by EPA employees other than OAQPS employees only upon approval of the Director, CORE

Requests for CAA CBI from other Federal agencies, Congress, the Comptroller General, Courts, etc., are processed in accordance with 40 CFR Part 2, Subpart B.

Requests under the FOIA are handled in accordance with 40 CFR Part 2, Subpart A. The FOIA Coordinator must be consulted prior to responding to any request for information if a claim of confidentiality has been asserted or if there is reason to believe that a claim might be made if the business knew release was intended.

e. Use and Disclosure of CAA CBI.

The CAA CBI, as defined, may not be used in publications, supporting documentation, memoranda, etc., that become a part of the public domain, except as provided for in 40 CFR Part 2, Subpart B. The CAA CBI may not be summarized without the approval of the Group Leader responsible for the CAA CBI. Any authorized reproductions must be logged into the CAA CBI document tracking system and treated according to the same procedures applicable to the

original confidential material. Documents, materials, or extracts of information generated by EPA which contain CAA CBI must be stamped "Subject to Confidentiality Claim" and a cover sheet must be attached to identify the material as CBI.

f. Handling of Information Gathered during Site Visits

Because industrial-data-gathering visits, plant inspections, and source testing (collectively site visits) can involve receipt of CAA CBI, it is the policy of OAQPS to protect all parties involved in the following manner:

(1) At the beginning of the site visit, EPA or its authorized representative will discuss with the industry representatives the information sought and how it is to be used. Our preference is that the facility not discuss or reveal any information they consider to be CBI unless necessary to meet the data gathering objectives of the site visit.

(2) If it becomes necessary to discuss any CBI, we will request the industry representatives clearly identify the CBI information at the time it is discussed. If possible, information for which a confidentiality claim is made should be segregated from the non-CBI information and mailed directly to the OAQPS Document Control Officer Assistant: Ms. Katrina Chambers, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, (MD-C404-02), 109 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711, or submitted electronically to oaqpscbi@epa.gov. If mailing or electronic transmission is not possible, any data designated as CBI by the facility will be hand carried back to the OAQPS office.

(3) Following a site visit a trip report is usually prepared to include, as practicable, pertinent information received during the visit. The report may be prepared by either EPA or its authorized representative. This draft report will not contain any information the industry representatives have designated as CBI. We will request that the responsible industry official (RIO) at the site review the report for accuracy and return the report with any comments to the EPA representative. This report will then be authorized for release and/or entry into the rulemaking docket.

(4) Any material identified as CAA CBI will be kept in the CBI files as described above. If it becomes necessary to use any of this CBI information or to obtain industry review for technical accuracy, we will separately submit it to the site for review. The material will be clearly identified as Subject to Confidentiality Claim with an attached yellow cover sheet. A custody receipt for the information will also be enclosed. We will request that the RIO sign and date the form to acknowledge receipt of the trip report and return a copy of the form by mail or fax to Ms. Katrina Chambers, the Document Control Officer Assistant. The RIO at the site is requested by cover letter to review the material for accuracy, confirm the specific information that is being claimed as CBI, and return an edited copy to the responsible EPA representative within the time specified. The original draft of this material is kept in the CBI file until the edited copy is returned by the RIO. Any CBI in the edited copy will also be kept in the CBI file.

Enclosure 6

Certification Statement

The individual responsible for directing or supervising the preparation of the questionnaire must read and sign the Certification Statement listed below. The certifying official must be a responsible corporate official or his/her authorized representative.

I certify under penalty of law that the attached response was prepared under my direction or supervision and that qualified personnel properly gathered and evaluated the information submitted. The samples associated with the completion of this response were analyzed according to the correct methods and procedures as specified in this letter. Additionally, a registered Professional Engineer has observed the collection of at least one sample to ensure that proper sampling techniques and handling were followed according to the correct methods and procedures specified in this letter and has verified that the results are properly documented in the report. The information submitted is, to the best of my knowledge and belief, accurate and complete. In those cases where we did not possess the requested information for questions applicable to our facility, we provided best estimates. We have to the best of our ability indicated what we believe to be company confidential business information as defined under 40 C.F.R. Part 2, Subpart B. We understand that we may be required at a later time to justify our claim in detail with respect to each item claimed confidential. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment as explained in Section 113 of the Clean Air Act (42 USC § 7413).

_____ _____

Signature of Certifying Official Date

_____ _____

Printed Name of Certifying Official Telephone Number

_____

Title of Certifying Official