



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

**VIA ELECTRONIC MAIL - RETURN RECEIPT REQUESTED**

Jorge Lavastida  
Executive Officer and Plant Manager  
Denka Performance Elastomer, LLC  
560 Highway 44  
LaPlace, LA 70068  
Jorge-Lavastida@denka-pe.com

Re: Clean Air Act Information Request for Denka Performance Elastomer, LLC Facility in  
LaPlace, Louisiana

Dear Mr. Lavastida:

The United States Environmental Protection Agency (EPA) hereby requests Denka Performance Elastomer, LLC (DPE) to provide certain information and undertake monitoring to determine the Clean Air Act (CAA or the Act) compliance status of its neoprene manufacturing facility located at 560 Highway 44, LaPlace, Louisiana and to assist the EPA's future rulemaking efforts.<sup>1</sup>

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records; make reports; install, use, and maintain monitoring equipment and use audit procedures, or methods; sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as he may reasonably require for the purpose of, among other things, developing or assisting the development of any emission standard under CAA section 112, 42 U.S.C. § 7412, and determining whether any person is in violation of the CAA. This authority has been delegated to the undersigned officials. DPE is hereby required, pursuant to section 114(a) of the CAA, to provide responses to this information request according to the instructions and within the timeframes set forth in this information request.

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<sup>1</sup> See EPA OIG Report No. 21-P-0129. *EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Human Health*, issued May 6, 2021. <https://www.epa.gov/office-inspector-general/report-epa-should-conduct-new-residual-risk-and-technology-reviews>.

This information request has two components, as set forth in Enclosure 1, and includes both a list of survey questions to be answered by DPE (Component I) and required monitoring to be performed by DPE (Component II). Instructions and deadlines for responses, reporting, and submissions are provided in Enclosure 1. DPE is under an obligation to preserve all documents requested in this letter until it receives further instructions from the EPA.

In addition, DPE is required to attach a properly executed Certification Statement with its responses. The statement must be signed and dated. The required Certification Statement is in Enclosure 6.

Under section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, DPE may assert a confidential business information (CBI) claim covering part or all of the information submitted. Any claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). **Note that emission data cannot be claimed as confidential under section 114(c).** 42 U.S.C. § 7413(c); *see also* 40 C.F.R. § 2.301(a)(2), (e). Enclosures 1 through 5 contain detailed information about and instructions for asserting a confidentiality claim and submitting information claimed as confidential. Any assertion of a CBI claim must be provided as part of the submission. If no CBI claim accompanies the information when it is received by EPA, then EPA may make the information available to the public without further notice.

Failure to provide the required information is a violation of the Act and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the Act, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this information request pursuant to section 113(a) of the Act, 42 U.S.C. § 7413(a); 3) initiation of a civil action pursuant to section 113(b) of the Act, 42 U.S.C. § 7413(b); and 4) initiation of any other action authorized under the Act. In addition, knowingly providing false information in response to this information request may be actionable under section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information DPE provides may be used by the EPA in administrative, civil, and criminal proceedings.

#### *Summary of Enclosures*

- Enclosure 1 describes the information and monitoring the EPA is requesting, and instructions for completing and submitting responses to this information request.
- Enclosure 2 contains a summary of the EPA's legal authority to obtain the requested information. As Enclosure 2 explains, section 114 of the CAA, as amended (42 U.S.C. § 7414), provides the EPA with this authority. Enclosure 2 also provides information about EPA procedures for considering CBI claims.
- Enclosure 3 clarifies information that EPA considers to be emissions data not eligible for treatment as CBI.
- Enclosure 4 summarizes the EPA's and its contractors' policies and procedures for handling trade secrets and CBI. EPA contractors or other authorized representatives must

follow the requirements in Enclosure 4, which ensure your rights and protect any privileged information you submit to us.

- Enclosure 5 details the EPA Office of Air Quality Planning and Standards policies and procedures for handling CBI.
- Enclosure 6 is a Certification Statement, which must be read and signed by the individual responsible for directing or supervising the preparation of the responses to this information request. The certifying official must be a responsible corporate official or his/her authorized representative.

For any questions regarding the information requested in Component I of this information request (Survey Questions), please contact Tegan Lavoie in EPA's Refining and Chemicals Group at 919-541-5110 or [lavoie.tegan@epa.gov](mailto:lavoie.tegan@epa.gov). For any questions regarding the monitoring required in Component II of this information request (Monitoring Requirement), please contact Patrick Foley at 202-564-7978 or [foley.patrick@epa.gov](mailto:foley.patrick@epa.gov).

Thank you for your assistance in this effort.

Penny Lassiter, Director  
Sector Policies and Programs Division  
Office of Air Quality Planning and Standards

Evan Belser, Acting Director  
Air Enforcement Division  
Office of Civil Enforcement

cc: David F. Garcia, Director, Air and Radiation Division, U.S. EPA, Region 6,  
[garcia.david@epa.gov](mailto:garcia.david@epa.gov)

Cheryl T. Seager, Director, Enforcement and Compliance Assurance Division, U.S. EPA,  
Region 6, [seager.cheryl@epa.gov](mailto:seager.cheryl@epa.gov)

Lourdes Iturralde, Assistant Secretary, Office of Environmental Compliance, Louisiana  
Department of Environmental Quality, [lourdes.iturralde@la.gov](mailto:lourdes.iturralde@la.gov)

# Denka Performance Elastomer, LLC Section 114 Information Request

## Enclosure 1

### I. Introduction

DPE shall submit the information identified in this Enclosure 1 pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), in accordance with the schedule set forth in this enclosure. Sections II and III describe the two components of the information request: a list of survey questions to be answered by DPE (Component I) and required monitoring to be performed by DPE (Component II). Section IV provides a template of the spreadsheet DPE must use to submit the monitoring data required in Component II. Section V provides instructions for submitting the requested information.

For purposes of this Enclosure 1, “*DPE*” means Denka Performance Elastomer, LLC and includes any parent corporation, subsidiaries, whether wholly or partially owned, or joint-ventures, or other business affiliations.

### **Confidential Business Information**

If you believe that part or all of the information requested in this Enclosure 1 is confidential business information (CBI), please identify this information clearly as CBI in your response, as explained in more detail in Section V. Please also clearly label any flow diagrams or other attachments submitted with your responses that contain CBI. If you are asserting a CBI claim on only a portion of your response, please identify the specific information that is covered under the CBI claim and do not label your entire response as CBI. Facilities that claim large amounts of information to be CBI, especially if other facilities report similar information without such claims, will likely be contacted by EPA to validate these claims. If no CBI claim accompanies the information when it is received by EPA, then EPA may make the information available to the public without further notice. Please note that emissions data are not eligible for confidential treatment pursuant to section 114(c) of the Clean Air Act. 42 U.S.C. § 7414. In addition, information that is publicly available should not be claimed as CBI.

## **II. Component I: Survey Questions and Summary of Supplemental Data Requested**

Under the authority of Section 114 of the Clean Air Act (CAA), responses to the Component I Survey Questions are to be completed for operations at your facility located at 560 Highway 44, LaPlace, Louisiana. Component I requires a response to survey questions and submission of supplemental data and information. Your responses to the survey questions will provide EPA with comprehensive information about your facility. This information will be relevant to the Agency's work in conducting rulemaking. Section 114 of the CAA authorizes the agency to request and collect information necessary for such development of emission standards.

**Responses to the Component I Survey Questions are due to the EPA by 45 days from the date of the letter.** Instructions for submitting your responses to the Component I Survey Questions can be found in Section V of this enclosure. If you have questions regarding the Component I Survey Questions, please contact Tegan Lavoie in EPA's Refining and Chemicals Group at 919-541-5110 or [lavoie.tegan@epa.gov](mailto:lavoie.tegan@epa.gov).

### **Clean Air Act Background**

CAA section 112(d)(6), 42 U.S.C. § 7412(d)(6), requires EPA to review, and revise as necessary, each national emission standard for hazardous air pollutants (NESHAP) at least every 8 years, considering developments in practices, processes, and control technologies. In addition, CAA section 112(f)(2), 42 U.S.C. § 7412(f)(2), requires EPA to review certain NESHAP within 8 years of their initial promulgation to assess any remaining risk and consider whether more stringent standards are needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. EPA may also later revisit the section 112(f)(2) risk review, where warranted, and is considering doing so with respect to certain NESHAP that apply to your facility. As part of this effort, EPA requires that you complete the Component I Survey Questions.

### **Survey Questions**

The list of survey questions requiring a response is provided below.

#### **1. Process and Facility Information**

- a) Provide a detailed facility emissions inventory along with the basis for the estimates (*e.g.*, calculations, testing results, etc.) for all emissions and emission sources at the facility, including, but not limited to: storage vessels, surge control vessels, process tanks, transfer/loading operations, process vents, equipment leaks, wastewater, heat exchange systems, startup, shutdown and malfunction (non-routine) emissions, including venting prior to, and during, maintenance activities. Provide annual actual emissions for calendar years 2016 through 2020, as well as permitted allowable emissions in tons per year and pounds per hour. For each emission point, indicate which EPA regulation(s) the emissions are subject to. It is also our understanding that DPE submitted, in 2019, a detailed analysis to the Louisiana Department of Environmental Quality (LDEQ) showing the measures taken to reduce the Chloroprene emissions for 2018 by 85% of 2014 actual emissions. Please provide the

detailed results of this analysis, including the basis for emission estimates and any sampling, monitoring, or testing that was done to verify emissions for this analysis.

- b) Describe in detail the processes for each manufacturing unit at the facility. Provide details on the raw materials, intermediate and final products, including annual quantities, and maximum permitted capacities of raw materials and products for each process. Provide block flow diagrams indicating all emission units, storage, ancillary equipment, and cooling towers as well as all locations where raw materials enter the process.
- c) Provide details on all storage vessels (*e.g.*, fixed roof, floating roof, pressure tank, bullet, drum, process tank, surge control vessels, bottoms receivers, etc.) at the facility. For these vessels, identify any control devices, pressure relief devices (PRDs)<sup>2</sup>, PRD set points, conservation vents, vacuum breakers, tank operating pressures, tank operating temperatures, if applicable any incoming gas purges rate (standard cubic feet per minute (SCFM)) and composition (*e.g.*, continuous nitrogen purge), and daily ranges of flowrates and gas compositions to control devices from displacement during loading operations and during periods when there is no displacement (SCFM and composition, vol. percent (%)). If these values are not measured or recorded, cite assumptions and bases for these values. Provide all historical stack testing and sampling and analysis data test reports with available supporting documentation for all stack tests conducted from 2016 through 2020 on control systems used to abate hazardous air pollutant (HAP) emissions from storage vessels (*e.g.*, tank farm vent control systems). Please identify what continuous parameter monitoring systems (CPMS) (*e.g.*, temperature, flow rate) and/or continuous emissions monitoring systems (CEMS) (*e.g.*, CO, THC, O<sub>2</sub>, NO<sub>x</sub>) are being used for storage vessel controls (*e.g.*, the tank farm vent control systems).
- d) Provide all historical stack testing and sampling and analysis data test reports with available supporting documentation for all stack tests conducted from 2016 through 2020 for any air pollution control devices on all processes at the facility for HAP, volatile organic compounds (VOC), and/or THC. If any CPMS or CEMS exist for the halogen acid production furnaces (HAPF) and regenerative thermal oxidizers (RTO)/wet scrubber controls used to control chloroprene emissions, please identify what CPMS (*e.g.*, temperature, flow rate) and/or CEMS (*e.g.*, CO, THC, O<sub>2</sub>, NO<sub>x</sub>) are being used.
- e) Provide the Simplified Process and Instrumentation Diagrams (P&IDs) for all processes at the facility indicating all emission sources and release points to the atmosphere. Provide Simplified P&IDs for tank farm and process venting systems.

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<sup>2</sup> Pressure relief device means a valve, rupture disk, or similar device used only to release an unplanned, nonroutine discharge of gas from process equipment to avoid safety hazards or equipment damage. A pressure relief device discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause. Such devices include conventional, spring-actuated relief valves, balanced bellows relief valves, pilot-operated relief valves, rupture disks, and breaking, buckling, or shearing pin devices.

- f) Identify heat exchange systems (non-contact and direct-contact) and cooling towers. Indicate how often you check for leaks and provide leak monitoring records from 2016 through 2020. Identify any vacuum systems and hot wells on site and describe the ultimate fate of gas and water discharges from these systems.
- g) Provide a detailed plot plan, or set of plot plans if more appropriate, of your entire facility, including all process units, buildings, and support structures. Provide dimensions and heights of all buildings and support structures.
- h) Identify all process vents at the facility and basis for emissions estimates including calculations to designate classification (*e.g.*, Group 1, Group 2, front end, back end, batch, continuous). Explain the actual basis for classifying the vents as continuous or batch process vents (*e.g.*, how the vent stream meets the definition of continuous or batch, the total resource effectiveness (TRE) calculation, etc.).
- i) Provide a complete copy of the initial submittal of the Notification of Compliance Status Reports (NOCSR) for all 40 C.F.R. Part 63 Subparts to which the facility is subject, including but not limited to subparts F, G, H, I, U, EEE, and FFFF, including all attachments and appendices. Also, provide complete copies of any revisions made to the NOCSR.

## 2. Controls

- a) Provide the description of the design for all oxidizers (RTO, catalytic oxidizers, thermal oxidizers (TO)), including residence time, temperature, temperature rise across the catalyst ( $\Delta T$ ) for catalytic oxidizers, and cycle times. Provide design with schematics. If the vendor supplied a performance guarantee, provide documentation.
- b) Provide the description of the design for all non-oxidizer combustion controls (*e.g.*, boilers, process heaters, furnaces, flares) used to control emissions, including but not limited to the HAPF and the monomer flare. Provide residence time, temperature, typical waste gas flow rate and individual components, and diameter and height of controls. In addition, if you have an assisted flare, also provide specifications about the type of flare being used, typical and minimum assist rates, and any monitoring (*e.g.*, flow, heat content/waste gas composition, pilot flame, visible emissions/video surveillance).
- c) Provide the description of the design for all scrubbers. Provide design with schematics. Provide control efficiency for HAP abated. If the vendor supplied a performance guarantee, provide documentation.
- d) Provide the description of the design for all carbon adsorption systems. Provide design with schematics. Provide control efficiency for HAP abated. If the vendor supplied a performance guarantee, provide documentation.

## 3. Start up, Shutdown, Malfunction, and Maintenance Activities

- a) Identify any PRDs, including conservation vents on tanks. Provide all records of PRD releases of HAP to the atmosphere and PRD re-monitoring activities after such PRD releases. Include all records from 2016 through 2020.
- b) Provide all records of PRD releases of HAP to the atmosphere from railcars, tanks, tank trucks, and containers and PRD re-monitoring activities after such PRD releases. Include all records from 2016 through 2020.
- c) Identify any PRDs equipped with monitoring systems (*e.g.*, wireless monitors).
- d) Identify any PRDs routed to a control device and identify the control device.
- e) Identify any maintenance, startup, shutdown, non-routine, or unauthorized HAP emissions. Provide the number, duration, estimates of emissions during these events, and the bases for these estimates (*e.g.*, calculations) from 2016 through 2020.
- f) Identify bypasses in vent systems, and report all bypass events that have occurred from 2016 through 2020. Provide the duration, estimates of emissions during these events, and the bases for these estimates (*e.g.*, calculations).
- g) Identify any emergency release ponds/pits (*e.g.*, brine pits) at the facility and report all releases that have occurred from 2016 through 2020. Provide the root cause, duration, estimates of emissions during these events, and the bases for these estimates (*e.g.*, calculations).
- h) Provide the following information related to ambient, fence line, area and safety monitors:
  - i. Have you done any monitoring for HAP emissions detection? If so, for each monitoring event, provide information on the type of monitor, standard operating procedures including quality assurance/quality control (QA/QC), the location of the monitor on a plot plan, the detection level and set point of the monitor, and actual monitored value.
  - ii. Indicate which monitors have produced alarms and provide records of when each alarm has occurred.
  - iii. Provide a detailed description of the procedure for alarm investigation.
  - iv. Provide records of all upset/reportable releases of HAP from the facility from 2016 through 2020. Include date, incident description, and quantity of releases reported. Provide the basis for the emission estimates.
- i) Provide the following information related to personnel monitors:
  - i. Provide a description of personnel exposure monitoring program. Provide specific details on how initial and periodic determinations of employee 8-hour time weighted average exposure for each job classification in each work area are performed. Provide a description of methods that are used to detect the presence or release of the monitored HAP in the work area (such as personal



exposure monitoring, continuous monitoring devices, etc.) and provide actual readings/results of these measurements from 2016 through 2020.

4. Equipment Leaks and Fugitive Emissions

- a) Leak Detection and Repair (LDAR) Program: provide the latest four semi-annual reports as well as all records from 2016 through 2020 from your leak detection and repair program.
  - i. Provide the underlying data for the semi-annual reports. This must include the LDAR monitoring data compatible with Microsoft Access from January 2016 through December 2020.
  - ii. Provide the contact information of the contractor that is responsible for the LDAR program.
- b) Provide process stream composition for equipment components. Identify each component that is in chloroprene and/or 1,3-butadiene service and the chloroprene and/or 1,3-butadiene weight percent of the process streams contacting the component.

5. Wastewater

- a) Identify all wastewater streams and their group status (*i.e.*, Group 1 or Group 2). Provide details on which HAP are contained in each stream at the point of determination, the quantities of wastewater and composition at the point of determination, and disposition of wastewater streams. Identify the points of determination.
  - i. Provide a list of all liquid streams that feed into the wastewater treatment systems, and describe which process generates the listed streams.
  - ii. Provide a block flow diagram, or PID, of the wastewater treatment system. Additionally, provide a block flow diagram, or PID, of each process unit and identify each wastewater stream. Identify the wastewater sampling locations on these diagrams.
- b) Provide information on all wastewater discharges from scrubbers. Provide quantities of scrubber discharge and composition.
  - i. For each scrubber, provide a description of the scrubber sump (*i.e.*, fixed roof tank, enclosed process drain or sump, or open sump), and the frequency at which the scrubber liquid is discharged and/or flowrate.
  - ii. For each scrubber, provide all sampling data of the scrubbing liquid.

### III. Component II: Monitoring Requirement

Under the authority of Section 114 of the Clean Air Act (CAA), monitoring described in Component II of this information request is to be completed for your facility located at 560 Highway 44, LaPlace, Louisiana. Component II requires DPE to install and use monitoring equipment at your facility and submit monitoring results to the EPA. Monitoring data collected pursuant to Component II of this request is relevant to the Agency's work in conducting future CAA Section 112 rulemakings. *See* Component I. The EPA will also use the information to determine the CAA compliance status of your facility. Section 114 of the CAA authorizes the agency to request and collect information necessary for these purposes.

**Response deadlines for the Component II monitoring requirement are specified below.** Instructions for submitting the data required by the Component II Monitoring Requirement can be found in Section V of this enclosure. If you have questions regarding the Component II Monitoring Requirement, please contact Patrick Foley in EPA's Air Enforcement Division at 202-564-7978 or [foley.patrick@epa.gov](mailto:foley.patrick@epa.gov).

#### **Monitoring and Sampling Procedures, Methods, and Reporting Requirements**

1. Within 30 days of receipt of this letter, DPE shall submit to the EPA for review and approval a protocol to monitor chloroprene and 1,3-butadiene emissions inside the property boundary of the facility using Methods 325A and 325B of 40 CFR Part 63 Appendix A. The protocol shall identify the laboratory performing this analysis and their qualifications, and shall satisfy the following requirements:
  - a. Monitoring must be continuous and at each sampling location must also be performed simultaneously. Individual sampling periods shall be a maximum of 14 days.
  - b. DPE shall utilize a minimum of 12 sampling tube locations sited in accordance with section 8.2 of Method 325A. The protocol shall propose detailed locations for each monitor by latitude and longitude with a map indicating the location of each monitor.
  - c. DPE shall adjust sampling tube location, or add additional sampling tube locations, if requested by EPA in writing, within 15 days of receiving such written notice from EPA to relocate or add sampling tube locations;
  - d. DPE shall utilize Carbopack X as the absorbant media, unless another absorbant media is approved in writing by EPA, or DPE is allowed in writing by EPA to utilize a different absorbant media;
  - e. DPE shall use a diffusive uptake rate of 0.45 ml/min for 1,3-butadiene.<sup>3</sup> DPE shall use an estimated uptake rate of 0.5 ml/min for chloroprene, regardless of sampling

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<sup>3</sup> Martin, Nicholas et al., Measurements of environmental 1,3-butadiene with pumped and diffusive samplers using the sorbent Carbopack X, *Atmospheric Environment*, Volume 39, Issue 6, February 2005, Pages 1069-1077.

period until otherwise informed by EPA. Should DPE choose to use a different uptake rate for 1,3-butadiene or chloroprene, they must submit supporting data consistent with addendum A.1.2 of Method 325B.

- f. In addition to the 1,3-butadiene and chloroprene, the analytical laboratory chosen by DPE shall also perform Tentatively Identify Compound (TIC) Analysis on each of the samples in the first 14-day period and report this data to the EPA with the first submittal of data required by Request 3 below. DPE shall provide the laboratory procedures for this type of analysis in the requested protocol.
  - g. DPE shall collect and record meteorological data as follows:
    - i. DPE shall collect and record the average temperature and barometric pressure during each sampling period using an on-site meteorological station in accordance with Section 8.3 of Method 325A of Rule Appendix A; and
    - ii. DPE shall follow the calibration and standardization procedures for meteorological measurements in EPA-454/B-08-002 and at:  
[http://www3.epa.gov/ttnamti1/files/ambient/met/Volume\\_IV\\_Meteorological\\_Measurements.pdf](http://www3.epa.gov/ttnamti1/files/ambient/met/Volume_IV_Meteorological_Measurements.pdf).
2. Within 30 days of receiving EPA's written approval of the monitoring protocol, DPE shall begin monitoring of chloroprene and 1,3-butadiene using Methods 325A and 325B following the methodology required by this letter and by the EPA-approved protocol.
  3. By no later than 28 days from the commencement of monitoring, DPE shall submit the results of the monitoring for the first 14-day period using the template spreadsheet provided in Section IV. Submit the results in an Excel file and include all information identified in the template spreadsheet, including:
    - a. The two week average concentration of chloroprene and 1,3-butadiene for each sampling tube location and blank; and
    - b. Hourly average meteorological data, including temperature, barometric pressure, wind speed and wind direction, and calculate hourly unit vector wind direction and hourly sigma theta for the two week period.
  4. Every 28 days thereafter until December 31, 2024, submit the data required in Request 3 above to EPA for the most recent two 14-day periods. Each submission shall be a fully updated spreadsheet that includes all prior submitted data. If EPA agrees in writing, DPE may cease monitoring and reporting earlier than December 21, 2024.

#### **IV. Template for Reporting Monitoring Data Required in Component II**

The following pages provide the template spreadsheet for submitting the monitoring results required in Component II. Results must be submitted in an Excel file.

## Denka Fenceline Monitoring Report Spreadsheet Template

### Welcome and Instructions

**Purpose:**

*This spreadsheet template was designed by the U.S. EPA to facilitate fenceline monitoring reporting for Method 325A and 325B at Denka.*

**Electronic reporting:**

For detailed reporting instructions, see the 114 enclosure.

Email this template and a complete lab report for each biweekly period to the following EPA contact: [foley.patrick@epa.gov](mailto:foley.patrick@epa.gov), [lavoie.tegan@epa.gov](mailto:lavoie.tegan@epa.gov) and [bobbs.nicholas@epa.gov](mailto:bobbs.nicholas@epa.gov)

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## V. Instructions for Submitting Your Responses to Components I and II

Before submitting any files or data to EPA, please ensure you adhere to the following naming conventions:

Non-confidential business information (CBI) responses:

- [Company]\_[Facility]\_[Description of File]\_NonCBI

CBI responses:

- [Company]\_[Facility]\_[Description of File]\_CBI

Submit non-CBI portions of your survey, test plan, and sampling results using one of the following methods:

- **Email** –

For responses to Component I, e-mail your non-confidential files to [lavoie.tegan@epa.gov](mailto:lavoie.tegan@epa.gov) with a subject line of “Denka Performance Elastomers Section 114 Response – Survey Questions.”

For responses to Component II, e-mail your non-confidential files to [lavoie.tegan@epa.gov](mailto:lavoie.tegan@epa.gov), [foley.patrick@epa.gov](mailto:foley.patrick@epa.gov), and [bobbs.nicholas@epa.gov](mailto:bobbs.nicholas@epa.gov) with a subject line of “Denka Performance Elastomers Section 114 Response – Monitoring Data”

- **Mail** – For responses to Component I, you may mail your files on a flash drive, CD-ROM or DVD-ROM to:

Ms. Tegan Lavoie  
U.S. EPA Office of Air Quality Planning and Standards  
Sector Policies and Programs Division, Refining and Chemicals Group  
Mail Code E143-01  
109 T.W. Alexander Drive  
Research Triangle Park, NC 27711

If you are submitting CBI, you must also mail a separate CD-ROM or DVD-ROM containing all files associated with this request (i.e., all information claimed to be CBI and non-CBI portions combined) to Ms. Tiffany Purifoy at the address below. Clearly mark the disk and/or the materials with the words “Confidential Business Information.” **DO NOT ELECTRONICALLY TRANSMIT (i.e., via email, fax or ftp) CONFIDENTIAL BUSINESS INFORMATION TO EPA.**

U.S. Environmental Protection Agency  
Office of Air Quality Planning and Standards  
U.S. EPA Mailroom (C404-02)  
Attn: Ms. Tiffany Purifoy, Document Control Officer (Project 116)  
109 T.W. Alexander Drive  
Research Triangle Park, NC 27711



**EPA's Information Gathering Authority Under 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) *Acr* 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 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 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:

Latitude & Longitude, or UTM Grid Coordinates	(e.g., the percent of fuel used for space heating)
SIC (Standard Industrial Classification)	Hourly maximum design rate
Emission point, device or operation description information	(e.g., the greatest operating rate that would be expected for a source in a 1-hour period)
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 <sub>2</sub> , particulate or a specific toxic compound, and origin of emissions such as process vents, storage tanks or equipment leaks)	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.
Emission rate (e.g., the amount released to the atmosphere over time such as kg/yr or lbs/yr)	After consideration of comments on this policy, a revised policy/determination may be published.
Release height (e.g., height above ground level where the pollutant is emitted to the atmosphere)	Dated: February 8, 1991.
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)	Michael Shapiro, Acting Assistant Administrator for Air and Radiation.
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)	[FR Doc. 91-4114 Filed 2-20-91; 8:45 am]
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	



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.


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OAQPS-SPPD

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)

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  
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Penny E. Lassiter  
Division Director  
Sector Polices and Programs Division

July 2017

## **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. Clean Air Act Confidential Business Information Security Manual (January 2002).

### **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 begin in conflict with any applicable regulations, statutes, or policies to which EPA is subject.

### **4. Definition:**

Confidential Business Information – 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, 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, (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. 522).

**6. Procedures:**

a. Request for Information.

Each request for information made under the provisions of Section 114(a) includes 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.

Upon receipt of information for which confidential treatment has been requested, the OAQPS Document Control Officer (DCO) logs in the material and a permanent file is established. If part of the material is claimed to be confidential, that portion should be marked “Subject to Confidentiality Claim.” In compliance with Sections 2.204 and 2.208 of 40 CFR Part 2, the Group Leader responsible for the requested information reviews 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. Information claimed as confidential is hand carried to the OAQPS CBI Office to be logged into the OAQPS CAA CBI tracking system and filed for safekeeping. 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 (Attachment A) 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.

c. Storage of CAA CBI.

Folders, documents, or materials 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, Planning, Resources, and Regional Management Staff (PRRMS).

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.

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. 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, PRRMS.

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

## Enclosure 5

directly to the OAQPS Document Control Office 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. If mailing 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 industry representatives 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. Please 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 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.

Attachments (2)

<b>CAA CONFIDENTIAL BUSINESS INFORMATION CONTROL RECORD</b>					
<b>DATE RECEIVED:</b>		<b>RESPONSIBLE GROUP:</b>		<b>CONTROL NUMBER:</b>	
<b>DATE OF DOCUMENT:</b>		<b>DOCUMENT AUTHOR:</b>			
<b>DESCRIPTION (PROVIDING ORGANIZATION, TITLE, SUBJECT, NUMBER OF COPIES, NUMBER OF PAGES)</b>					
<b>RETURN DATE:</b>			<b>DESTRUCTION DATE:</b>		<b>INITIALS:</b>
<b>EACH PERSON WHO IS GIVEN ACCESS TO THIS DOCUMENT MUST FILL IN THE INFORMATION BELOW.</b>					
<b>CHECK-OUT</b>			<b>CHECK-IN</b>		
<b>SIGNATURE</b>	<b>DATE</b>	<b>TIME</b>	<b>SIGNATURE</b>	<b>DATE</b>	<b>TIME</b>

<b>I. AUTHORIZATION FOR ACCESS TO CAA CBI FOR FEDERAL EMPLOYEES</b>		
FULL NAME	POSITION	
SSN XXX-XX-____ (Last Four)	OFFICE	
<p>It is the responsibility of each Authorizing Official* to ensure that the employees under his/her supervision who require access to CAA CBI:</p> <ol style="list-style-type: none"> <li>1. Sign the Confidentiality Agreement for Federal Employees</li> <li>2. Are fully informed regarding their security responsibilities for CAA CBI.</li> <li>3. Obtain access only to that CAA CBI required to perform their official duties</li> </ol>		
SIGNATURE OF AUTHORIZING OFFICIAL*	TELEPHONE NO.	DATE
TITLE	LOCATION	
<b>II. CONFIDENTIALITY AGREEMENT FOR FEDERAL EMPLOYEES</b>		
<p>I understand that, in accordance with my official duties, I will have access to certain Confidential Business Information submitted under the Clean Air Act (CAA) (42 U.S.C. 7401 et seq.)</p> <p>I understand that, under 18 U.S.C. 1905 and 18 U.S.C. 1924, I am liable for a possible fine of up to \$1,000 and/or imprisonment for up to one year, if I willfully disclose CAA Confidential Business Information to any person not authorized to receive it. Additionally, I understand that, I may be subject to disciplinary action for violation of this agreement with penalties ranging up to and including dismissal.</p> <p>I am aware that, I may be subject to criminal penalties under 18 U.S.C. 1001 if I have made any statement of material facts knowing that such statement is false or if I willfully conceal any material fact.</p> <p>I agree that, upon the termination of my duties, transfer or departure from the Environmental Protection Agency, I will return all materials in my possession containing CAA Confidential Business Information to the OAQPS CBI Office.</p> <p>I certify that I have read and understand these procedures and those outlined in the CAA CBI Security Manual.</p>		
SIGNATURE	TELEPHONE NO.	DATE
<b>III. THE UNDERSIGNED CERTIFIES THE ALL TRAINING AND TEST REQUIREMENTS HAVE BEEN MET BY THE EMPLOYEE.</b>		
SIGNATURE CBI MANAGER/DCO	TELEPHONE NO.	DATE
<p><b>IV. ANNUAL RE-CERTIFICATION:</b> I certify that, in conjunction with my duties, I require access to CAA CBI. I am current with all CBI handling procedures and security guidelines as outlined in the CCA CBI Security Manual.</p>		

Date		Date		Date		Date		Date		Date	
Initial		Initial		Initial		Initial		Initial		Initial	
Date		Date		Date		Date		Date		Date	
Initial		Initial		Initial		Initial		Initial		Initial	

CAA CBI Form 2 (Rev. 10/08) \* Must be Division Director (or equivalent) or above.

**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