

September 19, 2022

SENT VIA E-MAIL AND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Sara Hertz Wu
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Re: BCP Ingredients, Inc. – Verona, Missouri;
Supplemental Response to Section 114 Request received August 19, 2022

Dear Ms. Hertz Wu and Mr. Sena:

On behalf of BCP Ingredients, Inc. ("BCP"), this letter provides a second response to the Clean Air Act Section 7414 Request issued by the Environmental Protection Agency ("EPA") to BCP Ingredients on August 19, 2022 ("114 Request"). BCP is providing documents responsive to this request that contain confidential business information ("CBI") and by this letter provides substantiation for its CBI claims, which are timely provided at the same time BCP is disclosing information to EPA.

Timing of Production

The 114 Request included five requests for information and included a response deadline of 15 calendar days after receipt. Through e-mails dated August 23, 2022, and August 24, 2022, BCP and EPA confirmed the deadline to respond was Tuesday September 6, 2022. BCP submitted a timely response to four of the five requests by letter dated September 2, 2022, which also included a list of general objections and substantiation of CBI claims, all of which are incorporated herein by reference.

The 114 Request indicated that if an extension would be sought, such extension should be made within five calendar days of receipt of the information request. BCP timely sought a 15-day extension from Mr. Sena on August 24, 2022. The extension request was limited to providing a response to Information Request 1. EPA granted the 15-day extension on August 25, 2022. The deadline to respond to Information Request 1 is now September 19, 2022. With this letter, BCP timely provides its response to Information Request 1.

Notwithstanding and without waiving any objections, and subject to the General Objections of BCP's September 2, 2022 letter, BCP has prepared this response based upon the information available to it. Where the Information Request is vague, ambiguous, overbroad, unduly burdensome, or beyond the scope of EPA's authority pursuant to Section 114 of the Clean Air Act, BCP is making appropriate and reasonable efforts to provide responsive information based on its interpretation of the requests. To the extent that information produced herein is not required by law or is outside of the scope that EPA has the authority to request, that information is voluntarily submitted. BCP waives no rights to protection of information that it voluntarily submits.

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BCP reiterates its prior confidential business information assertion. While none of the responsive documents provided in this supplemental response were identified as CBI, some documents contained personally identifiable information. For those items, BCP is providing redacted documents that remove the employees' names. BCP remains concerned with protecting its CBI and the personally identifiable information related to its employees.

BCP's Supplemental Response to 114 Request

In accordance with our understanding of your request, incorporated into this response, BCP uploaded its response to the 114 Request to EPA via Dropbox consistent with EPA's request. This includes documents that are bates stamped BCP-VER-EPARMP-0000824 through BCP-VER-EPARMP-0001510. BCP reserves the right to supplement this response as additional responsive information becomes available.

Information Request 1: From January 1, 2020, to the present, provide any and all continuous Ethylene Oxide monitoring data, including, but not limited to, stationary monitors located inside of the facility, personal monitors worn by employees or contractors, monitoring information collected by any other contractor or agency in the possession of BCP, and any other available monitoring data.

Updated Request 1:

BCP and EPA technical representatives discussed the scope of this request on August 26, 2022. After discussion, EPA determined it would send BCP a revised request due to the volume of information requested. Via e-mail dated August 26, 2022, EPA revised Information Request 1 to narrow the date range from January 1, 2020, to present to the following dates. EPA's revision states:

With regards to the continuous monitoring data, we decided it would be best if we could limit the amount of data to 60 days (of 24-hour data per day) per year which were randomly selected using a random number generator. The dates we are requesting this information for is as follows:

2020

January	4, 7, 21, 27, 30
February	4, 6, 15, 19, 23
March	2, 5, 22, 27, 31
April	1, 3, 11, 16, 20
May	4, 5, 9, 21, 25
June	1, 14, 23, 26, 29
July	2, 9, 17, 24, 28
August	3, 7, 15, 19, 30
September	1, 6, 8, 11, 15
October	12, 13, 18, 23, 27
November	1, 5, 16, 18, 30
December	3, 15, 17, 20, 25

2021

January	3, 16, 18, 30, 31
February	2, 7, 12, 22, 26
March	4, 10, 13, 14, 25
April	3, 8, 20, 23, 30
May	13, 17, 19, 26, 29
June	4, 14, 19, 24, 29
July	1, 8, 11, 20, 21
August	3, 10, 13, 17, 24
September	9, 15, 16, 18, 23
October	5, 16, 20, 21, 27
November	7, 9, 11, 12, 28
December	9, 14, 17, 27, 31

2022

January	5, 11, 24, 29, 31
February	6, 13, 16, 18, 23
March	1, 2, 14, 24, 30
April	2, 4, 10, 20, 26
May	3, 4, 12, 28, 30
June	10, 13, 21, 23, 24
July	5, 11, 21, 22, 31
August	2, 4, 5, 9, 20

In addition to these randomly selected dates, I am also requesting that the same information be provided on the day of the ethylene oxide spill (4/8/22).

BCP Response to Request 1:

BCP appreciates EPA's prompt review and response to this request and has worked diligently to compile responsive information by the Sept. 19 deadline.

BCP is voluntarily providing this narrative regarding its system for detecting ethylene oxide and available monitoring data to assist EPA with its review and understanding. Information responsive to this request includes information from stationary ethylene oxide monitors, data from personal monitors worn by employees, and Leak Detection and Repair ("LDAR") records. While the data from employees' industrial exposure screens is outside of EPA's Clean Air Act jurisdiction, BCP is voluntarily providing this data as further illustration of its commitment to monitoring ethylene oxide in the plant to protect employees and human health and environment.

Employee Records: BCP has established safety protocols to prevent worker and community exposure to ethylene oxide emissions. As part of BCP's safety protocol, a representative number of employees working in areas with the potential for exposure to ethylene oxide wear personal monitoring badges once per quarter to confirm there are no individual industrial exposures. These badges are sent to a third party lab for analysis. In addition, BCP provides employees with annual health exams to confirm there are no long-term impacts. BCP is providing information from employees' personal monitoring badges, but has redacted out employee names consistent with its internal policies.

LDAR Records: As EPA is aware, BCP voluntarily began implementing LDAR in 2018. LDAR was incorporated into the Facility's Part 70 Permit for portions of BCP's facility in 2019. BCP continues to implement a more robust LDAR program than required by the Part 70 Permit. BCP has a third-party contractor that conducts LDAR monitoring quarterly. Both the quarterly reports and the annual reports

from the requested time periods are included. In addition, BCP received two reports after the date of the Information Request and is voluntarily providing those, as well.

Stationary Monitors: The stationary ethylene oxide monitors provide real-time notification if ethylene oxide or other chemicals are detected above a specified value. All detectors are in service at all times during plant production. The detectors have different settings, such as sounding an audible alarm, flashing visible warning lights, sending automated notifications, or initiating system shutdown. The stationary monitors do not, themselves, capture data. The stationary monitors are not limited to monitoring for ethylene oxide, though that is the purpose for which BCP primarily uses them. As example, alarms can occur based on the presence of hydrocarbon fumes.

To capture data from the stationary monitors, BCP utilizes an electronic “data historian.” The historian does not provide any level of employee protection, monitoring or alarming; its function is to capture and preserve data from the stationary monitors so that data can be used to assist BCP in the event of non-normal conditions such as post-event analysis or understanding. The historian is not connected to a dedicated battery back-up in the case of power failure nor is battery backup a required element of any safety protocol to allow operation of the plant. Instead, should a power interruption occur, the historian shuts down and must be manually restarted. For data/server security only certain individuals have access and authority to interact with the historian. While there are multiple stationary ethylene oxide monitors installed at various locations throughout the facility, there is a single "historian" for all safety criteria data points that records data.

In its response, BCP is providing all monitoring data it has available for the dates listed in the revised Request 1. Some of the dates selected do not have monitoring data available from the data historian, even though monitoring data was generated on those days. BCP reviewed its records related to these periods and believes there are a variety of potential reasons for the lack of historian data, including:

- Electrical Service outages
- Floods causing complete plant shutdowns
- Server/IT communication issues
- Failure to reset after outages

To reiterate, the data historian's only function is to record data to assist BCP in analyses as part of its ongoing understanding of the plant. That the historian is offline is not a threat to the safety of plant personnel or safety systems and is not an indication of ethylene oxide exceedances. Instead, it only means that data generated for that period was not captured by the historian for storage.

Individuals Consulted in Preparing Response

Pursuant to Instruction 5 of the Instructions accompanying the Section 114 Information Request, the following persons were consulting in preparing the response to the individual requests:

<u>Name</u>	<u>Title</u>	<u>Response Numbers</u>
██████████	EHS Director	Response to all requests
██████████	Former Plant Manager, Verona Plant	Response to Requests 2-5
██████████	Environmental Health & Safety Manager	Response to all requests
██████████	EHS Coordinator	Response to all requests
██████████	Lead Process Control Engineer	Response to Requests 1 and 2
██████████	PSM Engineer	Response to Requests 2-4
██████████	Acting Plant Manager, Verona Plant	Response to Request 1

Certification

The Certification, signed by ██████████, is attached.

Please let me know if you have any questions about the foregoing information. Thank you for your time and consideration of this matter.

Sincerely,

Stinson LLP



Brittany A. Barrientos

Attachments