



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Brittany Barrientos, Partner
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106-2150

RE: Clean Air Act Section 114 Request for Information
BCP Ingredients, Inc. – Verona, Missouri

Dear Ms. Barrientos:

The U.S. Environmental Protection Agency requires BCP Ingredients, Inc. to provide information regarding the company’s facility located at 299 Extension Street, Verona, MO (FRS ID 110000444788) to assess BCP Ingredients’ compliance with the Clean Air Act.

The EPA is issuing this request for information under Section 114(a) of the CAA, 42 U.S.C. § 7412(a). Section 114(a) authorizes the Administrator of the EPA to require any person who owns or operates any emission source or who is subject to any requirement of the CAA to provide information for the purpose of determining compliance with the CAA.

BCP Ingredients’ response to Enclosure 1 of this letter is **required** no later than the due dates stated herein. (See Enclosure 2 for instructions and definitions.)

Information Request Submission Timeline

Request Numbers	Submission Timeline
12, 13, 15-21	14 days ¹
1-11	30 days ¹
14	By April 17, 2023

¹Documents must be submitted within the indicated number of days after receipt of this Request.



In addition, sign and return the Statement of Certification (see Enclosure 3) with the response to this Information Request. This statement certifies that the information submitted in response to this request is true, correct, and accurate; it must be signed by someone with sufficient knowledge and authority to make such representations on behalf of BCP Ingredients.

We request that all data supporting a particular request be included in the response to that request. If BCP Ingredients does not have records or a response to a question, please state that in the response and supplement the response if such information becomes available.

Please submit your response to this request by electronic mail to:

Christopher Appier
Appier.Christopher@epa.gov
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

You are entitled to assert a business confidentiality claim covering all or part of the information this letter requires. Please note that such a claim cannot be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). Any such claim should be made in accordance with the procedures described at 40 C.F.R. Part 2, Subpart B. Enclosure 2 specifies the assertion and substantiation requirements for business confidentiality claims. Please note that the EPA may provide the public with any information not subject to such a claim without further notice.

Compliance with this request for information does not preclude the EPA from assessing penalties or taking any action authorized under the CAA or any other federal law. The EPA may use any information submitted in response to this request in an administrative, civil, or criminal action. This request does not affect the obligation of BCP Ingredients to comply with the CAA or any other federal, state, or local law.

Failure to respond completely and truthfully to this request for information may subject BCP Ingredients to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413. The CAA permits the EPA to seek the imposition of penalties of up to \$55,808 for each day of continued noncompliance. Section 113 of the Act also gives the EPA authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required by the Act.

If you have any questions relating to this information request, contact Christopher Appier, Enforcement and Compliance Assurance Division, at (913) 551-7195 or Sara Hertz Wu, Office of Regional Counsel, at (913) 551-7316.

Sincerely,

David Cozad
Director
Enforcement and Compliance Assurance Division

Sincerely,

DeAndré Singletary
Director
Air and Radiation Division

Enclosures

1. Enclosure 1 – CAA Section 114 Information Request
2. Enclosure 2 – Instructions and Definitions
3. Enclosure 3 – Statement of Certification

cc: Stephen Hall, Missouri Department of Natural Resources
Richard Swartz, Missouri Department of Natural Resources

ENCLOSURE 1
CAA Section 114 Information Request

1. Provide a detailed plot plan, or set of plot plans if more appropriate, of the entire Facility, including all process units, buildings, and support structures.
2. Provide the lifecycle of ethylene oxide (EtO) from arrival to facility exit, including:
 - a. process flow diagrams;
 - b. a description of how EtO is brought into the facility (in railcars, trucks, or other containers, etc.), in what quantities, and how often shipments are received;
 - c. identification of any waste streams containing EtO, the volume and concentration of EtO, and disposal fate; and
 - d. details of all operations processing EtO, yearly throughput of EtO, and production rates for each process using EtO from January 1, 2019, to the date of receipt of this Request.
3. Provide detailed plant wide emissions estimates along with the bases for the estimates (e.g., calculations, testing results, etc.) for all EtO emission sources at the facility, including but not limited to storage and loading, process vents, equipment leaks, wastewater process, startup, shutdown, and malfunction (non-routine) emissions, including venting prior to, and during, maintenance activities. Provide monthly actual emissions for the previous five years from the date of the receipt of this Request, as well as permitted emissions. Provide a description of any changes in emission calculations during the previous five years.
4. Provide details on EtO storage vessels. For these vessels, identify PRDs, PRD set points, vents, vacuum breakers, tank operating pressures, tank operating temperatures, incoming gas purge rate, and composition (i.e., continuous nitrogen purge), and daily ranges of flowrates and gas compositions to the EtO scrubber 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 engineering assumptions and engineering bases for these values.
5. Identify any maintenance or non-routine venting of EtO. Provide the number and duration of such events, estimates of emissions during these events, and the bases for these estimates (e.g., calculations) for the previous five years from the date of receipt of this Request.
6. Identify any manual bypasses in the vent systems containing EtO and report all bypass events that have occurred for the previous five years from the date of receipt of this Request. Provide the duration, estimates of emissions during these events, and the bases for these estimates (e.g., calculations). Provide any standard operating procedures related to manual bypasses. Describe how bypass events are detected, monitored, and reported.
7. Provide the following information on the EtO scrubber (EP-10). Information must include, but is not limited to, the as-built specifications, which must include the following:
 - a. Date(s) of construction, installation, modification, and any upgrades.
 - b. Approximate dimensions: tower diameter, height, gas inlet, gas outlet, liquid storage capacity.

- c. Internals: packing type, mist eliminator type, etc.
 - d. Operating conditions: provide the average, maximum, and minimum values for the operating ranges of the liquid and gas flowrates and the liquid/gas ratio, pressure drop across the tower, scrubber liquid temperature, vent gas inlet temperature, and solution used in the scrubbers (composition, pH, and conductivity). Provide information on scrubber solution regeneration, e.g., continuous regeneration with fresh feed and waste slip stream or batch regeneration, how often solution is regenerated, usage rates of solution, and disposal fate.
 - e. Operating parameters that are monitored for compliance purposes (e.g., to demonstrate control efficiency) or other purposes (specify), daily average values, and raw data from January 1, 2019, to the date of receipt of this Request.
 - f. All operating, maintenance, and inspection logs from January 1, 2019 to the date of receipt of this Request.
 - g. Any performance guarantee or operating specifications not included above provided by the vendor.
8. Provide a list of all liquid streams that feed into the wastewater treatment systems, and describe which process generates the listed streams. If any wastewater streams contain EtO, provide details on which streams contain EtO 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.
 9. Provide a block flow diagram, or P&ID, of the wastewater treatment system. Additionally, provide a block flow diagram, or P&ID, of each process unit and identify each wastewater stream. Identify the wastewater sampling locations on these diagrams.
 10. Provide information on all wastewater discharges from the EtO scrubber. Provide quantities of scrubber discharge and composition.
 11. Provide a description of the scrubber sump (fixed roof tank, open sump, etc.), the frequency at which the scrubber liquid is changed out, and how the company determines that the scrubbing liquid needs to be changed out. Provide all existing sampling data of the scrubbing liquid from 2019 to present.
 12. Provide documentation of the duration and frequency of events where EtO is vented to the scrubber for the following processes: V-8, V-10, V-25, EtO railcar unloading (include empty and partially empty railcar estimates), and GL750. Lacking such documentation, provide estimates. These estimates should include current operating procedures and those procedures in place before the February 2023 stack testing.
 13. Provide the current version of any standard operating procedure that has been updated since January, 2023 that relates to processes or activities involving EtO, unless already submitted (in which case, please indicate the date of submission).
 14. Provide all data collected during the stack test conducted on February 13-17, 2023, including volumetric flow rate, moisture content, oxygen concentration, carbon dioxide concentration, EtO concentration, the logs used to record process information and scrubber data during the testing,

and any other information collected in relation to the stack test. All data must be in the highest temporal resolution available.

15. Provide all data collected during any other stack testing that measured EtO at the facility since 2019.
16. Provide any and all EtO monitoring data, including, but not limited to, stationary monitors located inside of the facility, ambient monitoring, 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 from January 1, 2019 to the receipt of this Request. Any and all meteorological or relevant process information data collected concurrently with EtO monitoring must also be included.
17. Provide a copy of the 4th quarter 2022 and 1st quarter 2023 LDAR report.
18. Provide a copy of the written LDAR program used to comply with Permit Condition 2 from the facility's operating permit (OP2019-025) and any other LDAR programs used at the facility. If not included in the written programs, provide a list of all monitored components and their locations.
19. Describe all operational or process changes that occurred as a result of recent EtO information gathering activities and detailed estimates of expected changes in emissions as a result.
20. Provide the following information on the EtO railcar unloading from 10/05/2022 through 01/31/2023, unless already submitted (in which case, please indicate the date of submission):
 - a. Dates and times of unloading, including coupling, uncoupling, and nitrogen purge times.
 - b. Dates and times of decoupling partially unloaded rail cars where EtO pressure was vented to the scrubber stack. Additionally, provide an estimate of the volume of liquid left in the rail car at disconnect, pressure of the rail car before and after venting, temperature of the railcar before and after venting, and the duration of the venting process.
 - c. Dates and times of facility shutdowns or restarts and the processes where EtO emissions might be expected to increase over normal operations.
21. Provide details on all EtO releases to either the atmosphere or EtO scrubber on 10/05/2022, 11/01/2022, 11/18/2022, 11/23/2022, 12/10/2022, 12/16/2022, 12/29/2022/ and 01/12/2023. Include equipment operational status and an estimate of the magnitude and duration of the emission releases, including start and stop time of the releases.

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ENCLOSURE 2

Instructions

1. Please identify the individual(s), including title, responsible for responding to this request.
2. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
3. Precede each answer with the number of the question to which it corresponds. At the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted.
4. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. If documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why they are not available or in your possession and identify any source that either possesses or is likely to possess such information.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The term “BCP Ingredients” shall mean the facility located at 299 Extension Street, Verona, MO 65769.
2. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.

Confidential Business Information

You may assert a business confidentiality claim covering any parts of the information requested, as provided in 40 C.F.R. § 2.203(b); however, emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. “Emission data” means, with reference to any source of emissions of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and (C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response as a waiver of that claim, and the information may be made available to the public without further notice to you.

All confidentiality claims are subject to the EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business’s competitive position. Pursuant to 40 C.F.R. Part 2, Subpart B, the EPA may at any time send you a letter asking that you support your confidential business information claim. If you receive such a letter, you must respond within the number of days specified by the EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

ENCLOSURE 3
Statement of Certification

BCP Ingredients, Inc. is submitting the enclosed documents in response to EPA's Section 114 request for information to determine whether BCP Ingredients, Inc. is in compliance with the Clean Air Act.

I am a responsible officer of BCP Ingredients, Inc.

I certify under penalty of law that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, correct, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fine or imprisonment.

Date: _____

Signature: _____

Printed Name: _____

Title _____