



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 23 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 9895

Mr. Justin Iwuala
Environmental Manager
Gulf Chemical and Metallurgical Corporation
P.O. Box 2290
Freeport, TX 77542

Re: Request for Information Pursuant to Section 3007 of RCRA regarding facility operations
at the Gulf Chemical and Metallurgical facility located in Freeport, TX (TXD074195678)

Dear Mr. Iwuala:

Enclosed is an Information Request Letter ("Request") issued to Gulf Chemical and Metallurgical Corporation, Freeport, TX. This request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Pursuant to this authority, the United States Environmental Protection Agency ("EPA") may require persons with information relevant to the generation, storage, treatment, transportation, disposal, or otherwise handling of hazardous wastes to submit information to EPA to determine compliance with RCRA 42 U.S.C. §§ 6921 – 6992k at its facility.

Please respond to this Request within thirty (30) calendar days of receipt of this letter. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA which permits EPA to seek the imposition of penalties of up to \$37,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA or generally under 18 U.S.C. § 1001.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq. Your response to this Request should be sent to John Penland at the United States Environmental Protection Agency, Hazardous Waste Enforcement Branch (6EN-H), 1445 Ross Avenue, Dallas, Texas 75202.

Please direct technical questions to John Penland of the Hazardous Waste Enforcement Branch at (214) 665-9717, and legal questions to Mr. Brian Tomasovic of Regional Counsel at (214) 665-9725. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "JBlevins", is written over the printed name.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency ("EPA") is investigating Gulf Chemical and Metallurgical (GCMC) for compliance with the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6921 – 6992k, at its facility in Freeport, TX. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses to and the information required by the questions in this Information Request ("Request"). You are required to submit the requested information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the specified 30 calendar day time period, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which GCMC must provide the responsive information. Furthermore, EPA retains its right to obtain additional information beyond what is sought in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of GCMC. An affidavit making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001, and 42 U.S.C. § 6928(d). Furthermore, failure to fully comply with this Request may subject GCMC to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), the records, reports, and information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

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

John Penland
Hazardous Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in one logically sequenced electronic format (i.e., PDF) **only**. This information may be provided on a USB drive or CD.
4. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
 - b. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
 - c. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If yes, why is the information still considered confidential?

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- d. Is the information contained in any publicly accessible forums or materials such as the Internet, databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. DEFINITIONS

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

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, flash drive, CD, DVD, or other type of memory and together with printouts of such hard drive, flash drive, CD, DVD, or other

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- type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
2. The term "Gulf Chemical and Metallurgical" includes any officer, director, agent, or employee of Gulf Chemical and Metallurgical, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
 3. The term "you" or "yours" refers Gulf Chemical and Metallurgical.
 4. The term "facility" means Gulf Chemical and Metallurgical at 302 Midway Road, Freeport, Texas 77542.
 5. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, present or last known employment position or affiliation, and positions or affiliations during the time period covered by this Request.
 6. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. Parts 260 - 280, and the federally-authorized Texas hazardous waste program.
 7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.
 8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
 9. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

III. INFORMATION REQUESTED

1. Please provide the last three years of shipping documents from your foreign imports of catalysts (i.e., spent, hydrotreating or hydrorefining catalysts, including spent catalysts that may have been partially processed prior to shipment). These documents may include but are not limited to: Uniform Hazardous Waste Manifests, Bills of Lading, Export Declarations, and other commercial, governmental, or transactional records that document the importation of catalysts.

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2. For the component or endpoint of your process known as "T5/T6 overflow":
 - a) Provide a full written description of the process, including a description of material that is generated and its disposition.
 - b) Provide copies all analytical reports produced from the chemical analysis of samples of the T5/T6 overflow.
 - c) Provide a written description of solid materials introduced to Tanks T5 and T6 and accompanying analytical reports produced from the chemical analysis of these materials prior to their introduction into these tanks.
 - d) Identify each unit used for the management of the T5/T6 overflow and the dates of their usage for this purpose. Furnish all relevant operating records.

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ENCLOSURE B

STATEMENT OF CERTIFICATION

Gulf Chemical and Metallurgical Corporation – Freeport, TX

I certify that I am authorized to respond to this information request on behalf of Gulf Chemical and Metallurgical Corporation and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2015.

(Signature)

(Name)

(Title)