



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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL

**LEGAL MATTER
REQUIRES PROMPT RESPONSE**

Dated by Electronic Signature

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Request for Information Under Section 114(a) of the Clean Air Act,
42 U.S.C. § 7414(a)

The United States Environmental Protection Agency (EPA) hereby requires Neste Singapore Pte Ltd, and its Affiliates (collectively, Neste or you), to submit certain information as part of an EPA investigation to determine your compliance with section 211 of the Clean Air Act (CAA), 42 U.S.C. § 7545, and the Renewable Fuel Standard program set forth at 40 C.F.R. Part 80, Subpart M.

This letter, and the enclosed appendices, are collectively referred to as the Information Request. This Information Request seeks information from you regarding compliance with the Renewable Fuel Standard program. Appendix A provides instructions for your response to this request, Appendix B

provides definitions, and Appendix C specifies the information that you must submit to comply with this Information Request. You must submit this information to the EPA within **30 calendar days** from the date of your receipt of this request. Please note that if additional information responsive to this request is identified, found, or located by Neste following your response to this request, you are required to submit all such material within 30 calendar days of discovery.

The EPA issues this Information Request under section 114(a) of the CAA, 42 U.S.C. § 7414(a). Under section 114(a), the Administrator of the EPA may require any person who is subject to the CAA to provide certain information, including information to evaluate that person's compliance with section 211 of the CAA, 42 U.S.C. § 7545, and the regulations promulgated thereunder. The Administrator has delegated this authority to the Chief of the Fuels Enforcement Branch in the Air Enforcement Division in the Office of Enforcement and Compliance Assurance.

Failure to provide the required information may result in the initiation of an enforcement action pursuant to section 113 of the CAA. 42 U.S.C. § 7413. Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries. It is important that your responses be clear, accurate, and complete. The EPA will regard the submission of information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA. Please carefully review the instructions, definitions, and the specific information requested as you prepare your response.

Neste must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information 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 and complete, and that all Documents produced in response to this information request are true and complete copies of Documents as maintained in the ordinary course of the

company's business. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

The EPA may use any information submitted in response to this request in administrative, civil, or criminal action(s).

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this request, in accordance with the procedures described in the confidentiality of business information (CBI) regulations, 40 C.F.R. Part 2, Subpart B. However, no such CBI claim may be made with respect to emission data, as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Appendix D of this Information Request specifies the assertion requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

The EPA prefers electronic submittals in lieu of hard copy submissions. If possible, we ask that Neste provide all requested information via a secure electronic portal or an agreed upon alternate method of electronic delivery.

If you have any questions concerning this Information Request please contact Taylor Waanders at (303) 312-6273 or waanders.taylor@epa.gov, or have your attorney contact Ryan Bickmore at (303) 312-6502 or bickmore.ryan@epa.gov.

JOSEPH
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WILWERDING
Date: 2023.01.09 10:49:38
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Joseph Wilwerding, Acting Chief
Fuels Enforcement Branch
Air Enforcement Division

cc: Granta Nakayama, Outside Counsel for Neste, gnakayama@kslaw.com
Ilana Saltzbar, Outside Counsel for Neste, isaltzbar@kslaw.com

Appendix A Instructions

1. Provide a separate response to each request set forth in Appendix C of this Information Request. If you have no responsive information or Documents pertaining to a particular request, submit an affirmative statement and explanation.
2. At the end of each answer identify the person(s) (including name, title, and a description of job duties) that provided information that was used or considered in responding to that request, as well as each person (including name, title, and a description of job duties) who was consulted in the preparation of that response.
3. When a response is provided in the form of a number, specify the units of measure of the number.
4. Where a Document or information necessary for a response is neither in your possession nor available to you, indicate in your response why such Document or information is not available or in your possession and identify who either possesses or is likely to possess such information.
5. All submitted Documents should be copies and not original Documents.
6. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, provide the PDF in an Optical Character Recognition (OCR) searchable format.
7. Where spreadsheets are responsive to a request, produce them in unlocked, non-password protected, electronic spreadsheet format, such as .xls or .csv (locked spreadsheets and .pdf files are unacceptable).
8. If a significant volume of the information requested is in a foreign language, please contact Taylor Waanders, Air Enforcement Division, U.S. Environmental Protection Agency, at waanders.taylor@epa.gov, to set up a meeting to discuss the categories of documents that include information in a foreign language and whether the EPA will require you to submit translated copies of those documents. *See* 40 C.F.R. §§ 80.1454(v) (“**English language records.** Any document requested by the Administrator under this section must be submitted in English or must include an English translation.”) and 80.1466(i) (“Any document submitted to EPA by a foreign renewable fuel producer shall be in English, or shall include an English language translation.”).
9. This Information Request is a continuing request. You must promptly supplement your response in the event you learn that you possess responsive information not yet produced, or if you gain possession, custody, or control of responsive information after initially responding to this Information Request.

Appendix B Definitions

All terms used in this information request will have their ordinary meaning unless defined in the CAA, 42 U.S.C. § 7401 *et seq.*, or the implementing fuels regulations at 40 C.F.R. Part 80.

1. “Affiliate” is used to indicate a relationship to a specified Entity, and means any Entity that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control. This includes, but is not limited to, contractual and corporate affiliates as defined at 40 C.F.R. § 80.1401.
2. The terms “Document(s)” mean any information in a recorded form. Documents include, without limitation, writings, memoranda, records, electronic mail, text messages, electronic files or records, recorded communications, images, sound recordings, and any combination of the preceding. If in computer format or memory, each Document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support.
3. “Grandfathered facility” means a facility that commenced construction on or before December 19, 2007, pursuant to 42 U.S.C. § 7545(o)(2)(A)(i), CAA § 211(o)(2)(A)(i).
4. “Palm feedstocks” means feedstocks that were used by Neste to produce renewable fuel and generate D6 RINs associated with that volume of renewable fuel.
5. “Person” or “Entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization, or association.
6. “Neste” or “you” or “your” means Neste Singapore Pte Ltd (Company ID. 4137), Neste US, and all Affiliates, predecessors, successors, and assigns.
7. “Non-covered location” means any area outside of the covered location.
8. “Renewable fuel,” for purposes of this Information Request, means renewable fuel for which RINs were generated and for which Neste is required to keep records of feedstock purchases and transfers sufficient to verify the feedstocks used are renewable biomass pursuant to 40 C.F.R. § 80.1454(c)(1).
9. “Singapore facility” means Neste’s renewable fuel production facility located at 1 Tuas South Lane, Singapore 637301 (Facility No. 6880).
10. “Waste feedstocks” means feedstocks that were used by Neste to produce renewable fuel and generate D4 RINs associated with that volume of renewable fuel.

Appendix C Information Request

This Information Request, which is being issued pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), pertains to renewable fuel produced by Neste Singapore Pte Ltd (Company ID. 4137) at its Renewable Fuel Producer facility (Facility No. 6880) located at 1 Tuas South Lane, Singapore 637301.

Information Requested:

1. For each batch of renewable fuel Neste produced at the Singapore facility between January 1, 2017, and December 31, 2022, provide:
 - i. The batch number;
 - ii. The production date;
 - iii. The total batch volume (gallons at 60°F);
 - iv. A list of each feedstock used in the batch (e.g., animal fat from food industry waste, fish fat from processing waste, used cooking oil, technical corn oil, soybean oil, camelina oil, algae oil, palm oil, palm fatty acid distillate, refined bleached deodorized palm oil, crude palm oil, spent bleaching earth oil, sludge palm oil, palm effluent sludge, palm oil mill effluent, refined palm oil, palm olein, palm stearin, rapeseed oil, jatropha oil, rice bran acid);
 - v. The volume of each feedstock used in the batch (e.g., X gallons of animal fat from food industry waste, Y gallons of crude palm oil, etc.);
 - vi. The number and type of RINs generated;
 - vii. The number and type of RINs retired;
 - viii. The number and type of RINs sold; and
 - ix. The number and type of RINs expired.

2. For each batch of renewable fuel Neste produced at the Singapore facility between January 1, 2017, and December 31, 2022, provide:
 - i. The volume of the batch shipped to the covered location (gallons at 60°F);
 - ii. The volume of the batch shipped to non-covered locations (gallons at 60°F); and
 - iii. The non-covered locations (i.e., country names) that received the renewable fuel and the portion of the batch received.

3. If Neste is unable to physically track renewable fuel on a batch-specific basis after it is placed into finished storage tanks, provide the following information for each shipment of renewable fuel that left the Singapore facility between January 1, 2017, and December 31, 2022:
 - i. The volume of renewable fuel (gallons at 60°F);
 - ii. The destination of the shipment (i.e., country name); and
 - iii. The date the shipment left the Singapore facility.

4. For all renewable fuel sent to non-covered locations identified in response to Request Nos. 2 and 3 above, describe how the fuel was characterized to each of the receiving entities for each batch

or shipment (e.g., renewable diesel produced exclusively from waste feedstocks, renewable diesel produced exclusively from palm feedstocks, renewable diesel produced from x% waste feedstocks and y% palm feedstocks).

5. Identify the location of the establishment(s) from which each waste feedstock identified in response to Request No. 1 was collected and the amount of waste feedstock collected. Location means the physical address at which the wastes were obtained (e.g., the address of the restaurant from which the used cooking oil was collected), not the physical or company address of the aggregator.
6. For all waste feedstocks identified in response to Request No. 1, identify any wastes that were: (a) collected by Neste, or (b) collected by any entity owned or affiliated with Neste (e.g., Neste Demeter B.V.).
7. For all waste feedstocks identified in response to Request No. 6, provide:
 - i. All records relating to the feedstocks. This includes, but is not limited to, all records showing the collection and transport of such feedstocks (shipping manifests and/or other records indicating the type of feedstock, volume, where and how it was collected, and the location of each collection) and any records necessary to demonstrate that the feedstocks qualify as renewable biomass.
 - ii. A list of each batch of renewable fuel that was produced from the waste feedstocks between January 1, 2017, and December 31, 2022, and the volume of the feedstocks included in each batch.
8. Provide all documents generated between January 12, 2007, and December 31, 2012, including internal email correspondence, memos, presentations, or other documents, that discusses or relates to the Neste Singapore facility's eligibility to qualify as a grandfathered facility under the Renewable Fuel Standard program. This includes, but is not limited to: (a) discussions or analyses of what it means to "commence construction," (b) any permits or approvals the Neste Singapore facility needed or sought to receive to commence construction by December 19, 2007, (c) discussions regarding Neste Singapore's interactions with EPA pertaining to its request to register as a grandfathered facility, and (d) the financial benefits Neste might receive from generating grandfathered D6 RINs that are not subject to the 20% greenhouse gas reduction threshold.

Appendix D

Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Information Request for any business information entitled to confidential treatment under section 114(c) of the CAA, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. Under section 114(c) of the CAA, 42 U.S.C. § 7414, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the CAA, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. If no such business confidentiality claim accompanies the response to this Information Request when it is received by the EPA, then such information may be made available to the public without further notice. *See* 40 C.F.R. § 2.204(a)(3).

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Information Request. Allegedly confidential portions of otherwise non-confidential information should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. “Emission data,” as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

By submitting this information, you are consenting to a limited release of any confidential business information to EPA interns pursuant to 40 C.F.R. § 2.209(f). The EPA’s interns are required to sign confidentiality agreements as a requirement of their participation in EPA related matters.