



REGION 10

SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

Ian Macnab
Environmental Manager
Republic Services, Inc.
28972 Coffin Butte Road
Corvallis, Oregon 97330

Re: INFORMATION REQUEST Regarding Coffin Butte Landfill, Corvallis, Oregon

Dear Ian Macnab:

The U.S. Environmental Protection Agency (EPA), Region 10 seeks information concerning the Coffin Butte Landfill owned or operated by Valley Landfills Inc., a wholly-owned subsidiary of Republic Services, at 2917 Coffin Butte Road in Corvallis, Oregon. The enclosed Information Request is issued to Valley Landfills Inc. pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414.

Under CAA Section 114, 42 U.S.C. § 7414, EPA is authorized to require the submission of records, reports and other information for the purpose of determining whether any violations of the CAA have occurred and for other purposes of the CAA. Valley Landfills Inc. is required to provide information and documents in accordance with the enclosed Information Request within **60 days** of your receipt of the request. If you anticipate being unable to fully respond to this Information Request by the specified date, you may request an extension within **10 days** of receipt of this request. Include a justification for your extension request. If timely submitted, EPA will consider your request and may extend the deadline.

Submit your response to this Information Request or request for extension to:

Sara Conley
Conley.sara@epa.gov
Air Enforcement Officer
Air Enforcement Section, Enforcement and Compliance Division, EPA Region 10

Please ensure the enclosed Statement of Certification is signed by a duly-authorized officer or agent of Valley Landfills Inc. and returned with the response to this Information Request.

Failure to timely respond fully and truthfully to this Information Request may subject you to civil penalties pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Your response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

Thank you for your cooperation. If you have any questions regarding this Information Request or wish to request an extension, please contact Sara Conley, at (206) 553-6914 or conley.sara@epa.gov. For legal matters or questions from legal counsel, please contact Brandon Jones-Cobb, in the Office of Regional Counsel, at (206) 553-6917 or jonescobb.brandon@epa.gov.

Sincerely,

MORGAN JENCIUS  Digitally signed by MORGAN JENCIUS
Date: 2025.01.15 12:40:57 -08'00'

Morgan Jencius, Manager
Air and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Information Request
2. Statement of Certification

cc: Registered Agent – Valley Landfills Inc.
CT Corporation System

Becka Puskas, J.D.
Interim Manager, Office of Compliance and Enforcement
Oregon Department of Environmental Quality

ENCLOSURE 1
CAA INFORMATION REQUEST

Republic Services, Valley Landfills Inc.

A. INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question in this Information Request. Mark each answer with the number of the question (and subpart, if applicable) to which it corresponds.
2. For each question, provide a copy of each document relied on or referred to in the preparation of the response or that contains information responsive to the question.
3. Indicate on each document produced in response to this Information Request, or in another reasonable manner, the number of the question to which it corresponds.
4. Provide the name, title, and business contact information for each person who prepared or was consulted in the preparation of your response. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained in this Information Request, or who may be able to provide additional responsive documents, provide the name, title, and business contact information for each such person and the additional information or documents that they may have.
5. If you believe a question is not applicable to the Facility, explain the reason for that belief.
6. The information requested must be provided whether or not you regard part or all of it as a trade secret or confidential business information. You may assert a confidentiality claim covering part or all of the information submitted, pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414 and 40 C.F.R. Part 2, by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA.

Information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. See 40 C.F.R. § 2.301 for additional rules governing certain information obtained under the CAA. Note that certain categories of information, including "emission data," are not entitled to confidential treatment. Unless you make a claim at the time you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by EPA without further notice to you. See also 41 Fed. Reg. 36902 (Sept. 1, 1976).

If you claim all or part of your response as a trade secret, proprietary, or company confidential, please also return with your response a complete substantiation of your claim. Enclosure 3 contains the information you must provide in order to substantiate your claim. If you require additional time to substantiate your confidentiality claim, contact the individuals listed in the cover letter.

B. DEFINITIONS

All terms used in this Information Request have their ordinary meaning unless such terms are defined in this Information Request; or 302 of the CAA , 42 U.S.C. §§ 7401 or 7602; or 40 C.F.R. Part 63, Subpart AAAA National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. For purposes of this Information Request:

1. The terms “you” or “Respondent” mean Republic Services, Coffin Butte Landfill, Valley landfills Inc., and its subsidiaries, officers, directors, managers, partners, employees, contractors, and agents, as applicable.
2. “Abandoned” means, when used in reference to a component of the gas collection system, a component that is no longer operating.
3. “Document” means any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, 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 hardcopy, 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 EPA, with all necessary documentation and support. Include all attachments to or enclosures with any responsive document.
4. “Facility” means the municipal solid waste landfill owned or operated by Respondent located at Highway 99 & Coffin Butte Road Corvallis, OR 97330.
5. “Gas Collectors” means vertical wells, horizontal collectors, or other collection devices capable of collecting and extracting gas at the landfill and meets the requirements of 40 C.F.R § 63.1962 and parallel provisions under the other EPA Landfill Air Regulations.
6. “Gas collection system” means the active or passive system of wells or similar collection components used to collect and move gas at the landfill.
7. “Gas Collection and Control System” or “GCCS” means an active or passive system of wells or similar collection components to move gas at the landfills to associated control devices per the requirements at 40 C.F.R. § 63.1959(b)(ii) and parallel provisions under the other EPA Landfill Air Regulations.
8. “Gas Collection and Control System Design Plan” or “Design Plan,” means a plan that is developed by the landfill and meets the requirements of 40 C.F.R. § 63.1981(d) and parallel provisions under the other EPA Landfill Air Regulations.
9. “Gas Control System” means the systems that treat and/or destroy landfill gases collected by the gas collection system, including but not limited to flares, gas to energy projects, and renewable natural gas plants, as well as any other control devices and treatment systems used to fulfill the control requirements of 40 C.F.R. § 63.1959(b)(2)(iii) and parallel provisions under the other EPA Landfill Air Regulations.
10. “Landfill” means the municipal solid waste (MSW) landfill operated by Republic Services, Coffin Butte Landfill, or Valley Landfills Inc..
11. “Landfill Air Regulations” refers to 40 C.F.R. Part 60, Subpart WWW; 40 C.F.R. Part 60, Subpart XXX; 40 C.F.R. Part 62, Subpart OOO; 40 C.F.R. Part 62, Subpart GGG; 40 C.F.R. Part 63, Subpart AAAA; and State Plans for the Control of Emissions from Existing Municipal Solid Waste Landfills incorporated under 40 C.F.R. Part 62 pursuant to 40 C.F.R. Part 60, Subpart Cf or Cc, as applicable.

12. "LandGEM" means EPA's Landfill Gas Emissions Model, which is an automated estimation tool with a Microsoft Excel interface that can be used to estimate emissions for total landfill gas, methane, carbon dioxide, nonmethane organic compounds, and individual air pollutants from municipal solid waste landfills.
13. "Leachate" means liquids, including landfill gas condensate inside the landfill.
14. "Owner or Operator" means any Person who owns, leases, operates, controls, or supervises the Facility.
15. "Person" or its plural or any synonym thereof, is intended to and shall embrace and include any individual, partnership, corporation, company, association, government agency (whether federal, state, local or any agency of the government of a foreign country), or any other entity, and includes Republic Services, Coffin Butte Landfill, and Valley Landfills Inc.
16. "Surface Emission Monitoring or SEM" means monitoring surface concentrations of methane at collection areas of a landfill, as required by 40 C.F.R. §§ 63.1960(c)&(d) and parallel provisions under the other EPA Landfill Air Regulations.
17. "You and/or Your" means Republic Services, Coffin Butte Landfill, Valley Landfills Inc. and all its agents, servants, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, contractors, and others who are in possession, custody, or control (actual or constructive) of relevant information that is otherwise available to You or may have obtained information for or on Your behalf.

C. INFORMATION REQUEST

Provide the following information for the Facility. Unless otherwise specified, provide all responsive information for the time period between January 1, 2022 and the date of this Request.

General Applicability:

1. Provide the name and address of the legal owner of the Facility. If the owner and operator of the Facility are not the same entity, provide the name and address of the operator of the Facility and provide contracts/legal documents between entities as they relate to ownership, purchase or buy-back agreements and contract operation.
2. Provide copies of any submitted initial or amended design capacity reports.

(As referenced in 40 C.F.R. §§ 63.1981, 63.1983(a) and parallel provisions under EPA's Landfill Air Regulations).

Permits and Applications/Alternatives/Variations/Previous Enforcement:

3. Provide copies of the following documents for the Facility:
 - a. All permit(s) in effect as of the date of this Request and the permit application(s) You submitted to obtain each such permit;
 - b. Permit application(s) pending as of the date you received this Request; and

- c. The original construction permit(s) and permit application(s). If an original construction permit has been modified, provide the current version of the construction permit.
4. Provide a copy of the following:
 - a. All applicability determination or regulatory interpretation requests to and responses from the Oregon Department of Environmental Quality or EPA;
 - b. All approvals of alternatives to Landfill Air Regulation requirements issued by Oregon Department of Environmental Quality or EPA; and
 - c. Alternative compliance timeline requests to and responses from the Oregon Department of Environmental Quality or EPA.
 5. Provide information regarding citizen complaints that the Landfill has knowledge of between January 1, 2022, and the date of this request. The information should include:
 - a. Date and time;
 - b. Location at or near the Landfill which is the subject of the complaint;
 - c. Copy or description of complaint;
 - d. Corrective action or monitoring done as a result; and
 - e. Name and contact information for the person who submitted the complaint.

Semi-annual/Annual Reports:

6. Provide the semi-annual and annual reports between January 1, 2022 and the date of this request in an electronic format such as a searchable PDF.

(As referenced in 40 C.F.R. §§ 63.1959(a)-(b), 63.1981(h) and parallel provisions under EPA's Landfill Air Regulations).

Waste Type and Quantity Data:

7. Provide the monthly quantity (short tons or megagrams, labeled) of waste accepted at the Landfill between January 1, 2022 and the date of this request, including:
 - a. A breakdown by type of waste (e.g., municipal solid waste, construction and demolition, asbestos, sludge, etc.);
 - b. List the types and quantities of waste that were excluded from the maximum expected gas generation calculation and the rationale for excluding those types of waste; and
 - c. List the types and quantities of waste that are classified as "inert" in facility reports for the Greenhouse Gas Reporting Program pursuant to 40 C.F.R. § 98.346(c).

Please provide underlying documentation or statements from which you compiled the information in the spreadsheet.

(As referenced in 40 C.F.R. §§ 63.1983(a), (d) and parallel provisions under EPA's Landfill Air Regulations).

Gas Collection and Control System (GCCS) Design:

8. Provide a copy of the following documents related to the Design Plan:
 - a. Design Plans in effect at the Landfill since January 1, 2022.
 - b. Copies of EPA or Oregon Department of Environmental Quality approval, disapproval, or other response to the two most recent Design Plans. If EPA or Oregon Department of Environmental Quality did not provide an approval, disapproval, or other response, provide a statement that EPA or Oregon Department of Environmental Quality approval did not approve, disapprove, or otherwise respond to Valley Landfill Inc's submission of the Design Plan(s).
 - c. Identification of, and an explanation for, areas excluded from gas collection;
 - d. A description of the design of the main gas header, including:
 - i. Maximum rated flow rate capacity;
 - ii. Maximum operating flow rate; and
 - iii. Maximum allowable pressure drop.
 - e. As-built, final design documents for each flare/blower system. The design documents shall include but not be limited to the following (for each piece of equipment):
 - i. The manufacturers' expected/design life (years);
 - ii. Minimum and maximum design flare temperatures (°F);
 - iii. The rated maximum flow rate capacity of the flare (standard cubic feet per minute, scfm); and
 - iv. The blower(s) and backup blower(s) rated maximum flow rate at inlet vacuum.
 - f. Most recent maximum expected gas flow rate calculations, if different from the Design Plan.
 - i. Include the annual or monthly waste breakdown for every year used in the maximum expected gas flow rate calculations.
 - ii. If LandGEM is used, provide a spreadsheet containing the most recent LandGEM calculation.
 - iii. If LandGEM is not used, provide documentation of the method used to calculate the maximum expected gas flow rate.
 - iv. Include scale house data of waste excluded from LandGEM calculations.

(As referenced in 40 C.F.R. § 63.1981 and parallel provisions under EPA's Landfill Air Regulations).

9. Provide report(s) for gas collection and control system stack test(s) and performance test(s), including initial tests, as well as other compliance testing, engineering testing, and testing for general information.

(As referenced in 40 C.F.R. § 63.1983(b) and parallel provisions under EPA's Landfill Air Regulations).

Gas Collection System:

10. Provide the following information for the gas collection system:
 - a. List of existing and historical Gas Collectors/wellheads and leachate collectors, which are or were connected to the gas collection and control system;
 - b. For each existing or historical Gas Collector/wellhead or leachate collector that is not in active service collecting landfill gas as of the date of this Request, provide the date on which the Gas Collector/wellhead was taken out of active service and describe the status of the Gas Collector/wellhead, including whether the valve is open or closed, whether the Gas

Collector/wellhead is connected to the GCCS, whether the header lateral has been capped, and whether the Gas Collector/wellhead has been abandoned. Provide documents explaining the basis for each Gas Collector/wellhead abandonment, as well as any approvals issued by EPA or the Oregon Department of Environmental Quality for abandoning the Gas Collector/wellhead;

- c. Indicate whether a Gas Collector is a vertical or horizontal Gas Collector;
- d. Indicate the location of each Gas Collector, both by cell and by GPS coordinates;
- e. Indicate whether each existing Gas Collector has a pump for leachate/water removal;
- f. Indicate higher operating value or alternative operating procedure for Gas Collector;
- g. Installation dates for Gas Collector/wellhead installed between January 1, 2022 and the date of this request; and
- h. From January 1, 2022 to the date of this request, evaluations or analyses, conducted either by you or an external consultant/company, of the gas collection system, including any evaluation or analysis related to:
 - i. Gas Collector placement;
 - ii. Gas Collector depth;
 - iii. Gas Collector density; and
 - iv. Amount of vacuum applied to the Gas Collector/wellhead.

(As referenced in 40 C.F.R. §§ 63.1957-62, 63.1981(d)-(e) and parallel provisions under EPA's Landfill Air Regulations).

11. Provide the current topographic site map(s) displaying the following information:
 - a. Gas Collector/wellhead locations and identifiers, including gas laterals and gas headers; and
 - b. Areas in which gas collection is not occurring.

(As referenced in 40 C.F.R. § 63.1958(d) and parallel provisions under EPA's Landfill Air Regulations)

Wellhead Monitoring Data:

12. In an unlocked, Excel-compatible electronic spreadsheet format, provide GCCS monitoring records, including dates, times between January 1, 2022 and the date of this request, including the following:
 - a. Monthly GCCS Gas Collector/wellhead measurements, including:
 - i. Methane;
 - ii. Carbon dioxide (CO₂);
 - iii. Carbon monoxide (CO);
 - iv. Flow rate;
 - v. Oxygen;
 - vi. Nitrogen;
 - vii. Pressure;
 - viii. Temperature; and
 - ix. Notes taken by the technician during monitoring, corrective actions, and re-monitoring measurements.
 - b. Monitoring data for each blower, including vacuum;

- c. Gas Collector/wellhead parameter exceedances and corrective actions, including enhanced monitoring due to elevated temperatures, and corrective actions;
- d. Gas Collector/wellhead higher operating values approvals relevant from January 1, 2022 and the date of this request, along with approvals of alternative timelines or corrections in that time; and
- e. A list of Gas Collectors/wellheads not monitored during monthly monitoring and the explanation for exclusion.

Please provide underlying documentation or statements from which you compiled the information in the spreadsheet.

(As referenced in 40 C.F.R. §§ 63.1958(b)-(c), 63.1961, 63.1962, 63.1981, 63.1983, and parallel provisions under EPA's Landfill Air Regulations)

Depth-to-Water and Depth of Perforation Data:

- 13. In an unlocked, Excel-compatible spreadsheet(s), provide the following information related to each vertical Gas Collector available between January 1, 2022 and the date of this request:
 - a. Records of measurements of depth to water and/or height of water taken between January 1, 2022 and the date of this Request;
 - b. Documentation of pinches and other obstructions;
 - c. Depth to bottom of the vertical Gas Collector;
 - d. Length of perforated pipe;
 - e. Percentage of perforation; and
 - f. A description of corrective actions taken by the facility as a result of the water level measurements or observation of obstructions, as applicable.

Please provide underlying documentation or statements from which you compiled the information in the spreadsheet.

(As referenced in 40 C.F.R. § 63.1962(b)(2), and parallel provisions under EPA's Landfill Air Regulations)

- 14. Provide a description of standard operating procedures or internal guidelines relating to Gas Collector obstruction and/or dewatering at the Facility.

GCCS Main Header Data:

- 15. In an unlocked, Excel-compatible spreadsheet, provide the following landfill gas collection system main header data on an hourly basis from January 1, 2022 and the date of this request:
 - a. Date and hour;
 - b. Average system pressure (inches of water column, in. w.c.);
 - c. Average gas flow rate collected (standard cubic feet per minute, scfm);
 - d. Average landfill gas temperature (degree Fahrenheit, °F); and
 - e. Average methane concentration.

Please provide underlying documentation or statements from which you compiled the information in the spreadsheet.

(As referenced in 40 C.F.R. § 63.1961(a), and parallel provisions under EPA’s Landfill Air Regulations)

16. Provide gas sampling reports between January 1, 2022 and the date of this request. Your response should include, but not be limited to, sampling done for:
 - a. Methane concentration;
 - b. Sulfur compounds; and
 - c. Hazardous air pollutant (HAP) content.

Gas Control System:

General:

17. Provide monthly inspection, maintenance, and repair logs and records for each piece of control equipment (e.g., blower/flare system) between January 1, 2022 and the date of this request.

(As referenced in 40 C.F.R. § 63.1983(c)(7), and parallel provisions under EPA’s Landfill Air Regulations)

18. In an unlocked, Excel-compatible spreadsheet, provide the following monitoring data for each flare between January 1, 2022 and the date of this request:
 - a. Temperature readings;
 - b. Gas flow readings;
 - c. Methane percentages at each flare;
 - d. Operating hours on a monthly basis for each flare;
 - e. Records of bypass incidents at each flare; and
 - f. Monthly SO₂ emissions calculations (tons/month, tons/year) for each flare system with supporting calculations.

Please provide underlying documentation or statements from which you compiled the information in the spreadsheet.

(As referenced in 40 C.F.R. § 63.1961(b)-(c), and parallel provisions under EPA’s Landfill Air Regulations)

Surface Emissions Monitoring (SEM):

19. Provide SEM records since January 1, 2022. Please make sure units of measurement are clearly indicated. For each monitoring event, include:
 - a. Date(s) and description(s) of the monitoring activity, including identification of the device used;
 - b. SEM data, including but not limited to instrument calibration data, methane concentration at the location of each monitored exceedance marked according to 40 C.F.R. § 63.1960(c)(4)(i), any other recorded methane concentrations, raw instrument data outputs, methane concentration upon re-monitoring at the location of each monitored exceedance; and

- c. Records or descriptions (if the facility does not maintain records) of corrective actions performed in response to each monitored exceedance;
20. GPS coordinates, notes, drawings, maps or other records of the actual path traversed by the SEM technician for each quarterly SEM event since January 1, 2022, depicting:
- a. The monitoring route traveled and any deviations from the 30-meter intervals; and
 - b. Areas excluded from surface emission monitoring (SEM) or exempt from quarterly SEM, including explanation(s) for each area excluded or exempted.

Please provide underlying documentation or statements from which you compiled the information in the spreadsheet.

(As referenced in 40 C.F.R. § 63.1961(f), and parallel provisions under EPA's Landfill Air Regulations)

21. Records or reports of additional emissions monitoring activities conducted at the direction of the Facility, including but not limited to drone, satellite, and tower-based monitoring, between January 1, 2022 and the date of this request.

Gas Migration:

22. Provide gas measurements at the gas monitoring probes between January 1, 2022 and the date of this request.
23. Provide records of corrective actions taken and remediation plans made in response to methane measurements taken at the gas monitoring probes.
24. Provide a map of the gas monitoring probe locations.

(As referenced in 40 C.F.R. §§ 63.1960(c), 63.1961(f), and parallel provisions under EPA's Landfill Air Regulations)

ENCLOSURE 2
STATEMENT OF CERTIFICATION

Republic Services, Inc.
28972 Coffin Butte Road
Corvallis, Oregon 97330

INFORMATION REQUEST
STATEMENT OF CERTIFICATION

I certify that the enclosed responses to EPA's Information Request issued to Republic Services, Inc. are true, accurate, and complete. I certify that the portions of these responses which I did not personally prepare were prepared by persons acting on behalf of Republic Services, Inc. under my supervision and at my instruction, and that the information provided is true, accurate, and complete. I am aware that there are significant penalties for submitting false information in response to this Information Request, including the possibility of fine and imprisonment.

Signature

Printed Name

Title

Date

**ENCLOSURE 3
SUBSTANTIATION OF
CONFIDENTIAL BUSINESS INFORMATION CLAIM**

Republic Services, Valley Landfills Inc.

EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this Information Request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 C.F.R. Part 2, subpart B, including 40 C.F.R. §§ 2.208 and 2.301. If you feel that some or all of the information is entitled to confidential treatment, you must make the showings below with specific reference to those portions of the information you consider confidential.

Please be specific by page (including Bates Stamp, if applicable), paragraph, and sentence when identifying and substantiating the information subject to your claim. Where your claim, as originally made or as modified by your response to this letter, does not include all information on a page, please attach a copy of each such page with brackets around the text that you claim to be CBI. Please note that if a page, document, group, or class of documents claimed by you to be CBI contains a significant amount of information which the EPA Region 10, Office of Regional Counsel determines is not CBI, your CBI claim regarding that page, document, group, or class of documents may be denied. Any information not specifically identified as subject to a confidentiality claim and substantiated as such in your response to this letter may be disclosed to the requester without further notice to you.

In making its final confidentiality determination, the EPA will consider the relevant substantive criteria in its CBI regulations, under 40 C.F.R. § 2.208(a)-(d), as well as the U.S. Supreme Court's decision in *Food Marketing Institute v. Argus Leader Media* (Argus), 139 S. Ct. 2356 (2019), which evaluated the definition of "confidential" as used in Exemption 4. In the Argus decision, the Court held that at least where "[1] commercial or financial information is both customarily and actually treated as private by its owner and [2] provided to the government under an assurance of privacy, the information is 'confidential' within the meaning of Exemption 4." Argus, 139 S. Ct. at 2366.

For each item or class of information that you continue to claim as CBI, please answer the following questions, giving as much detail as possible. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to be entitled to confidential treatment:

1. 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, please specify that event.

2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. Has EPA, another federal agency, or court made any determination as to the confidentiality of the information? If so, please attach a copy of the determination.
4. What measures have you taken to protect the information claimed as confidential? 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 so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as patents or patent applications, publicly available databases (including state databases), promotional publications, annual reports, or articles?

If you answered "yes," please identify the publicly available information and its location (e.g., patent number or website address).

5. Has your company taken reasonable measures to protect the information claimed as CBI? If so, please identify the measure or internal controls your business has taken to protect the information claimed as confidential:
 - a. Non-disclosure agreement required prior to access. Yes/No
 - b. Access is limited to individuals with a need-to-know. Yes/No
 - c. Information is physically secured (e.g. locked in a room or cabinet) or electronically secured (encrypted, password protected, etc.). Yes/No
 - d. Other internal control measures(s). Yes/No. *(If yes, please explain.)*
6. Does your company customarily keep the information private or closely-held? If so, please explain the basis for your response.
7. At the time you submitted the information you claimed as CBI, did EPA provide any express or implied assurance of confidentiality? If so, please explain the specific assurance(s) you received. For example, expressed assurances indicating that information will not be publicly disclosed could include legal authorities (regulation or statute), direct communications, class determinations, etc. Examples of implicit assurances could include a description of the specific context in which the information was received.
8. Did the Agency provide any expressed or implied indications at the time the information was submitted that EPA would publicly disclose the information?
9. If you believe any submitted information to be a trade secret, please state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be a trade secret.

10. Are there any means by which a member of the public could obtain access to the information or readily discover the information claimed as confidential through reverse engineering?
11. Please explain why the information claimed as confidential is not emissions data under the Clean Air Act.
12. Explain any other issue or additional information you deem relevant to EPA's determination.

Please note that *you bear the burden of substantiating your confidentiality and trade secret claim(s)*. Generalized or conclusory statements will be given little or no weight in EPA's determination on the confidentiality of the information you claim to be CBI.

Your comments must be postmarked or hand delivered to this office, or emailed to Sara Conley conley.sara@epa.gov, by the 30th day after receipt of this letter. You may seek an extension of time to submit your comments to this office, but the request must be made before the 30th day after receipt of this letter. Except in extraordinary circumstances, no extension will be approved. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

If you wish to claim any information that you provide in your response to this letter to itself be confidential, you must mark the response "**CONFIDENTIAL**" or with a similar designation, and must bracket all text in the response that you so claim. Information so designated will be disclosed by the EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information provided in your response as confidential, it may be made available to the public.