



REGION 6
DALLAS, TX 75270

November 13, 2024

TRANSMITTED VIA EMAIL
RETURN RECEIPT REQUESTED

Kimberly Hoyt
Port Neches Operations Site Director
Indorama Ventures Oxides LLC
2701 Spur 136
PO Box 847
Port Neches, TX 77651

Sent via email: kim.hoyt@us.indorama.net

RE: Clean Air Act Section 114 Information Request
Indorama Ventures Oxides LLC – Port Neches Operations

Dear Ms. Hoyt:

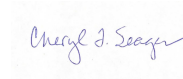
Enclosed is an Information Request ("Request") issued to Indorama Ventures Oxides LLC ("Indorama"). This Request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"), 42 U.S.C. § 7414. The purpose of this Request is to obtain information regarding Indorama, Port Neches Operations, in Port Neches, Texas to determine compliance with applicable provisions of the CAA.

Please provide the information requested in Enclosure A, Sections III within the timeframes noted in the section. For the information requested in Enclosure A, Section IV, please provide the information within thirty (30) days of receipt of this letter. If you have any technical questions, please direct them to James Haynes at haynes.james@epa.gov or 214-665-8546. If you have any legal questions, please contact Santana Batts, Assistant Regional Counsel, at Batts.Santana@epa.gov or 214-665-2213. If you need more time to fulfill the requirements of this 114, please request an extension (10) days before the information is due.

Thank you for your attention to this matter.

Indorama Ventures Oxides LLC, Port Neches Operations
CAA 114 Information Request

Sincerely,



Digitally signed by
CHERYL SEAGER
Date: 2024.11.13 15:55:45
-06'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosures

ECC: Rachel Lavergne, Indorama Ventures Oxides LLC
rachel.lavergne@us.indorama.net
Amy Settemeyer, Texas Commission on Environmental Quality
amy.settemeyer@tceq.texas.gov
Nicholas Bobbs, U.S. Environmental Protection Agency, OECA
bobbs.nicholas@epa.gov

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency (“EPA”), Region 6 is issuing this Information Request (“Request”) to Indorama Ventures Oxides LLC (“Indorama”) pursuant to Section 114(a) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6. Therefore, Indorama is required to provide a response to this Request regarding the Port Neches Operations located in Port Neches, Texas (the “Facility”).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. 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. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emissions data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Enclosure B specifies the assertion and substantiation requirements for business confidentiality claims.

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 Indorama. We request that a duly authorized officer or agent of Indorama certify your response to this Request by signing the enclosed Statement of Certification, provided in **Enclosure C**, and returning it with your response. 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. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Indorama to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413. EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

We ask Indorama to submit its responses electronically by uploading all required information to a OneDrive folder that will be shared with the appropriate personnel. Please contact James Haynes at haynes.james@epa.gov to make arrangements to submit your response.

Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”). To help small business owners assess their small business status, the U.S. Small Business Administration (“SBA”) has established a Table of Small Business Size Standards, which can be found at: <https://www.sba.gov/document/support-table-size-standards>. If Indorama qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: https://www.epa.gov/sites/default/files/2017-06/documents/smallbusinessinfo.pdf?VersionId=6aAtP3_v8qG6FApYqI6sBZbO8JFa2ple. Please be aware that SBREFA does not eliminate Indorama’s responsibility to respond in a timely fashion to any complaint or Request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact the Enforcement Officer listed above.

This Request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

SECTION I. GENERAL INSTRUCTIONS

1. 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.
2. 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 corresponds. If a document is responsive to more than one question, this must be so indicated, and only one copy of the document need be provided.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds. If you have no responsive information or documents pertaining to a particular question or subpart of a question, submit a statement certifying this, along with a detailed explanation for each such question.
4. For each question, identify each person responding to any question contained in this Request on your behalf, as well as each person consulted in the preparation of a response.

5. Please provide copies of documents in searchable electronic format (*e.g.*, Microsoft Word or optical character recognition (“OCR”) Adobe Acrobat (PDF)).
6. Data should be provided in searchable and editable electronic format (*e.g.*, Microsoft Excel or other electronic spreadsheet format).
7. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner and the basis for the number provided (*e.g.*, estimated, measured or engineering judgment).
8. Paper documents should be electronically produced, *i.e.*, scanned and legible copies, organized by the number of the question to which it responds. “Paper documents” means (i) documents that exist only in paper form, or (ii) paper version of documents that also exist in electronic form, only in cases where the paper version contains additional information, such as annotations or signatures, that exist only on the paper copy.
9. Please submit confidential business information (“CBI”) and non-confidential information separately and identify as such. Please mark each page that is CBI as such. To make a CBI claim on electronic copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in **Enclosure B**.
10. Indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state identification numbers (*e.g.*, Agency Interest, Regulated Entity) for the subject Facility.
11. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
12. If information responsive to this Request was previously provided to EPA subsequent to a recent EPA CAA inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If previously submitted information does not fully and completely respond to a question, Indorama is obligated to provide additional information to fully and completely respond to that question. If Indorama has any questions regarding the

responsiveness of previously submitted information, please contact Santana Batts at 214-665-2213.

13. The enclosed Statement of Certification (**Enclosure C**) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.

SECTION II. DEFINITIONS

All terms used in the Request will have their ordinary meaning unless such terms are defined in the CAA, 2 U.S.C. § 7401 et seq., other CAA implementing regulations, or otherwise defined herein:

1. The terms “document,” “documents,” and “documentation” means any object that records, stores, or presents information, and includes writings of any kind, formal or informal, draft or final, whether or not wholly or partially in handwriting, including documentation solely in electronic form, 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, accounting or financial records, time records, record book, minutes, memorandum of telephone and other conversations, including meetings, contracts, agreements and the like, facsimiles (faxes), diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, data, sampling report, graph, chart, interoffice or intraoffice communications, infrared camera recordings, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB 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, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other 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 Indorama Ventures Oxides LLC (“Indorama”) includes any officer, director, agent, or employee of Indorama, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
3. The terms “person” or “persons” shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency,

department, or instrumentality of the United States and any officer, agent, or employee thereof.

4. The terms “you” or “yours” means all companies or corporations with which Indorama is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
5. 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.

SECTION III. WASTEWATER MONITORING

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to install and use monitoring equipment at your facility and submit monitoring results to EPA as set forth in this Section III.

Summary of Monitoring and Reporting Deadlines	
Submit Monitoring Protocol, including a QAPP	Within 45 days of receipt of this request
Notification of Intent to Monitor	No later than 14 days prior to commencement of monitoring
Commence Wastewater Monitoring	Within 30 days of receipt of approval of the Monitoring Protocol and the QAPP
Reporting	Within 30 days of receiving monitoring results

1. Within 45 days of receipt of this letter, Indorama shall submit to the EPA for review and approval a protocol to measure ethylene oxide entering the Facility's process wastewater streams and Joint Wastewater Treatment Plant using the method in U.S. EPA Method 624.1 of Appendix A of 40 C.F.R. Part 136, or preparation by Method SW-846-5031 or SW-846-5030B and analysis by Method SW-846-8260D. The protocol shall satisfy the following requirements.
 - a. Laboratory. The protocol shall identify the laboratory performing this analysis and their qualifications.
 - b. Facility Ethylene Oxide Emissions Sources. The protocol shall identify all process wastewater streams containing ethylene oxide and provide a description of each emission source capable of emitting ethylene oxide. Ensure the description contains enough information for EPA to properly review the wastewater sources.
 - c. Sampling Locations. The protocol shall identify each sampling location, identified by latitude and longitude through five decimal places, with a map indicating the location of each sampling point.
 - i. For the F4, F6, and F8 ethylene oxide production unit process wastewater streams, samples must be taken at the point that the process wastewater exits the chemical manufacturing process unit.

- ii. For the retention pond (PV9) servicing the F6 ethylene oxide production unit, collect a sample at the inlet of the retention pond.
 - iii. For the sump servicing the F8 ethylene oxide production unit, collect a sample at the inlet of the sump.
 - iv. For each wastewater conveyance system managing process wastewater containing ethylene oxide, collect samples at every 50 meters of open wastewater conveyance to the Joint Wastewater Treatment Plant.
 - v. For the Joint Wastewater Treatment Plant, collect a sample at the inlet where Indorama takes custody of wastewater.
 - vi. For the Joint Wastewater Treatment Plant, collect a sample at the lift station and/or distribution box located immediately prior to the aeration basins.
 - vii. For the Joint Wastewater Treatment Plant, collect a sample at the outfall prior to discharging to the canal system.
 - viii. Indorama shall adjust sampling locations or add additional sampling locations if requested by EPA in writing within 15 days of receiving such written notice from EPA to relocate or add sampling locations.
- d. Sampling Frequency. Sample collection must be once every quarter for one (1) year at each sampling location.
- e. Operations. Sample collection must be conducted during representative operating conditions and normal operations. Operations during periods of startup, shutdown, or malfunction and periods of nonoperation shall not constitute representative conditions.
- f. Sample Collection. Indorama must collect a minimum of three samples, without preservatives, from each sampling location. Store the grab sample in glass containers with minimal headspace and at least below 4 degrees Celsius. Do not freeze the samples. Analyze the samples as soon as possible, but no longer than seven (7) days from the time the sample was collected.
- g. Operational Parameters. You must monitor and record the following operational and wastewater parameters:
- i. All individual streams contributing to the process wastewater that exits the chemical manufacturing process unit.

- ii. The process information to document operating conditions during the monitoring.
 - iii. The flow rate of each process wastewater streams where the process wastewater exits the chemical manufacturing process unit.
 - iv. The flow rate at the inlet and outfall of the Joint Wastewater Treatment Plant.
 - v. All process wastewater streams routed to the Joint Wastewater Treatment Plant.
 - vi. The temperature of each process wastewater stream and the temperature at the inlet and outlet of the Joint Wastewater Treatment Plant.
 - vii. The mass and/or volume of each chemical added during the wastewater treatment process.
- h. Quality Assurance Procedure Plan ("QAPP"). The protocol shall provide a QAPP to ensure the quality of the data being produced and that is consistent with the requirements for quality assurance samples in the method approved by Section III and the EPA-approved protocol.
- i. Detection Limit. The protocol shall provide for the determination of the detection limit in accordance with the method approved by Section III and the EPA-approved protocol.
2. Within 30 days of receiving EPA's written approval of the monitoring protocol, Indorama shall begin monitoring ethylene oxide entering the Facility's process wastewater streams and Joint Wastewater Treatment Plant by following the method approved by Section III and the EPA-approved protocol. Indorama shall provide EPA with a notification of its intent to commence monitoring no later than 14 days prior to the commencement of monitoring.
3. Indorama shall submit a complete report within thirty (30) days after receiving monitoring results following each quarterly sample collection. The report shall contain the following information:
- a. Summary of Results.
 - i. Results of all tests conducted pursuant to Request 1.c of this section and any ongoing composite sampler data or flux chamber testing.

- i. Results of all operational and wastewater parameters monitored and recorded pursuant to Request 1.g of this section.
 - ii. Discussion of all calibrations, dilutions, molecular weight corrections, or any other factors used to convert raw data into the reported results (including a definition of any terms, such as “response factor,” that can be used to describe multiple types of corrections).
 - iii. Discussion of test errors.
 - iv. Discussion of any deviations from the reference test methods.
 - b. Copies of chain-of-custody forms, shipping confirmations or tracking forms, and all lab reports.
4. Within 45 days after completion of monitoring, run a TOXCHEM analysis to calculate ethylene oxide air emissions from each wastewater stream containing ethylene oxide sampled in this section. Provide all input and output files for the TOXCHEM analysis in an electronic format.
5. Indorama must submit the Wastewater Monitoring Protocol, Monitoring Report, and all other information requested in Section III by email to James Haynes at haynes.james@epa.gov.

SECTION IV. QUESTIONS

Using the Instructions and Definitions set forth in Sections I and II of Enclosure A, please provide responses to the following Questions about the Facility.

General

1. Provide copies of all new source review, standard permit, permits by rule, and federal operating permits in effect at the Facility from January 1, 2021, to present for all authorized operations. For each permit, include the associated applications.
2. Provide a CAD-generated plot plan, in *.PDF file extension, of the Facility that notates the boundaries of each process unit.
3. Provide detailed emissions calculations, along with the basis for the calculations (*e.g.*, emission factors, testing results, mass balance, etc.), of annual emissions for calendar year 2021 to present for all emission sources at the Facility that emit ethylene oxide. Emission sources include but are not limited to: (1) storage vessels, (2) process vents, (3) equipment leaks, (4) wastewater treatment, and (5) non-routine startup, shutdown, and malfunction emissions. For each emission source, provide the annual permitted emission limit.
4. Project annual emissions for the 2024 calendar year and provide the basis for the estimates (*e.g.*, calculations, planned production, etc.) for all emission sources at the Facility that emit ethylene oxide. Emission sources include but are not limited to: (1) storage vessels, (2) process vents, (3) equipment leaks, (4) wastewater treatment, and (5) non-routine startup, shutdown, and malfunction emissions.
5. For any emission point where ethylene oxide is a pollutant, please list occurrences where the reported emission value to the emission inventory is within 2% of the permitted allowable limit or the previous year's emissions inventory submittal. For these occurrences, provide an explanation of why the values are similar (*e.g.*, the previous year's reported emissions were used to estimate future emissions, the methodology used to estimate emissions does not leave room for inaccuracies, etc.).
6. Provide a list of all control devices capable of receiving ethylene oxide emissions. For each control device, provide the initial performance tests and any subsequent engineering assessments or performance tests associated with these control devices. List any parametric monitoring limits established and maintained for these control devices.

7. For the F4, F6, and F8 ethylene oxide production units, provide the total annual production of ethylene oxide, in 12-month rolling averages, from January 1, 2021, to present.
8. Describe how the Facility will comply with the fenceline monitoring provisions of 40 C.F.R. Part 63, Subpart H. See 89 Fed. Reg. 43,228 (May 16, 2024). Specifically, provide a description of how sample locations in § 63.184(b)(3) for ethylene oxide will be selected along the property boundaries in relation to the F4, F6, and F8 ethylene oxide production units and the Joint Wastewater Treatment Plant.

Wastewater

9. Provide process flow diagrams for each chemical manufacturing process unit containing ethylene oxide and notate process wastewater streams containing ethylene oxide.
10. Provide process flow diagrams of each wastewater conveyance systems and the Joint Wastewater Treatment Plant.
11. Provide sewer diagrams for each chemical manufacturing process unit containing ethylene oxide noting drain system components and any access points.
12. Provide any results and/or test reports of all wastewater sampling conducted for ethylene oxide at the Facility. These records shall include wastewater sampling to comply with the initial determination of compliance for state-authorized permits. For ongoing wastewater sampling at these wastewater conveyance systems for ethylene oxide, provide any results and/or test reports from January 1, 2021, to present.
13. Provide any results and/or test reports of all composite sampler data or flux chamber testing collected from January 1, 2021, to present. The composite samplers shall include Total Organic Carbon, Biological Oxygen Demand, Chemical Oxygen Demand, Total Suspended Solids, pH, ammonia, and any other factors.
14. Provide hourly and annual flowrates from each process wastewater stream and the Joint Wastewater Treatment Plant, including the inlet and outfall of the Joint Wastewater Treatment Plant from January 1, 2021, to present.

February 2024 EPA's GMAP Inspection

15. For T-O-30, T-O-87, F-F5-164, F-F5-165, and T-F5-009, provide all inspection history, including but not limited to any audio, visual, olfactory ("AVO"), floating roof, or Method 21 inspections, from January 1, 2021, to February 13, 2024.

16. For T-O-30, T-O-87, F-F5-164, F-F5-165, and T-F5-009, provide all correspondence, including letters and emails, between Indorama and its employees or contractors regarding EPA's documented emissions, and any associated inspections, investigations, or repairs from February 14, 2024, to present.
17. Provide the annual throughput (pounds per year) for the four pressurized storage tanks storing ethylene oxide in an Excel format spreadsheet from January 1, 2021, to present.
18. For hydrocarbon emissions observed at T-O-30, T-O-87, F-F5-164, F-F5-165, and T-F5-009, provide the following:
 - a. Estimated duration of the emissions,
 - b. Estimated quantity of chemicals or compounds emitted,
 - c. Basis used to determine the quantity of chemicals or compounds emitted with any assumptions and/or calculations, and
 - d. the best-known cause of the emissions.
19. For T-O-30, T-O-87, F-F5-164, F-F5-165, and T-F5-009, provide the following information:
 - a. Storage vessel capacity,
 - b. Operational pressure design of the storage vessel,
 - c. All pressure and/or vacuum set points of any relief device,
 - d. Product in each storage vessel at the time of EPA's inspection,
 - e. Actual true vapor pressure of products stored in each tank based on the monthly average temperature of the material from January 1, 2021, to present, and
 - f. Maximum true vapor pressure of products stored in each tank, including any data to support the vapor pressure analysis.
20. For T-O-30, T-O-87, F-F5-164, F-F5-165, and T-F5-009, identify if any piping is routed to a control device. If so, provide a description of the control device and describe when emissions may vent to the equipment. Provide piping and instrumentation diagrams.

October 2022 EPA's National Enforcement Investigations Center ("NEIC") Civil Inspection

21. Following EPA's NEIC inspection, provide a narrative description of all updates to the Indorama's Benzene Waste Operations NESHAP program, including but not limited to any efforts to identify missing benzene streams, adding waste management units to monitoring schedules, and any improvements to visual or instrument inspections.
22. For all detectable emissions recorded by EPA during the NEIC inspection, provide a description of the problem, a description of the corrective action taken, and the date the corrective action was completed.
23. Provide all Notification of Compliance Status submittals for the A3 process unit, from October 22, 2022, to present.
24. Describe any actions, either considered, evaluated, or implemented, to address EPA's concern of inadequate combustion efficiency at the north (UER044), central (UER046), and south (UER037) flares. Provide all correspondence, including letters and emails, between Indorama and its employees or contractors regarding EPA's concern about combustion efficiency following EPA's NEIC inspection.

ENCLOSURE B

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, 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,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. These regulations provide that business information is entitled to confidential treatment if: (a) The business has asserted a business confidentiality claim which has not expired by its terms, nor has been waived nor withdrawn; (b) that the business has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information and it intends to continue to take such measures; the information is not, and has not been, reasonably obtainable without the business’s consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (d) no statute specifically requires disclosure of the information; and either (e)(1) disclosure of the information is likely to cause substantial harm to your business’s competitive position¹; or (e)(2) the information is voluntarily submitted, and its disclosure would be likely to impair the Government’s ability to obtain necessary information in

¹ You will not be required to show that disclosure of the information is likely to cause substantial harm to your competitive position, in light of the Supreme Court’s decision in *Food Marketing Institute v. Argus Leader Media*, No. 18-481 (U.S. Supreme Court, June 24, 2019). As a result of that decision, EPA will not consider whether there is substantial competitive harm in evaluating your CBI claim.

the future. See 40 C.F.R. § 2.208(a)-(e). Emissions 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 40 C.F.R. § 2.301(e).

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a substantiation request letter (separate from this Request) asking you to substantiate your CBI claim. If you receive a substantiation request letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive a substantiation request letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying and substantiating the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive a substantiation request letter, for each item or class of information that you identify as being subject, you will be asked to answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. § 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? 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 an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to 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. 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 agreement not to disclose it? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available 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?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether release of the information is likely to cause 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?

You will not be required to respond to this question in light of the Supreme Court's decision in *Food Marketing Institute v. Argus Leader Media*, No. 18-481 (U.S. Supreme Court, June 24, 2019). As a result of that decision, EPA will not consider whether there is substantial competitive harm in evaluating your CBI claim.²

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emissions data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. § 2.301(a)(2)(i)(A)-(C). "Emission data" means, with reference to any source of emission 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 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 source operation); and

(C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline specified in a substantiation request letter, should you receive such a letter. EPA will construe your failure to furnish a timely response to a substantiation request letter as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1), and EPA may release the information.

² For more information, please visit the Department of Justice's guidance at:
<https://www.justice.gov/oip/exemption-4-after-supreme-courts-ruling-food-marketing-institute-v-argus-leader-media>.

ENCLOSURE C

STATEMENT OF CERTIFICATION

**Port Neches Operations
Indorama Ventures Oxides LLC
Port Neches, Texas**

You are responding to the U.S. Environmental Protection Agency's ("EPA") Information Request, issued pursuant to Section 114 of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

Please sign the certification statement below.

I certify under penalty of law that am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to Section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

Signature

Printed Name

Title

Executed on _____