UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

May 15, 2023

SENT VIA EMAIL
RETURN RECEIPT REQUESTED

Charles Cuti
Air Specialist
St. Charles Operations
Union Carbide Corporation
P.O. Box 50
Hahnville, Louisiana 70057

Sent via email: CRCuti@dow.com

RE: Clean Air Act Section 114 Information Request
Union Carbide Corporation, St. Charles Operations

Dear Mr. Cuti:

Enclosed is an Information Request ("Request") issued to Union Carbide Corporation ("Union Carbide"). 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 Union Carbide, St. Charles Operations, in Hahnville, Louisiana to determine compliance with applicable provisions of the CAA.

Please provide the information requested within forty-five (45) days of receipt of this letter. If you have any technical questions, please direct them to Colleen McCarthy at McCarthy.Colleen01@epa.gov or 214-665-7334. If you have any legal questions, need to request an extension, please contact Justin Lannen, Assistant Regional Counsel, at Lannen.Justin@epa.gov or 214-665-8130. In order to allow sufficient time for review, any such request for an extension of time must be made at least ten (10) calendar days prior to the date on which the requested information is due to EPA.

Thank you for your attention to this matter.

Sincerely,

Cheryl T. Seager
Digitally signed by CHERYL SEAGER
Date: 2023.05.15 14:27:18 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosures

ec: Victoria Nelson, Region 5, EPA
nelson.victoria@epa.gov
Christopher Williams, Office of Enforcement and Compliance Assurance, EPA
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Eura DeHart, Louisiana Department of Environmental Quality
eura.dehart@la.gov

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency ("EPA"), Region 6 is issuing this Information Request ("Request") to Union Carbide Corporation - St. Charles Operations, a subsidiary of The Dow Chemical Company, ("Union Carbide"), 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, Union Carbide is required to provide a response to this Request regarding the St. Charles Operations located in Hahnville, St. Charles Parish, Louisiana (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 Union Carbide. We request that a duly authorized officer or agent of Union Carbide 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 Union Carbide 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 Union Carbide to submit its response electronically by uploading all required information to a OneDrive folder that will be shared with the appropriate personnel. Please contact Colleen McCarthy at mccarthy.colleen01@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 Union Carbide 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 Union Carbide'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.

To assist in its review and analysis of the submitted information, EPA may wish to share all or part of Union Carbide's response with an EPA contractor, Eastern Research Group, Inc ("ERG"). Pursuant to 40 C.F.R. § 2.301(h), EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. ERG is providing support to EPA regarding LDAR technical matters. This letter serves as notice to Union Carbide, pursuant to 40 C.F.R. § 2.301(h)(2)(iii), of this potential disclosure. To the extent that Union Carbide may claim information provided in its response as Confidential Business Information and has comments on this disclosure to ERG, Union Carbide may submit comments on this disclosure to EPA with its responses to this Request.

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, Union Carbide is obligated to provide additional information to fully and completely respond to that question. If Union Carbide has any questions regarding the responsiveness of previously submitted information, please contact Justin Lannen at 214-665-8130.

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, 42 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 Union Carbide Corporation (“Union Carbide”) includes any officer, director, agent, or employee of Union Carbide, 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 Union Carbide 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.

6. The term "Oxides Plant Permit" shall mean Title V Permit No. 476-V9 issued on January 12, 2023.

7. The term "Site Logistics Permit" shall mean Title V Permit No. 2656-V11 issued on January 10, 2023.

8. The term "Acrylics 1 Permit" shall mean Title V Permit No. 513-V6 issued on December 1, 2022.

9. The term "Acrylics 2 Permit" shall mean Title V Permit No. 2254-V6 issued on August 12, 2021.

10. The term "Amines Plant Permit" shall mean Title V Permit No. 2421-V6 issued on March 11, 2020.

11. The term "Olefins Plant Permit" shall mean Title V Permit No. 2422-V10 issued on March 4, 2022.

12. The term "Environmental Operations Unit Permit" shall mean Title V Permit No. 22104-V3 issued on October 20, 2020.

13. The term "Specialty Products Unit Permit" shall mean Title V Permit No. 1912-V9 issued on January 26, 2022.

14. The term "Butanol Plants Permit" shall mean Title V Permit No. 2257-V8 issued on January 28, 2022.

SECTION III. 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.

1. If the Louisiana Department of Environmental Quality ("LDEQ") has taken enforcement action in response to information responsive to this Request, please provide any notice(s) of violation and/or relevant enforcement documents.

2. Provide a list of all air enforcement actions related to the Facility taken by any state or local regulatory agency, and any air related citizen complaints related to the Facility, from January 2018 to the present, if not provided for Question 1. Include copies of any air-related administrative or judicial complaints or unilateral orders; any notices of violation or notices of non-compliance; any documents resolving any alleged violations, including but not limited to consent decrees, consent orders, administrative orders on consent, or consent agreements.

3. Provide a copy of all permit applications submitted to LDEQ for the Facility since January 1, 2018. Also provide a copy of each Title V permit renewal application.

4. Provide a detailed plot plan, or set of plot plans if more appropriate, of the entire Facility, including all process units, buildings, and support structures. The plans should include Emissions Point Numbers ("EPNs"), Equipment Numbers ("EQTs"), and tank numbers.

5. Provide process flow diagrams for the Facility, including all tanks/vessels utilized during production and their purpose (*e.g.,* surge control). The process flow diagrams shall show the flow of all material into and out of each emission unit and the associated air pollution control equipment, if present.

6. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports, excess emission reports, or equivalent documents submitted to LDEQ or EPA for the Facility since January 2018.

7. Provide copies of all notifications of initial compliance, notifications of compliance status, or equivalent documents for the Facility submitted pursuant to all applicable rules under 40 C.F.R. Parts 60, 61, and 63.

8. Provide potential-to-emit calculations for volatile organic compounds (VOC) and individual and total hazardous air pollutants (HAPs) for each emission unit at the Facility.

9. Provide copies of all calculations of annual emissions in a Microsoft Excel compatible format for the Facility from 2018 to the present, and include:

a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used;
b. Any documents outlining procedures for calculation of annual emissions; and
c. All supporting production data.

10. Provide a list of all emissions tests and wastewater sampling conducted at the Facility for any reason, from January 2013 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack test reports:
    a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (*e.g.,* before or after emission unit or air pollution control device), and the production rate of the associate emission unit. For each test during which the emission unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with Louisiana DEQ.
    b. **Copies:** Provide full test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.

11. For the Facility's Leak Detection and Repair ("LDAR") program, provide the following from January 2018 to the present:
    a. Provide the state, local, and federal LDAR regulations or LDAR permit provisions to which each process unit was subject and the dates during which each regulation or provision applied;
    b. For each process unit identified in the LDAR database, provide the following:
        1. A list of each process unit in the database and state whether it corresponds to a process unit in any of the Facility's permits;
        2. For process units that do not appear to have corresponding matches, provide a description of where the process unit is currently listed and provide additional information that details why the database and permits do not match; and
        3. For each process unit associated with the database, provide the unit number, unit name, unit description, and the startup date of the process unit. Do not use any abbreviations or acronyms.
    c. For each process unit to which an LDAR regulation or LDAR permit provision applies, provide the following:
        1. A summary of leak definitions, organized by component type;
        2. A summary of first and final repair requirements, organized by component type; and

3. A summary of monitoring frequencies, organized by component type.

d. A narrative describing how fugitive VOC and HAP emissions are calculated, including the basis for any emission factors used and how monitoring data is used;
e. All records of calibration of equipment used for Method 21 monitoring; and
f. All production data, supporting documents, and spreadsheets used to estimate emission factors and calculate fugitive emissions.

12. Provide the following information for the Ethylene Oxide Flare, as identified in the Site Logistics Permit, from January 2018 to the present:
    a. Flare manufacturer and model;
    b. Flare diameter;
    c. Flare installation date;
    d. Whether the flare is unassisted, steam-assisted, or air-assisted;
    e. Design destruction efficiency for volatile organic compounds;
    f. Flare design and operation specifications (typically from the manufacturer);
    g. A description of gases that are vented to the flare. Identify the processes involved. Include approximate frequency (continuous, intermittent, emergency, unit leaks, etc.) and a block flow diagram;
    h. Flare vent gas constituents and concentration. Include any analysis or data collected from the flare vent gas;
    i. The operating parameter(s) monitored at the flare for environmental compliance;
    j. The monitored operating parameter data, with an identification of the date, time and duration of each deviation from the operating parameter range when the associated emission units are in operation, as well as an annual deviation total (in hours) for each calendar year for the flare;
    k. The net heating value at the combustion zone calculated using the operating parameter data as a 15-minute average. Include the basis for any assumptions used for the calculation;
    l. The corrective action taken for each deviation from the operating parameter range; and
    m. The date and duration of all flare shutdowns or bypasses when the associated emission units are in operation, as well as an annual total (in hours) for each calendar year.

13. Provide an electronic spreadsheet with the following information for each scrubber, condenser, and absorber located at the Facility from January 2018 to the present:
    a. The scrubber/condenser/absorber description as given in the applicable permit;
    b. The emission unit(s) routed to the scrubber/condenser/absorber;
    c. The operating parameter(s) monitored at the scrubber/condenser/absorber for environmental compliance;

d. The operating parameter range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
e. The monitored operating parameter data, with an identification of the date, time and duration of each deviation from the operating parameter range when the associated emission units are in operation, as well as an annual deviation total (in hours) for each calendar year for each scrubber/condenser/absorber;
f. The corrective action taken for each deviation from the operating parameter range;
g. The date and duration of all scrubber/condenser/absorber shutdowns or bypasses when the associated emission units are in operation, as well as an annual total (in hours) for each calendar year;
h. Provide a narrative of how wastewater from each scrubber, condenser, and absorber is handled, treated, and/or disposed of; and
i. Provide a summary and records of all maintenance conducted on each scrubber, condenser and absorber from January 2018 to the present.

14. Provide the electronic spreadsheet with the following information for each catalytic and thermal oxidizer at the Facility from January 2018 to the present:
   a. The thermal/catalytic oxidizer description as given in the Oxide Plant Permit and Acrylics 1 Permit;
   b. The emission unit(s) routed to the thermal/catalytic oxidizer;
   c. The recorded combustion temperature as used to determine regulatory compliance, and the date, time and duration of each deviation from the minimum average combustion temperature when the associated emission units are in operation, as well as an annual deviation total (in hours) for each calendar year for each thermal and catalytic oxidizer;
   d. The minimum average operating temperature established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
   e. The corrective action taken for each deviation from the minimum average combustion temperature;
   f. The date of each catalyst replacement, as applicable;
   g. The date and duration of all thermal/catalytic oxidizer shutdowns when the associated emission units are in operation, as well as an annual total (in hours); and
   h. Provide a summary and records of all maintenance conducted on each thermal and catalytic oxidizer from January 2018 to the present.

15. Provide the following information regarding the lifecycle of ethylene oxide (EtO) from arrival to exit of the Facility from January 2018 to the present:
   a. Process flow diagrams;

b. A narrative description of how EtO is brought into the facility (in railcars, trucks, or other container, etc.), in what quantities, and how often shipments are received;
c. Identify any waste streams containing EtO, the volume and concentration of EtO, and disposal fate; and
d. Details of operations processing EtO, including all processes that use EtO, annual throughput of EtO, and production rates for each process using EtO.

16. Provide the following information regarding the use of EtO at the Facility from January 2018 to the present:
    a. Monthly EtO usage for each process unit;
    b. Monthly EtO production;
    c. The amount of each stack and fugitive EtO (lb/month and lb/year) emitted from each emission unit;
    d. Underlying calculations demonstrating the amount of each stack and fugitive EtO emitted from each emission unit, including all relevant process data, and the source of any emission factors used;
    e. A narrative describing how wastewater containing EtO is handled, treated, and/or disposed of; and
    f. A narrative describing cleaning procedures at process vessels containing EtO, how often cleanings occur, and how wastewater from cleaning operations is treated and disposed of.

17. If the Facility conducts or has conducted air monitoring, provide the following information from January 2018 to the present:
    a. All air monitoring data in an editable spreadsheet format;
    b. Copies of all monitoring and sampling plans or protocols;
    c. Copies of all sampling location plans;
    d. Sampling locations (e.g. latitudes and longitudes to the ten-thousandths degree);
    e. Sampling methods for all sampling data;
    f. Sampling periods;
    g. Sampling equipment specifications including status of equipment; installation (temporary or permanent); and
    h. Processes in operation and their production rates corresponding to the date and time of any sampling periods.

18. Provide the following information for EtO storage tanks 2400, 2401, 2402, 2403, 2404, and 2405, as identified in the Site Logistics Permit, and all railcar loading and unloading operations at the Facility from January 2018 to the present:
    a. Amount of each material stored, unloaded, and loaded on a daily basis, in Microsoft Excel or other compatible format;
    b. The amount of each stack and fugitive HAP (lb/hr and lb/year) emitted from each emission unit and tank; and

c. Underlying calculations demonstrating the amount of each stack and fugitive HAP emitted from each emission unit and tank, including all relevant process data, and the source of any emission factors used.

19. Provide the following information for the analyzer unit, identified during EPA's CAA inspection at the Oxides Plant on April 19 – 20, 2022 and represented as 46R in the Oxides Plant Permit:
    a. Provide the Piping and Instrumentation Diagram for all streams routed to the analyzer unit;
    b. Identify all emission points (e.g., names, EQTs, insignificant activities, etc.) related to the analyzer unit;
    c. A description of the constituents or components of the stream(s) that are sampled and analyzed;
    d. Identify where the stream(s) is routed after being sampled and analyzed;
    e. The origin of the stream(s) that is sampled prior to release at 46R – Analyzer Cell Vent No. 1 as identified in the Oxides Plant Permit; and
    f. Provide records of any analysis performed in 2022 of the stream at the analyzer unit, including but not limited to mass flow rates, volumetric flow rates, and pollutant concentrations.

20. Provide a Microsoft Excel spreadsheet with all data from each benzene analyzer used to sample process and wastewater streams at the Facility from January 2018 to the present.

21. Provide the following information for the on-site wastewater treatment equipment from January 2018 to the present:

    a. All wastewater emission calculations completed for each emission unit at the facility. Include supporting documentation, emission factors used, modeling input parameters, and any supporting test data;
    b. All wastewater emissions modeling for the facility, including all input files, parameters, process data, and assumptions; and
    c. Manufacturer's and/or engineering design documentation, including, but not limited to, design specifications for compound-specific treatment efficiency, residence time, and operation and maintenance procedures.

22. Provide the following information about the Facility:
    a. A diagram of the Facility with scale;
    b. Geographic coordinates (UTM coordinates or latitude and longitude): property boundaries, each building corner, and coordinates of all corners of each tier of any multi-leveled (tiered) building. Specify the datum used (e.g., NAD83, NAD27, WGS84, etc.);
    c. Building dimensions for all buildings located on the Facility property: length, width, and height (specify units), as well as the dimensions for each tier of any tiered buildings; and
    d. Location of any fencing or other barriers of the Facility used to keep public away from the Facility and the locations of nearby residents; and

e. Specific hours of operation.

23. Provide a list of all the most current emission sources that emit criteria air pollutants or HAP at the Facility, broken down as follows:
    a. For all point sources (stacks), provide the following (specify units):
        1. Stack height;
        2. Stack inside diameter;
        3. Stack effluent temperature;
        4. Stack exit velocity (identify if stack is obstructed (e.g., rain cap) or has a horizontal or downward release); and
        5. Geographic coordinates (Universal Transverse Mercator (UTM)) coordinate or latitude and longitude) of each stack. Specify the datum used (e.g., NAD83, NAD27, WGS84, etc.).
    b. For all nonpoint sources, including, but not limited to fugitives, vents, outlets, and dust piles, specify each source and provide the following:
        1. Latitude/longitude of all corners of the non-point (fugitive) sources and dimensions: length, width, and height (specify units);
        2. A physical and process description of the source;
        3. A photograph of the source; and
        4. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source. Specify the datum used (e.g., NAD83, NAD27, WGS84, etc.).

24. If modeling has previously been conducted for the Facility, include the following information:
    a. Input and output files for all modeling software (including pre- and post-processors). Please include software version number;
    b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
    c. Modeling report or text file describing the modeling methodology and input data.

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 position[1]; 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 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).

[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.

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.

<u>ENCLOSURE C</u>

STATEMENT OF CERTIFICATION

St. Charles Operations
Union Carbide Corporation
Hahnville, Louisiana

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 ______________________________