



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

DEC 18 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7009 2820 0001 8284 2054

Jorge Lavastida
Executive Officer and Plant Manager
Denka Performance Elastomers LLC
586 Highway 44
Laplace, LA 70068

RE: Denka Performance Elastomers LLC
Clean Air Act Section 114 Information Request

Dear Mr. Lavastida:

Enclosed is an Information Request (Request) issued to Denka Performance Elastomers LLC under the authority of Section 114 of the Clean Air Act (CAA). The purpose of this Request is to obtain information necessary to determine whether the Denka Performance Elastomers LLC facility is in compliance with the provisions of the CAA.

Please provide the information requested within thirty (30) days of your receipt of this letter to James Leathers, at the above address. If you have any questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Justin Lannen, Attorney, at 214-665-8130.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

CC:
Celena Cage, LDEQ

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this request for information to Denka Performance Elastomer LLC (Denka) pursuant to Section 114(a) of the Clean Air Act (CAA) 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 Division, EPA Region 6. Therefore, Denka is required to provide a response to this Request regarding the Denka Performance Elastomer LLC facility located in LaPlace, 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. Emission 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.

We request that a duly authorized officer or agent of the Facility certify your response by signing the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection or in response to a previous Information Request, 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.

We may use any information submitted in response to this request in an administrative, civil, or criminal action.

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

James Leathers
Toxics Enforcement Section 6EN-AT
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

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: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Denka 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:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Denka's responsibility to respond in a timely fashion to any complaint or information 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 James Leathers at the phone number listed in the cover letter transmitted with this Request.

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.

Please be advised that under Section 113(a) of the Act, failure to provide the information required by this letter in a timely manner may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false statements or omission in any response required under the Act. EPA may also seek criminal penalties from any person who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of EPA or in relation to or contemplation of any such matter or case. *See* 18 U.S.C. § 1519 (2004). The information provided by you may be used by the United States in administrative, civil, or criminal proceedings.

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 responds.
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.
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. If available, provide copies of documents in searchable electronic format (*e.g.*, pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
6. Data should be provided in searchable and editable electronic format (*e.g.*, spreadsheet).
7. When a response is provided in the form of a number, specify the units of measure.
8. Confidential business information (CBI) and non-confidential information should be submitted on separate media devices and identified as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard 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 a subsequent section of this document.
9. Indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest, Regulated Entity) identification numbers for the subject facility.

10. For each media device (*e.g.*, compact disc, flash drive) containing electronic documents, provide a table of contents so that each document can be accurately identified in relation to your response to a specific question. In addition, each media device should be labeled (*e.g.*, company name, Disc 1 of 4 for information request response, date of response).
11. For each question, identify each document 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 provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.
12. If Denka has no responsive information or documents for a particular question, submit a statement certifying this, along with a detailed explanation. 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.

II. DEFINITIONS

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

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, 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 imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape 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 punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape 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 Denka Performance Elastomer LLC (Denka) includes any officer, director, agent, or employee of Denka Performance Elastomer LLC, 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", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter 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. The "Facility" is the synthetic rubber manufacturing plant owned and/or operated by Denka and located in LaPlace, Louisiana.
6. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 et seq., the implementing regulations, or 40 C.F.R. Part 68.
7. 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.

III. QUESTIONS

Denka Performance Elastomer LLC shall submit the following information about its elastomers facility located in Laplace, Louisiana, within 30 days:

The Facility contains emission units that emit, or have the potential to emit, pollutants that are subject to requirements of the Clean Air Act (CAA). Accordingly, you must provide the following information available to you that relates to the Denka Performance Elastomer Facility:

1. A scaled site plot plan drawing of the Facility and the area immediately surrounding the Facility. The plot plan should include the Chloroprene Unit, Permit No. 3000-V5, the Neoprene Unit, Permit No. 2249-V7, and the HCl Recovery Unit, Permit No. 206-V2, and containing the following:
 - a. Property lines on all sides, true north arrow orientation, and showing immediately adjacent streets or property names;

- b. Buildings, structures, significant features, and equipment areas on the plant property, with labels or a legend identifying each building, structure, feature, or area; and
 - c. Labels or a legend identifying the locations and names of all air emission sources that emit **chloroprene** at the Facility, consistent with permit ID Number designations and names found in the Facility's above-referenced Title V air permits.
2. Provide up-to-date detailed process flow diagrams for all production processes and affected auxiliary support operations at the Facility (*e.g.*, wastewater treatment, loading/unloading, etc.), where chloroprene is an emitted pollutant. For each production process flow diagram provided, specify on the diagram if the process operates as a batch process or a continuous process and include on the diagram any combined vent streams from other processes. On the diagrams, using a key for clarity purposes, identify each of the units identified in response to question #1. The diagram must include all emissions units, continuous emissions monitoring systems ("CEMS"), continuous opacity monitoring systems ("COMS"), and all Air Pollution Control Equipment ("APCE"), labeled in a manner consistent with the Facility's LDEQ Air Permits.
3. Provide complete copies of air dispersion modeling studies or reports completed during calendar years 2011 through 2015, for air permitting or other emissions authorization, risk management plans, disaster prevention and release response planning, or episodic release reporting. Include as electronic attachments any emission source modeling spreadsheets developed and employed, plus input and output files in their native format from the modeling software or program used. In addition, please include the meteorological site location and the meteorological data utilized for the air dispersion modeling.
4. Provide all emission calculations of chloroprene that were prepared for LDEQ air permit applications and emission inventories in calendar years 2011 through 2015, including references or bases for emission factors and calculation methodologies used.
5. For any emission point where chloroprene is a pollutant, please list occurrences where the reported emission value to the emission inventory is within 2% of the permitted allowable or the previous year's emissions inventory submittal. For these occurrences, provide an explanation of why the values are so similar (*e.g.*, is the previous year's reported emissions used to estimate the future emissions, does the methodology used to estimate emissions leave no room for inaccuracy, etc.).
6. Provide all usage threshold determinations and air release calculations for chloroprene from Toxic Chemical Release Inventory (TRI) reports for calendar years 2010 through 2014, including references or bases for estimating air releases, including estimation and calculation methodologies used.

7. Provide all measurements, engineering assessments, and calculations performed to determine the most recent Total Resource Effectiveness index value (TRE index value¹) for any applicable MACT standard. Include any data, assumptions, and procedures used for the engineering assessments.
8. Provide the most recent performance testing records required by the above referenced Title V air permits (Chloroprene Unit, Permit No. 3000-V5, the Neoprene Unit, Permit No. 2249-V7, and the HCl Recovery Unit, Permit No. 206-V2).
9. Provide the most recent submittal of any notification of compliance status used to comply with any applicable MACT standards. If any Emissions Averaging provisions apply as a MACT compliance option, provide the emissions averaging plan with any updates.

¹ As defined in 40 C.F.R. § 63.111: Total resource effectiveness index value or TRE index value means a measure of the supplemental total resource requirement per unit reduction of organic HAP associated with a process vent stream, based on vent stream flow rate, emission rate of organic HAP, net heating value, and corrosion properties (whether or not the vent stream contains halogenated compounds), as quantified by the equations given under § 63.115 of this subpart.

**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 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a 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 such a 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 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 such a letter, for each item or class of information that you identify as being subject, you must 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 CBI?
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 why 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?
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 emission data is not entitled to confidential treatment under 40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (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. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.