



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 19 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7012 3050 0001 6500 3755

Mr. Robert Hodge
Environmental Manager
Ineos Styrenics LLC.
12222 Port Road
Pasadena, Texas 77507

Re: Request for Information Pursuant to Section 3007 of RCRA regarding facility operations at your facility located in Pasadena, Texas; EPA ID No. TXD987985678

Dear Mr. Hodge:

Enclosed is an Information Request Letter (Request) issued to Ineos Styrenics LLC, 1222 Port Road, Pasadena, Texas. This request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. Pursuant to this authority, the United States Environmental Protection Agency (EPA) may require persons with information relevant to the generation, storage, treatment, transportation, disposal, or otherwise handling of hazardous wastes to submit information to EPA.

Please respond to this Request within thirty (30) calendar days of receipt of this letter. Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request or to adequately justify such failure to respond can result in enforcement action by EPA pursuant to Section 3008 of RCRA which permits EPA to seek the imposition of penalties of up to \$37,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA or generally under 18 U.S.C. § 1001.

This Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq. Your response to this Request should be sent to Adolphus Talton at the United States Environmental Protection Agency, Hazardous Waste Enforcement Branch (6EN-H), 1445 Ross Avenue, Dallas, Texas 75202.

Due to the serious legal ramifications if you fail to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Request within the time specified above. If you have any legal or technical questions relating to this Request, please consult with EPA prior to the time specified above.

Re: Ineos Styrenics LLC.
Information Request

Please direct technical questions to Mr. Adolphus Talton of the Hazardous Waste Enforcement Branch at (214) 665-6651, and legal questions to Mr. Jacob Gallegos of Regional Counsel at (214) 665-9798. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins". The signature is written in a cursive style with a long horizontal stroke at the end.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Mr. Mark Oliver
Texas Commission on Environmental Quality

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency (EPA) is investigating Ineos Styrenics' compliance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921 – 6992k, at its facility in Pasadena, TX. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses to and the information required by the questions in this Information Request (Request). You are required to submit the requested information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the specified 30 calendar day time period, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which Ineos Styrenics must provide the responsive information. Furthermore, EPA retains its right to obtain additional information beyond what is sought in this Request.

All 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 Ineos Styrenics. An affidavit making such representations is provided as Enclosure B. 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. § 6928(d). Furthermore, failure to fully comply with this Request may subject Ineos Styrenics to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), the records, reports, and information requested in this Request must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. 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. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

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

Mr. Adolphus Talton
Compliance Enforcement Section (6EN-HE)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.
2. 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. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. 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. Please submit all information for each question in a logically sequenced, bound format.
4. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret," "proprietary," or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
 - b. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.

- c. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If yes, why is the information still considered confidential?
- d. Is the information contained in any publicly accessible forums or materials such as the Internet, 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?
- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in 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?
- g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish answers to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely answers as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

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, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, 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, 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, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash 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, flash drive, CD, DVD, or other type of memory and together with printouts of such hard drive, flash 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 "Ineos Styrenics" includes any officer, director, agent, or employee of Ineos Styrenics, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
3. The term "you" or "yours" refers to Ineos Styrenics.
4. The term "facility" means Ineos Styrenics at 12222 Port Road, Pasadena, TX 77507.
5. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, present or last known employment position or affiliation, and positions or affiliations during the time period covered by this Request.
6. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, 40 C.F.R. Parts 260 - 280, and the federally-authorized Texas hazardous waste program.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.
8. 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.
9. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

III. QUESTIONS

1. Identify the person(s) answering these questions on behalf of Ineos Styrenics located in Pasadena, TX (Facility).
2. Provide the following information about Ineos Styrenics:
 - a. Respondent's legal name, address, and current owner;
 - b. Provide the place and date of incorporation. Provide the date the Facility began doing business in the State of Texas;

- c. Provide the name and address of Ineos Styrenics's current registered agent for service of process; and
 - d. Provide the date Ineos Styrenics began operations at the facility.
3. Provide a copy of the latest Notification of Regulated Waste Activity (Form 8700-12) filed with TCEQ and EPA for your Facility at 12222 Port Road, Pasadena, Texas.
4. Provide a legible copy of your most recent TCEQ Notification of Registration for Industrial and Hazardous Waste (document IHW020) for the Facility.
5. Ineos Styrenics shipped flammable liquid (benzene and toluene) on Bill of Lading dated September 9, 2009 and combustible liquid (butane and polymer) on Bill of Lading #85020713 dated September 27, 2010 to Allied Petrochemicals. The following questions relate to the flammable and combustible liquids, and all other shipments of benzene, toluene, butane, and polymer shipped to Allied Petrochemicals in Alvin, TX for the period of May 2009 to present:
 - a. Provide a copy of the flow diagram for each process(es) and unit(s) that generate these materials:
 - i. Describe the function and use of each unit in the process diagrams;
 - ii. Identify all ingredients utilized in each process, the quantity and the percentage amount by volume of each ingredient;
 - iii. Identify all outputs from the process(es) and describe use, management, and its disposition; and
 - iv. Provide analytical data and/or knowledge of process documentation and/or basis used for waste determination in accordance with 40 CFR 262.11 and 40 CFR 268.7.
 - b. Provide the following documentation regarding any hazardous waste determinations conducted on the flammable and combustible liquids:
 - i. Provide analytical data and/or knowledge of process documentation and/or basis used for your hazardous waste determination in accordance with 40 CFR 262.11 and 40 CFR 268.7; and
 - ii. Provide the point of generation for which you conducted the hazardous waste determination (i.e. where in the process the determination sample was taken or where in the process your knowledge of process determination was made).
 - c. Identify and describe how the flammable and combustible liquids were managed (i.e. stored, treated, and/or recycled) prior to shipment;

- d. Provide a copy of the Material Safety and Data Sheet (MSDS) for the flammable and combustible liquids;
 - e. Provide information regarding any specifications that the flammable and combustible liquids must meet as required by Allied Petrochemicals and provide information regarding any shipments of the flammable and combustible liquid that had been rejected by Allied Petrochemicals;
 - f. Provide information regarding your understanding of how the flammable and combustible liquids are utilized at Allied Petrochemical and provide what your understanding is based on;
 - g. Provide a detailed description of the processes using the flammable and combustible liquids at Allied Petrochemical and how they are managed;
 - h. Provide copies of any agreement and/or contract between you and Allied Petrochemical;
 - i. Provide information regarding any audits conducted by Ineos Styrenics at Allied Petrochemicals related to the handling, storage and/or processing of wastes or materials sent to Allied Petrochemicals;
 - j. Provide information regarding the quantities of the flammable and combustible liquids that had been shipped to Allied Petrochemicals in past three years (i.e. manifests, bills of lading, or any other document enumerating quantity.).
6. Has your Facility shipped the flammable and combustible liquids identified in Paragraph 5 to a destination facility other than Allied Petrochemicals in the last 10 years? If so, provide the following information:
- a. The facility name, physical address, and EPA ID number for each facility that has received the flammable and combustible liquids (submit facility list in a spreadsheet format).
 - b. Information regarding your understanding of how the flammable and combustible liquids are utilized at each facility, provide what your understanding is based on, and a description of the process(es) that uses the flammable and combustible liquids;
 - c. Copies of any agreement and/or contract between you and each facility; and
 - d. All shipping documents related to the offsite shipment of the flammable and combustible liquids (i.e. manifests, bills of lading, etc.) for the last 3 years;
7. Provide information regarding any other material or waste, in addition to the materials and wastes referenced above, that your Facility has shipped to Allied Petrochemicals in the past 3 years, including quantities and types of materials.

ENCLOSURE B

STATEMENT OF CERTIFICATION

INEOS STYRENICS LLC

I certify that I am authorized to respond to this information request on behalf of Ineos Styrenics LLC, and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2013.

(Name)

(Signature)

(Title)