



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

June 21, 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7010 2780 0002 4355 7636

Mr. Curtis Miles  
Environmental Manager  
Norit Americas, Inc.  
P.O. Box 790  
Marshall, Texas 75671

Re: 114 Information Request  
Norit Americas, Inc. – Marshall, Texas Plant

Dear Mr. Miles:

Enclosed is an Information Request (Request) issued to Norit Americas, Inc. (Norit) 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 Norit's Marshall, Texas Activated Carbon Plant is in compliance with provisions of the CAA. The Request contains detailed instructions, specific questions, and other relevant material for your use in responding to the Request.

Please provide the information within thirty (30) days of receipt of this letter to Mr. Daniel Hoyt (6EN-AA) at the above address. If you need additional time, EPA may grant an extension for cause, upon written request.

If you have any questions regarding the Request, please feel free to contact Mr. Hoyt, of my staff, at (214) 665-7326.

Sincerely,

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

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Leroy Biggers  
Texas Commission on Environmental Quality (TCEQ), Region 5

Michael De La Cruz  
Texas Commission on Environmental Quality

**ENCLOSURE**  
**INFORMATION REQUEST**  
for  
**NORIT AMERICAS, INC. (NORIT), MARSHALL PLANT**  
**PART 1 OF 4**  
***AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

**AUTHORITY**

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this request for information to Norit Americas, Inc. (Norit) to provide certain information regarding their Marshall Plant, pursuant to Section 114(a) of the Clean Air Act ("the Act" or "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 this information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, you are hereby required to provide responses to the questions and requested information regarding the Norit Marshall Plant located in Marshall, Texas, as identified in **PART 2** of this Enclosure.

EPA requires Norit to submit the information requested no later than thirty (30) calendar days after your receipt of this letter. If information or documents not known or not available to you as of the date of submission of a response to this information 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.

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 failure to provide the information required by this letter in a timely manner and in accordance with this information request may result in the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). 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. §§ 1001, 1341, 1519.

## **NORIT INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

Any information that you provide in response to our request may be used in administrative, civil, and criminal proceedings. Therefore, a duly authorized officer or agent of Norit should certify your response to this information request by signing the enclosed Statement of Certification, provided in **PART 3**, and returning it with your response. For claiming any information you provide as confidential business information, please see **PART 4**.

### **INSTRUCTIONS**

1. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) who provided information that was used or considered in responding to that question, as well as each person who was consulted in the preparation of that response.
3. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which the document corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
6. When specific questions request data in electronic form to be provided, the data and corresponding information should be provided in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
7. You have the option to provide any individual document that would otherwise be provided in hard copy form in response to our request for information in Portable Document Format (PDF), saved to a compact disc, rather than hard copy.

Each document provided in PDF must still be provided in accordance with those instructions for submittal of documents as outlined above (e.g., each PDF document should include all enclosures/attachments associated with the document, or a reference page added to indicate that a separate PDF document

## **NORIT INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

is provided as the enclosure/attachment so referenced).

- a. For each compact disc containing PDF documents submitted in response to our request, a table of contents for the PDF documents on individual or multiple discs must be provided so that each PDF document can be accurately identified in relation to your response to a specific question. In addition, each compact disc should be labeled appropriately (e.g., Disc 1 of 4 for Information Request Response, Date of Norit Response). This option does not include any "data" specifically covered in item 6 of these instructions, above.
- b. For PDF submittals, please ensure that confidential business information and non-confidential information are submitted on separate disks. Please also mark each page that is confidential business information as such.

### **DEFINITIONS**

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, 40 C.F.R. Part 52 (which incorporates the Federally-approved State Implementation Plan), other CAA implementing regulations, or otherwise defined herein.

1. The term "Air Pollution Control Equipment" or "APCE" shall mean any control device and/or equipment used to reduce the release of particulate matter and other pollutants to the atmosphere.
2. The term "BTU" shall mean the British Thermal Unit of heat.
3. The term "Capital Appropriation Request" shall mean any documents used by plant personnel that serve the purpose of describing projects for equipment and process changes when seeking management approval for a planned expenditure at the plant. These documents are also known as capital improvement project requests, authorizations for expenditure, work order records, improvement requisition projects, or other similar names.
4. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, 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

## **NORIT INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

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.

5. The term "Emissions Unit" shall have the same meaning as defined at 40 C.F.R. §52.21(b)(7).
6. The term "Fuels Feed" or "Fuels" shall mean any fuels fired to a kiln, furnace or boiler in order to heat raw materials, including, but not limited to coal, wood waste, saw dust, natural gas, oil, alternative natural fuel such as oil shale or waste-derived fuel ("WDF") such as scrap tires, used motor oils, surplus printing inks, dry-cleaning solvents, paint thinners, sludge from a petroleum industry, etc.
7. The term "Kiln" shall mean all equipment used for the purpose of producing activated carbon including, but not limited to, rotary kilns, multiple hearth furnaces, and any associated preheater, waste heat boiler or afterburner devices that are used to produce activated carbon from Raw Materials for use in commerce.
8. The term "Norit" includes any officer, director, agent, or employee of Norit, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
9. The term "NSPS" shall mean the Standards of Performance for New Stationary Sources promulgated at 40 C.F.R. Part 60.
10. 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.
11. The term "PSD/NSR" shall mean the Prevention of Significant Deterioration and the New Source Review preconstruction permitting programs established at CAA subparts C and D and further defined at 40 C.F.R. Parts 51 and 52 and any respective program established under a state implementation plan.

## **NORIT INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

12. The term "Raw Materials Feed" or "Raw Materials" means the prepared and mixed materials, which include, but are not limited to, materials such as coal, lignite, shale, wood waste and saw dust, that are fed to a Kiln. Raw Material Feed does not include the fuels used in a Kiln to produce heat to facilitate the activated carbon product.
13. 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.
14. 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.

**ENCLOSURE**  
**INFORMATION REQUEST**  
**for**  
**NORIT AMERICAS, INC. (NORIT), MARSHALL PLANT**

**PART 2 OF 4**  
***QUESTIONS AND INFORMATION SPECIFIC TO***  
***MARSHALL PLANT***

In accordance with that authority outlined in Enclosure, Part 1, this information request pertains specifically to Norit's Marshall Plant, located in Marshall, Texas:

**MARSHALL PLANT**

Latitude 32° 32' 19'', Longitude 094° 24' 00''  
Physical location: 3200 University Avenue  
Nearest City: Marshall  
County: Harrison  
State/Zip Code: TX/75670

The Norit Marshall Plant ("Facility") contains emission units that emit or have the potential to emit pollutants subject to requirements of the Prevention of Significant Deterioration (PSD) and/or New Source Review (NSR) programs and is subject to the requirements of Title V of the Clean Air Act (CAA). Norit must provide the following information for the Marshall Plant:

1. Provide a map of the Facility and the area immediately surrounding the Facility identifying all sources of air emissions at the Facility.
2. Provide a detailed narrative description of the current unit operation processes at the Facility from introduction of raw material sequentially through disposition of products, describing each process unit which produces air emissions and each air emissions control unit, in relation to the overall process operations. In the narrative, describe the function of each process unit and describe the chemical or physical process occurring at each stage of the activated carbon production process. Also provide a schematic of the Facility, and provide a legend to tie this schematic to the narrative description.
3. Provide up-to-date process flow diagrams of the Facility. On the diagrams, using a key for clarity purposes, identify each of the units listed in response to question #2 and question #16. The diagram must include all emissions units, continuous emissions monitoring systems ("CEMS"), continuous opacity monitoring systems ("COMS"), and all APCE.
4. Provide copies of all air related authority to construct ("ATC") permits and air permits to operate ("PTO") or any similar permits issued to the Facility since January 1, 1995. Include any air permit revisions and amendments issued for each permit so identified.

## NORIT INFORMATION REQUEST

### *PART 2: QUESTIONS*

5. Provide copies of all applications which the Facility submitted to the Texas Commission on Environmental Quality ("TCEQ") or TCEQ's predecessor agency (e.g., Texas Natural Resource Conservation Commission, Texas Air Control Board, etc.) for an ATC, PTO or a Title V permit since January 1, 1995, with the project number assigned by TCEQ for such permitting request or action.
6. Indicate the dates of initial construction and start-up of all emission units at the Facility, and where appropriate, indicate the date of modification or permanent shutdown of any of the emission units.
7. Identify all emission decreases utilized to calculate any net emissions increases or decreases as indicated in any of the Facility's ATC, PTO or Title V applications from January 1, 1995 to the present. Provide calculations, assumptions, and a description of the methods and documents utilized in calculating these emissions decreases. Provide all documents that show that these decreases are federally enforceable.
8. Identify and describe, in a chronologically organized table, all physical or operational changes made at the Facility since January 1, 1995. This should include, but not be limited to, alterations, modifications to the equipment or in the method of operation, and additions or changes in fuel type (including any alternative fuel types, such as Waste Derived Fuel), fuel feed operations, raw material feed rates, production rates, emission rates, and/or APCE. In the table, include the date each project commenced, the date each project was completed (implemented), a brief description of each project, vendor name, work order number, and the fixed capital cost of each project in nominal dollars.
9. For each physical and operational change identified in question #8 (indexed to that change on the table), provide:
  - a. An analysis and quantification of the effect of the change on the production and/or emissions from the unit;
  - b. Whether the Facility considered it a major modification for PSD or NSR purposes;
  - c. All assumptions, emission factors, and calculations utilized in making the determination that the modification was or was not a major modification;
  - d. All correspondence, studies, or reports related to such analyses;
  - e. The basis for the Facility's determination that the change was or was not a major modification for each pollutant;
  - f. Copies of the all best available control technology ("BACT") and lowest achievable emission rate ("LAER") analyses (performed by the Facility, any State/federal agency (such as TCEQ), or any consultant or contractor) related to any emission unit at the Facility for any of the changes in the table; and
  - g. All correspondence, studies, or reports related to such BACT or LAER determinations.

## **NORIT INFORMATION REQUEST**

### ***PART 2: QUESTIONS***

10. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$25,000 commenced at the Facility from January 1, 1995 until the present. This list must contain the approximate date each project (including maintenance projects and modifications) commenced, the date each project was completed or implemented, a brief description of the each project, a list of expenses for each project, vendor information, work order number, and the fixed capital cost of each project in nominal dollars.
11. For each project identified in question #10 which cost greater than \$100,000 (indexed to that project on the table), provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the Facility or its predecessors concerning that project.
12. For each change identified in question #10 (indexed to that change on the table in question #10) which cost greater than \$100,000, provide copies of all engineering analyses, reports, planning documents, meeting notes, studies, project information, internal or external correspondence, email, memoranda, and telephone discussion summaries. This shall include all documents which discuss each project with respect to air emissions; which discuss project economics; or which discuss associated production rates (including, but not limited to, possible, potential, or likely effects on air emissions or compliance with CAA requirements).
13. Provide the current "projected capital outlay plan" or any other document(s) that sets forth operational and equipment changes and identifies the projected capital expenditures that the Facility will be making in the next five years (or any other planning period used) at the Facility. In addition, provide capital planning documents (i.e., five year plans and all other comparable documents) for the period January 1, 1990 to the present.
14. List and provide all life extension and life optimization studies, evaluations, assessments and reports, including any reports and correspondence, related to extending the life of the equipment at the Facility. Provide all documents related to internal or external reporting of the capacity of the Facility, including, but not limited to, reports to corporate offices, corporate boards, or any similar communication.
15. Provide all planning, meeting notes, studies and project information related to efforts to increase the performance or reliability of equipment at the Facility on either a short-term or annual basis for the period January 1, 1995, to the present.

**NORIT INFORMATION REQUEST**  
**PART 2: QUESTIONS**

16. Provide a list of the APCE in operation at the Facility and specify the following information for each separate control device:
- A detailed description including, but not limited to, the vendor, size, and related control efficiencies for different pollutants;
  - The date and location the device was installed and the date it began operation;
  - A list of the processes included in the response to question #2 that route process vents to the device;
  - The pollutant(s) the device controls;
  - The vendor guarantee for the control efficiency of the device, for each pollutant it affects;
  - A description of the stack where treated gases from the device are vented to the atmosphere; and
  - A description of pollutant monitoring systems (e.g., CEMS) and their location (e.g., on the exhaust stack) for the device.
17. Provide a table of data in electronic form that includes the following for each month for each of the Kilns for the period between January 1, 1995, and the present:
- Total production of activated carbon (tons);
  - Total mass of Raw Material Feed to each of the Kilns (tons);
  - Type of Raw Material and percentage of each type of raw material;
  - Mass of the activated carbon waste dust produced each year (tons);
  - Hours of operation of each of the Kilns;
  - Mass of each type of inorganic salt added to the activated carbon (tons); and
  - A description of the data and methodology used in calculating items a. through f.
18. Based on data from the CEMS, continuous emission rate monitoring system, COMS, and any records, provide a table of data in electronic form that includes the following for each day for each of the Kilns from January 1, 1995 to the present. If daily emissions data are not available provide emissions data on a monthly basis and explain in detail why the daily information is not available:
- Emissions in pounds per ton of activated carbon produced and tons per day for each operating day (midnight to midnight) for the following pollutants: NO<sub>x</sub>, SO<sub>2</sub>, CO, VOCs, PM, and PM<sub>10</sub>, and any other monitored emissions pollutant (e.g., total hydrocarbons, metals, etc.) or process control parameter (e.g., flow rate of flue gas, temperature, oxygen, etc.).
  - A description of the source of the data and methodology used in calculating item a.

## NORIT INFORMATION REQUEST

### PART 2: QUESTIONS

19. Summarize each of the following production and emissions limits and identify all changes to each such limit in chronological order from January 1, 1995 to the present for each Kiln:
- Allowable activated carbon production rate in tons per day;
  - Allowable NO<sub>x</sub> (indicate NO<sub>x</sub> species) emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of activated carbon;
  - Allowable SO<sub>2</sub> emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of activated carbon;
  - Allowable CO emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of activated carbon;
  - Allowable VOC emissions in parts per million, pounds per hour, pounds per day, tons per year, and pounds per ton of activated carbon; and
  - Allowable PM and PM<sub>10</sub> emissions in parts per million, pounds per hour, pounds per day, and tons per year.
20. Provide the following records regarding all fuel usage for each of the Kilns:
- A list and brief characterization of fuels fired before January 6, 1990;
  - A description of how each fuel listed in response to item a. would have been consumed or processed prior to January 6, 1990, including a description of the equipment in place in 1990 and the equipment used for fuel delivery, storage, and transfer to where it is used;
  - A list of what fuel is used and what fuel could be used with the equipment listed in item b. and the configuration of the equipment in place today. For each fuel on the list, provide a brief characterization of the fuel and a description of the current fuel delivery, storage, and transfer to each location where it is used;
  - For each fuel introduced or added after 1990, a list of the first day each fuel type was fired, including a brief characterization of the fuel if different from that already identified in items a. or c. of this question;
  - For each fuel introduced or added after 1990, a description of what equipment was put in place to facilitate the initial use of the fuel during the date listed in response to item d.;
  - Copies of any permits since 1990, regarding current or past fuel use in the kilns or determinations by the State that no permit was necessary;
  - For each fuel listed in response to item c. of this question, a description of any fuel quality monitoring conducted at the facility and the specific methods used, a list of the dates during which fuel quality monitoring was conducted, and summaries of this monitoring since 2002;
  - For each fuel listed in response to item c. of this question, and not quality monitored as indicated in item g. of this question, any calculations or engineering analyses conducted by the facility in order to establish fuel quality and possible impacts on emissions, a list of the dates during which these calculations or engineering analyses were considered valid for the purpose of establishing fuel quality and possible emission impacts,

**NORIT INFORMATION REQUEST**  
**PART 2: QUESTIONS**

- and summaries of any corrections or revisions to the calculations or engineering analyses conducted.
- i. The annual fuel use, by fuel type/characterization, for each of the Kilns at the Facility from 1990 through 1994, including:
    - i. The types and quantities of each fuel combusted;
    - ii. The sulfur content in weight percent for each fuel; and
    - iii. The heating value (in BTUs) of each type of fuel.
  - j. The monthly fuel use, by fuel type/characterization, for each of the Kilns at the Facility since January 1, 1995, including:
    - i. The types and quantities of each fuel combusted;
    - ii. The sulfur content in weight percent for each fuel; and
    - iii. The heating value (in BTUs) of each type of fuel.
21. Provide copies of the following air reports, pertaining to operations of the Facility, from January 1, 1995 to the present:
- a. Excess emissions reports;
  - b. Emissions inventory reports; and
  - c. Variances issued by a regulatory agency.
22. Provide a list of all enforcement actions taken by any regulatory agency against the Facility from January 1, 1995, to the present. Include copies of any administrative or judicial complaints filed against the Facility, any notices of violation or notices of non-compliance issued to the Facility, any documents resolving violations by the Facility such as consent decrees or consent orders, and any orders issued against the Facility, such as administrative orders. For each enforcement action identified pursuant to this question, summarize all fees or fines paid by the Facility including the amount and date paid and describe any injunctive-type relief performed by the Facility.
23. From January 1, 1995 to the present, for each of the Kilns at the Facility, provide a list of the dates of all complete or partial air emissions testing for all units for SO<sub>2</sub>, NO<sub>x</sub>, PM (including filterable and condensable particulate), VOC, CO, lead, mercury, hydrogen chloride, hydrogen fluoride, dioxin/furan, and any other regulated air emission. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. For each emission test, provide a copy of the summary pages from each report, including the emission rates as well as all the operating parameters of the various process unit operations recorded during the tests, including, but not limited to each of the Kiln's Raw Materials feed rates, fuel types and firing rates, and activated carbon production rates. Indicate whether each report was shared with the local or state permitting agency.
24. To the extent not provided before, provide copies of any correspondence from January 1, 1995, through the present, with the state, local, and federal permitting authorities, regarding the installation or modification of any emitting unit or the

## NORIT INFORMATION REQUEST

### *PART 2: QUESTIONS*

emission limits for any emitting unit at the Facility, including, but not limited to, applicability determinations, alternative monitoring requests or plans, regulatory interpretations, and approval orders.

25. Provide the name and address of the party who should receive official correspondence on behalf of the Facility concerning this matter.
26. Provide copies of each Title V deviation report and compliance certification submitted to the Texas Commission on Environmental Quality (TCEQ) under the requirements of 30 TAC 122 during calendar years 2010, 2011 and 2012.
27. Provide copies of all final records of reportable emissions events submitted to TCEQ, as required by 30 TAC 101.201(b)(1) during calendar years 2010, 2011 and 2012.
28. Does the facility meet the applicability requirements of the Final Mandatory Reporting of Greenhouse Gases Rule at 40 CFR § 98.2?
  - a. If no, provide the basis for your determination, including, but not limited to, a complete description of the methods used to calculate your emissions for purposes of determining applicability, a description of all data and assumptions used in such calculations, and records to substantiate the use of any data and assumptions in the calculations.

In your response to this subpart you are not required to provide data that are the inputs to emissions equations deferred from reporting pursuant to the Interim Final Regulation Deferring the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule. See 75 Fed. Reg. 81338 (Dec. 27, 2010).

- b. If yes:
  - i. Identify the applicable subpart(s);
  - ii. Provide a list of all the sources at the facility that are covered under the GHG reporting rule; and
  - iii. Where applicable, provide any records of calibration of monitoring equipment used to estimate or measure GHG emissions.

**ENCLOSURE**  
**INFORMATION REQUEST**  
**for**  
**NORIT AMERICAS, INC. (NORIT), MARSHALL PLANT**

**PART 3 OF 4**  
**STATEMENT OF CERTIFICATION FORM**  
**FOR DULY AUTHORIZED AGENT**

**STATEMENT OF CERTIFICATION**

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, 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, accurate, 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.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**ENCLOSURE**  
**INFORMATION REQUEST**  
**for**  
**NORIT AMERICAS, INC. (NORIT), MARSHALL PLANT**

**PART 4 OF 4**  
***CONFIDENTIAL BUSINESS INFORMATION (CBI)***  
***CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS***

**Assertion Requirements**

You may assert a business confidentiality claim covering all or part of the information requested in response to this information 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 may be 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 (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter 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 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.

**Substantiation Requirements**

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 that you intend to continue to do so; that 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.

## **NORIT INFORMATION REQUEST**

### ***PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS***

Pursuant to 40 C.F.R. Part 2, subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, 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 confidential. 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 confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, 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 a specific event will eliminate the need for confidentiality, please specify that 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 an agreement not to disclose the information further? If so, why should the information still 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 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?

## **NORIT INFORMATION REQUEST**

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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 that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. "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 the 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 operation of the source); and

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

40 C.F.R. §§ 2.301(a)(2)(i)(A),(B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Please also note that broad, non-specific CBI claims will likely result in an immediate request from EPA for substantiation.