

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**L'Anse Warden Electric Company, LLC
157 South Main Street
L'Anse, Michigan 49946**

ATTENTION:

**Steven L. Walsh
Chief Executive Officer**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring L'Anse Warden Electric Company, LLC (L'Anse Warden or you) to submit certain information about the facility at 157 South Main Street, L'Anse, Michigan. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the testing requirements. You must send this information to us according to the schedule provided in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information and monitoring. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

L'Anse Warden owns and operates an emission source at the L'Anse, Michigan facility. We are requesting this information to determine whether your emission source is complying with the CAA and the Michigan State Implementation Plan and Renewable Operating Permit Number MI-ROP-B4260-2011.

L'Anse Warden must send all required information to: smith.molly@epa.gov,
argentieri.sabrina@epa.gov, and:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

L'Anse Warden must submit all required information under an authorized signature with 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 Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

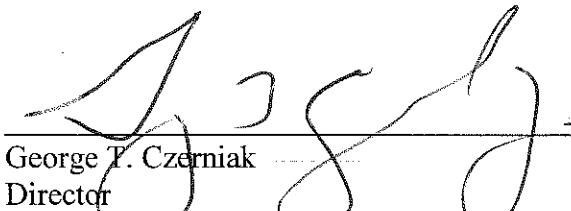
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from L'Anse Warden, a specific entity as part of a discrete administrative action or investigation.

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

Failure to comply fully with this information request may subject L'Anse Warden to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Molly Smith at (312) 353-8773.

4/1/16
Date


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
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 used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it 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 information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image

format. If Excel format are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and the Michigan State Implementation Plan.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. 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.

Appendix B

Information You Are Required to Submit to EPA

The L'Anse Warden Electric Company, LLC (L'Anse Warden) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), for your facility located at 157 South Main Street, L'Anse, Michigan. L'Anse Warden must submit an emission test plan, conduct emission testing, and submit all other information requested in accordance with the schedule specified below:

Submit Testing Protocol(s)	Within 30 days of receipt of this request
Notification of Intent to Test	Not less than 21 days before testing
Complete Testing	Within 30 days of protocol approval
Submit Testing Report	Within 30 days of completion of testing

1. Within 30 days after the receipt of this request, perform the following emission tests at the power plant main stack:
 - a. Quantify the mass emission rate of particulate matter (including total PM, PM10, and PM2.5), and test for opacity by performing stack testing using EPA Reference Methods 5, 9, 201A, and/or 202. L'Anse Warden shall archive all filters for at least two years after the necessary analysis is completed.
 - b. Quantify the mass emission rate of chlorine (Cl) and hydrogen chloride (HCl) using EPA Reference Method 26 or 26A.
 - c. Quantify the mass emission rate of polychlorinated dibenzo-p-dioxins (PCDD's) and polychlorinated dibenzofurans (PCDF's) using EPA Reference Method 23.
 - d. Quantify the mass emission rate of cresol isomers using Method 0010.
 - e. Quantify the mass emission rate of total volatile organic compounds using Method 25A.
 - f. Quantify the mass emission rate of the following pollutants using EPA Reference Method 29:
 - i. Nickel;
 - ii. Lead;
 - iii. Arsenic; and
 - iv. Manganese.

2. During the testing conducted pursuant to Item 1 above, L'Anse Warden should operate the facility in two separate operating scenarios – resulting in two separate tests.
 - a. The first test shall be conducted at the maximum rate of burning pentachlorophenol treated fuel at maximum electricity production rates and under representative operating conditions, particularly with respect to chlorine use. Specifically, the fuel used during this test should be representative of the operating scenarios L'Anse Warden operated under while burning tires, creosote treated wood fuel, and pentachlorophenol treated wood fuel. During the test, L'Anse Warden shall separate each fuel and not use the “cone method” for fuel delivery. The company shall ensure the maximum weight percentage of pentachlorophenol fuel is added to the stack testing fuel mix, as was operated with at the L'Anse Warden facility prior to October 13, 2015. The company must provide past operational data to justify the fuel and operating levels.
 - b. The second test shall be conducted at maximum electricity production rates, while not burning pentachlorophenol treated wood fuel, and only using creosote treated wood fuel, tires, and/or other permitted fuels. For the purposes of this testing, L'Anse Warden will use 2,000 parts per million Cl or greater content, as read on the Olympus XRF meter used by M.A. Energy Resources, LLC at the Fuel Aggregate Facility, to distinguish a pentachlorophenol treated wood fuel from creosote treated wood fuel, as is defined in L'Anse Warden's fuel procurement policy. The company must provide past operational data to justify the fuel and operating levels.
3. Within 30 days after receipt of this request, L'Anse Warden shall submit to EPA the proposed testing protocol(s) that completely describes the methods and procedures for testing specified in Items 1 and 2, above. The testing procedure should also include the fuel sampling procedures put into place to track the exact amount of each fuel burned during each test run. L'Anse Warden cannot feed the pentachlorophenol ties into the boiler using the “mixed” or “cone” system traditionally used. The pentachlorophenol ties must be separated and fed in a way that L'Anse Warden can ensure the feed rate during each test. Additionally, L'Anse Warden must provide the procedure by which the Fuel Aggregate Facility will use to sample and identify (pentachlorophenol and creosote) the railroad ties prior to delivery to the facility for use during the testing. The specific parts per million Cl content determinations for pentachlorophenol and creosote ties must be identified. L'Anse Warden shall conduct the required testing under a protocol approved in advance by EPA. The protocol shall address the requirements of Item 1 of this information request. L'Anse Warden must submit the protocol to both EPA and the Michigan Department of Environmental Quality (MDEQ). You may submit the protocol by email.
4. At least 21 days prior to the planned test date(s), L'Anse Warden shall submit notification to EPA and the MDEQ of its intent to perform emission testing. You may submit this notice by e-mail.

5. Within 30 days after approval of the testing protocol specified in Item 3, L'Anse Warden must complete the testing specified in Items 1 and 2 and in accordance with the testing protocol established pursuant to Item 3.
6. Within 30 days after completion of the tests specified in Items 1 and 2 and conducted pursuant to the protocol established pursuant to Item 3, above, L'Anse Warden shall submit a complete report of the emissions testing on its facility to EPA and MDEQ. The complete report shall include, at a minimum, the following:
 - a. Summary of Results
 1. Results of the above specified emission tests;
 2. Process and control equipment data related to determining compliance;
 3. Discussion of test errors;
 4. Discussion of any deviations from the reference test methods;
 5. Production data; and
 6. Fuel usage logs.
 - b. Facility Operations
 1. Description of the process and control equipment in operation and
 2. Facility operating parameters that demonstrate that the facility was being operated at maximum production rates.
 - c. Sampling and Analytical Procedures
 1. Sampling port location(s) and dimensions of cross-section;
 2. Sampling point description, including labeling system;
 3. Brief description of sampling procedures, including equipment and diagram;
 4. Description of sampling procedures (planned and accidental) that deviated from any standard method;
 5. Brief description of analytical procedures, including calibration;
 6. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
 7. Quality control/ quality assurance procedures, tests, and results.
 - d. Appendix
 1. Complete results with example calculations;
 2. Raw field data (original, not computer printouts);
 3. Laboratory report, with signed chain-of-custody forms;
 4. Calibration procedures and results;
 5. Raw process and control equipment data, signed by plant representative;
 6. Test log;
 7. Project participants and titles; and
 8. Related correspondence.

7. Between the date of this request and the date of the tests required above, L'Anse Warden shall not conduct any maintenance that is not routine maintenance. Moreover, any maintenance that is performed shall be documented in the test report. This applies to all operating and emission control equipment.
8. Provide justification for the determination by the facility to use 2,000 ppm Cl as the screening value for distinguishing pentachlorophenol railroad ties from creosote railroad ties. Provide all supporting documentation. Provide supporting documentation for why a 400 ppm Cl screening valuation limit is not used.
9. During the testing conducted pursuant to Item 1 above, L'Anse Warden shall sample the fuel being used during each test. Samples will be analyzed for chlorine content (ppm), moisture content (percentage), and sulfur content (percentage). A protocol for the fuel collecting procedure, as well as the sampling analysis will be provided along with the protocols required in Item 3 above. Results will be provided to EPA in the completion report required by Item 5 above.
10. Prior to the testing conducted pursuant to Item 1 above, L'Anse Warden shall sample the fuel being used in the main boiler on fifteen separate occasions. Samples will be analyzed for chlorine content (ppm), moisture content (percentage), and sulfur content (percentage). A protocol for the fuel collecting procedure, as well as the sampling analysis will be provided along with the protocols required in Item 3 above. Results will be provided to EPA in the completion report required by Item 6 above.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

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;

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

A general description of the location and/or 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).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114I of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides 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 that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. 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 **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. 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 special 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 number 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 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 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. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

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. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.