

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Watco Terminal and Port Services
2926 East 126th Street
Chicago, Illinois 60633**

ATTENTION:

**Steve Caudle
Terminal Manager**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Watco Terminal and Port Services (Watco or you) to submit certain information about your facility at 2926 East 126th Street, Chicago, Illinois. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information and monitoring that you must submit and conduct. You must send this information to us according to the schedule 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. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Watco owns and operates emission sources at your Chicago, Illinois facility. We are requesting this information to determine whether your emission sources are complying with the Clean Air Act and the Illinois State Implementation Program.

Watco must send all required information to:

Attn: Compliance Tracker, AE-18J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Watco 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. 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 specific individuals or entities as part of an 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 Watco 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 Patrick Miller at 312-886-4044.

5/15/18
Date



Edward Nam
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 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.

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 Illinois State Implementation Plan.

Appendix B

Information You Are Required to Submit to EPA

Watco Terminal and Port Services (Watco) must submit the following monitoring, results, and general information for your facility located at 2926 East 126th Street Chicago, Illinois, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) in accordance with the schedules specified below:

1. Within 30 days of receipt of this Request, Watco shall submit for EPA review and approval a monitoring plan that includes proposed monitoring site locations for one Federal Reference Method (FRM) particulate matter less than ten microns (PM₁₀), filter-based monitor. The PM₁₀ filter-based instrument shall meet the specifications of FRM monitors on this list: www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf
2. Watco shall follow all monitoring, siting, and quality assurance criteria in 40 CFR Part 58, Appendix E.
3. Within 30 days of EPA approval of the monitoring plan specified in Item 1, Watco shall install, operate, and maintain one FRM PM₁₀, filter-based monitor at the facility.
4. PM₁₀ concentrations from filter-based sampling shall be determined according to 40 CFR 50, Appendix J to Part 50 – “Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere.”
5. The PM₁₀ filter-based sampling shall follow the 3-day EPA Monitoring Schedule for 2015 (posted here: http://www.epa.gov/ttn/amtic/files/ambient/pm25/calendar_2015.pdf).
6. The PM₁₀ filters collected will undergo both gravimetric analysis and determination of lead and toxic metals (arsenic, cadmium, chromium, manganese, nickel, and vanadium) following an FRM laboratory method (listed here: <http://www.epa.gov/ttnamti1/files/ambient/criteria/reference-equivalent-methods-list.pdf>).
7. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM₁₀ and a data logger shall be attached to the monitors to record readings from the continuous monitors.
8. Watco shall also follow the operating procedures identified in the “Quality Assurance Handbook for Air Pollution Measurement Systems” (located at <http://www.epa.gov/ttn/amtic/qabook.html>), 40 CFR Part 58, Appendix A, and any

specified procedures in the manufacturer's maintenance manual for the units used to monitor PM₁₀.

9. Watco shall be responsible for all operation and maintenance associated with the PM₁₀ monitors. Maintenance shall include, at a minimum, the replacement of any equipment and cleaning on a schedule specified in the manufacturer's maintenance manual.
10. Watco shall order and pay for any necessary replacement parts, accessories, maintenance, etc.
11. Watco shall properly change the PM₁₀ filters in all sampling devices.
12. Watco shall archive all filters from the PM₁₀ filter-based instruments for at least three years.
13. All monitoring shall take place for at least two years.
14. Watco shall install, operate, and maintain a meteorological tower at the facility, in a location representative of local wind conditions. At a minimum, the meteorological tower must continuously measure and record wind speed and wind direction at one-hour intervals throughout the entire ambient monitoring period. Watco shall correlate 1-hr and 24-hr ambient PM₁₀ measurements with wind speed and wind direction data to determine source direction and the effects of wind speed on PM₁₀ concentrations. The meteorological tower must also include calibrated ambient temperature and pressure instrumentation for purposes of determining corrected (actual) PM₁₀ concentrations as recorded by the monitors. Watco shall maintain and submit reports and records in accordance with the reporting requirements in this Appendix.
15. With respect to the meteorological monitoring site, Watco shall follow the Quality Assurance Handbook for Air Pollution Measurement Systems Volume IV: Meteorological Measurements Version 2.0 (Final) found at:
http://www.epa.gov/ttnamti1/files/ambient/met/Volume%20IV_Meteorological_Measurements.pdf
16. The internal clocks of all PM₁₀ analyzers, data loggers, and the wind speed and wind direction data logger shall be synchronized to within 60 seconds of each other (local time and not adjusted for Daylight Savings Time) and shall be checked against a calibrated reference clock at least once every 30 days. Instrument clocks that are more or less than 60 seconds from the reference clock shall be reset to within 60 seconds of the reference clock. Each of these inconsistencies and each reset time shall be noted in the study log.
17. Watco shall be responsible for maintenance associated with the meteorological tower on a schedule specified in the manufacturer's maintenance manual. Watco shall order and pay for any necessary replacement parts, accessories, maintenance, etc.

18. Within 30 days of EPA approval of the monitoring plan, Watco shall submit a Quality Assurance Project Plan (QAPP) to U.S. EPA. The guidance document for writing a QAPP is "U.S. EPA Guidance for Quality Assurance Project Plans," EPA QA/G-5, EPA/600/R-02/009 - December 2002. The guidance is available at <https://www.epa.gov/quality/guidance-preparing-quality-assurance-project-plan>. Any measures identified by this Order should be incorporated into the QAPP.
19. Watco shall provide U.S. EPA, Illinois Environmental Protection Agency (IEPA), and the City of Chicago access to the monitor sites and respond to any inquiries regarding monitor siting, operations, or maintenance. In the event that an inspector or auditor identifies problems, Watco shall take appropriate corrective actions. Any changes made to monitor siting, operations, or maintenance shall be approved by U.S. EPA prior to the change.
20. Watco shall keep a daily log and monthly reports of the following information:
 - a. Each site visit and operator activities at the monitors;
 - b. Any monitoring system downtime (date, time, duration, and reason) along with any corrective actions taken;
 - c. Any possible interferences observed by the operator such as nearby construction or demolition that could contribute to PM₁₀ emissions as detected by the monitors;
 - d. List including the date, time, dock location, duration of unloading, and material unloaded from a barge;
 - e. List including the number of daily trucks delivering bulk material, the material handled and final building storage location;
 - f. List including the number of daily trucks receiving bulk material and the material handled;
 - g. List including the number of daily railcars delivering bulk material, the material handled and final building storage location;
 - h. List including the number of daily railcars receiving bulk material and the material handled; and
 - i. Any calibration data provided by the manufacturer or performed by Watco.
21. Data from the meteorological monitoring site and 24-hour data from gravimetric FRMs monitor shall be downloaded as ASCII comma-delimited files, and Excel Format, and provided to U.S. EPA via email every month. The files should have a single "header" row, with all following rows being individual records, and all columns being a single variable according to the header row. The "header" row shall be consistent every month, along with the same file name with corresponding date.
22. Watco shall review the FRM data monthly and for any days where the manganese concentration is greater than 0.3 microgram per cubic meter ($\mu\text{g}/\text{m}^3$).
23. Watco shall develop a publically accessible website to post all air monitoring data collected under this 114 Information Request. The goal of the website is to allow the community access to data from the Watco monitors, including meteorological data. The

website will provide all data from the meteorological monitoring site and the 24-hour data from the gravimetric FRM monitor in Excel Format, by the 14th of every month, for the previous collection month. Data shall be posted for the public for the duration of monitoring, two years.

24. Monthly reports specified in Appendix B, Paragraph 20, shall be submitted to U.S. EPA for the duration of monitoring, two years. Each report is due within 14 days of the end of the month being reported. Watco shall submit these monthly reports to:
 - a. millер.patrick@epa.gov;
 - b. smith.molly@epa.gov;
 - c. cantello.nicole@epa.gov; and
 - d. R5airenforcement@epa.gov.

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 114(c) 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 information request 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.

CERTIFICATE OF MAILING

I certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by

Certified Mail, Return Receipt Requested, to:

Steve Caudle
Watco Terminal and Port Services
2926 East 126th Street
Chicago, Illinois 60633

I also certify that I sent a copy of the Request to Provide Information Pursuant to the


Clean Air Act by E-mail to:

Julie Armitage
Chief, Bureau of Air
Illinois Environmental Protection Agency
Julie.Armitage@Illinois.gov

and

Jennifer Hesse
Chicago Department of Public Health
Jennifer.hesse@cityofchicago.org

On the 15th day of May 2018.



Kathy Jones, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7017 0660 0000 3661 7093