



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

SEP 6 2016

Ref: 8ENF-L

CERTIFIED MAIL # 7009 3410 0000 2596 5609
RETURN RECEIPT REQUESTED

Paul R. Williams
Operations Manager
Bakken Asset Team
Marathon Oil Company
3172 Highway 22 North
Dickinson, North Dakota 58601

Re: Section 114(a) Information Request for Marathon Oil Company's Oil and Natural Gas Operations in North Dakota

Dear Mr. Williams:

The United States Environmental Protection Agency hereby requires Marathon Oil Company (Marathon) to provide certain information to determine the Clean Air Act (CAA) compliance status of its oil and natural gas operations located in North Dakota. The EPA is investigating the release of hydrocarbon gases on January 7, 2012, at Marathon's storage tanks that produce from Buffalo 12-H and Elk Creek wells located Northwest of Killdeer, ND.

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as she may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. This authority has been delegated to the undersigned official.

For the EPA to determine whether a violation of the CAA has occurred, you are hereby required, pursuant to section 114(a) of the CAA, to provide responses to **Requests 1-18** herein (**Enclosure 2**). Accordingly, within **thirty (30) calendar days** from receipt of this request, you must respond in full to Enclosures 2-3. Instructions and definitions are provided in Enclosure 1 and the information being requested is contained within Enclosure 2.

You are required to attach a properly executed **Statement of Certification (Enclosure 3)** to your response to this request. The statement must be signed and dated. You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information is a violation of the CAA and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the

CAA, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this request; 3) the initiation of a civil action pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b); and/or 4) any other action authorized under the CAA. In addition, knowingly providing false information in response to this information request may be actionable under section 113(c) of the CAA, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the CAA, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat such information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that emission data cannot be claimed as confidential under section 114(c). For detailed instructions, please see **Enclosure 4** to this letter. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

YOU MUST SUBMIT ALL RESPONSIVE INFORMATION: *Whether or not you make a claim of confidentiality.*

Please submit your response to this request to:

U.S. Environmental Protection Agency, Region 8
Technical Enforcement Program
Attention: Greg Bazley (8ENF-AT)
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street
Denver, Colorado 80202-1129

If you have any questions regarding this Information Request, please contact Greg Bazley, at (303) 312-6255, or your counsel may contact Lauren Hammond, at (303) 312-7081.

Sincerely,



Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosures:

- (1) Instructions and Definitions
- (2) Information Requested
- (3) Statement of Certification
- (4) Confidential Business Information

cc: Terry O'Clair, North Dakota Department of Health (w/encl)
Jim Semerad, North Dakota Department of Health (w/encl)

ENCLOSURE 1

INSTRUCTIONS

1. Provide a separate narrative response to each request and subpart set forth in Enclosure 2 of this Information Request. If you have no responsive information or documents pertaining to a particular request, submit an affirmative statement and explanation.
2. Precede each answer with the number of the request to which it corresponds and at the end of each answer identify the person(s) (including name, title, and a description of job duties) that provided information that was used or considered in responding to that request, as well as each person (including name, title, and a description of job duties) 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 request to which it corresponds. If a document is responsive to more than one request, this must be so indicated and only one copy of the document needs to be provided.
4. If any of the information or documents is not known or available to you and Marathon is aware of the party that has such documentation or information, provide the name(s)/entity that has such information and provide contact information.
5. 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.
6. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
7. The information requested herein must be provided even though you may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
8. If information responsive to this Information Request is not in your possession, custody, or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional

responsive documents, identify such persons and the additional information or documents that they may have.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure 1 and in Enclosure 2.

1. The term *you* or *Marathon* shall include Marathon Oil Company, the addressees of this Request, and the officers, managers, employees, contractors, trustees, partners, successors, assigns, agents, servants, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and others who are in possession, custody or control (actual or constructive) of relevant information that is otherwise available to you, or may have obtained information for or on behalf of, Marathon Oil Company.
2. With respect to a natural person, *identify* means to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
3. With respect to a document, *identify* means to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee(s) and/or recipient, and the substance or the subject matter.
4. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), *identify* means to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The terms "*and*" and "*or*" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
6. *Document* shall include 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, 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, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, 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 punch card, disc, disc pack, tape or the type of memory) including the following: (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, notation, annotation, or the like on it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

7. *Downstream entity* means companies, contractors, or subcontractors involved in the refining, sale, and distribution of end-use products derived from produced oil.
8. *LEL* means lower explosive limit.
9. *Midstream entity* means companies, contractors, or subcontractors involved in the gathering, transportation, and storage of produced oil prior to its refinement into marketable petroleum products for end users.
10. *Near miss* is an unplanned event that did not result in injury, illness, or damage—but had the potential to do so.
11. *Oil* means hydrocarbon liquids.
12. *Oil and natural gas production facility* means all of the air pollution emitting units and activities located on or integrally connected to one or more oil and natural gas wells that are used for production and storage operations.
13. *Oil and natural gas well* means a means a single well that extracts subsurface reservoir fluids containing a mixture of Oil, natural gas, and water.
14. *Owner or operator* means any person who owns, leases, operates, controls, or supervises an oil and natural gas production facility.
15. *Person* or its plural or any synonym thereof, is intended to and shall embrace and include any individual, partnership, corporation, company, association, government agency (whether federal, state, local or any agency of the government of a foreign country) or any other entity.
16. *Personal Protective Equipment* or *PPE* means equipment worn to minimize exposure to serious workplace injuries and illnesses. Such injuries or illnesses may result from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.
17. *Produced oil* means oil, or condensate, that is separated from extracted reservoir fluids during production operations.
18. *Produced oil storage tank* means a unit that is constructed primarily of non-earthen materials (such as steel, fiberglass, or plastic) which provides structural support and is designed to contain an accumulation of crude oil/produced oil and water.
19. *Produced Water* means water that is separated from extracted reservoir fluids during production operations.
20. *Storage Tank* means a unit that is constructed primarily of non-earthen materials (such as steel, fiberglass, or plastic) which provides structural support and is designed to contain an accumulation of crude oil/produced oil and water.
21. *Standard Operating Procedure* or *SOP* means any express method or series of protocols to be followed routinely for the performance of designated operations or in designated situations by

you or your subcontractors.

22. *Tank Battery* shall mean a device used to store oil or water, which is produced from a well. A tank battery may consist of a number of crude oil storage tanks to which produced oil and water is stored. A tank battery may consist of a single storage tank or group of storage tanks manifolded together and is controlled by a vapor capture system.
23. *Upstream entity* means companies, contractors, or subcontractors involved in the exploration for and recovery of produced oil.
24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act, in which case the statutory definitions shall apply.

ENCLOSURE 2

INFORMATION REQUESTED

In accordance with the authority outlined in the cover letter of this request, this information request pertains specifically to those oil and gas operations that you own or operate within North Dakota. Information requested below must be provided to the EPA within 30 days from the date of this request.

1. The EPA is aware of a release of hydrocarbon gases on January 7, 2012, from a storage tank (or multiple storage tanks) owned by Marathon, at the tank battery producing from the well sites identified as Buffalo 34-12H (NDIC number 3302501177) and Elk Creek 33-12H (NDIC number 3302501178) located Northwest of Killdeer, ND. This is the same date and reported location where Dustin Bergsing, a flow tester, was found deceased. Please confirm that the preceding date and location is accurate and provide the latitudinal and longitudinal coordinates of the location.
2. At the location described in Request 1, above, provide the number of storage tanks located at that tank battery, the contents of each of the storage tanks on January 7, 2012 (i.e. produced water or oil). Additionally, provide the following:
 - a. The specific storage tank(s) identification number(s) and specify which of the storage tanks was affiliated with the fatality; and
 - b. The approximate volume of the contents of the specific storage tank on January 7, 2012. Also provide the storage capacity of the storage tank.
3. Provide all documents, such as sales agreements or other contracts with midstream or downstream entities, which describe when, why, and how any midstream or downstream entities, their contractors, or their subcontractors are allowed to access any of your storage tanks identified in your Response to Request 2, above, from September 2011 until the date of your response. In addition, identify the midstream or downstream entity(ies), contractor(s), or subcontractor(s), and Marathon employees that were onsite on January 7, 2012.
4. For the storage tanks identified in your Response to Request 2, above, and from the date of December 1, 2011, through the date of your response, provide all logs or other documentation reflecting when the storage tanks were accessed by you, your employees, your contractors, or your subcontractors, and the reason for that access (e.g., gauging, flow testing, offloading, or maintaining the tanks).
5. Provide all industry standards that apply to operating and maintaining the storage tanks identified in your Response to Request 2, above. In addition, provide the following:
 - a. All Standard Operating Procedure (SOP) documents and all supporting documentation of the existence of a SOP or any written requirements of those who are employed or contracted by Marathon to access its storage tanks (e.g. company policies, procedures, manuals, reports, memoranda, emails, and/or any

other written documentation) beginning on December 1, 2011, through the date of your response; and

- b. Any and all SOPs or written documentation that are referenced, used, read, or followed by any person accessing your storage tanks for the purposes of:
 - i. Measuring or gauging the volume of produced oil in those tanks, by, for example, employing the tank gauging technique described in American Petroleum Institute's Manual of Petroleum Measurement Standards;
 - ii. Collecting produced oil from those tanks for transport; and/or
 - iii. Evaluating the physical condition of those tanks or maintaining the storage tanks in good working order.
6. Describe in detail—and provide any documents pertaining to—any gas detection or monitoring devices used by you, your contractors, or your subcontractors, to determine the working conditions present when accessing a storage tank. In particular, describe:
- a. The date on which requirements for gas detection or monitoring devices were first required, if ever;
 - b. Each type of gas monitor(s) used and identify the manufacturer, make, and model of the gas monitor(s);
 - c. If and under what circumstances an individual accessing one of your storage tanks is directed to wear a gas monitor;
 - d. If and when an individual accessing one of your storage tanks is directed to wear a gas monitor;
 - e. How often the monitors must be calibrated to ensure accuracy;
 - f. The dates of each calibration;
 - g. The data recorded by the monitor when it is in operation (e.g., location, % LEL, time, duration of exposure, etc.); and
 - h. When, where, and how often data measured or recorded by the gas monitors are downloaded or otherwise transferred to a computer for storage, review, or analysis.
7. Identify any computer software used by Marathon to store, review, or analyze information retrieved from gas monitors used by any person accessing your storage tanks as identified and discussed in your response to Request 6, above, from the time period of December 1, 2013, through the date of your response. In addition, describe, and provide

documentation of:

- a. How and the frequency that data is retrieved from any gas monitors;
 - b. Your data retention practices for such data; and
 - c. Any data review or analysis practices you use to assess the data for any reason, including, but not limited to, contract compliance monitoring, employee performance rewards, or equipment monitoring or malfunction detection.
8. Provide all gas monitoring data retrieved from the gas monitors discussed in your Response to Request 6, above, for the period of December 1, 2011, through the date of your Response, and provide the data in a format such that all information can be readily viewed in Microsoft Access. In particular, provide:
- a. The raw data, in its native electronic format, as it is retrieved from the gas monitoring equipment;
 - b. Any data summaries or database reports describing the data that you, your contractors, or your subcontractors developed in the ordinary course of your business for the same time period and the location of all gas monitors during the timeframe specified, above; and
 - c. Any additional information that may be necessary to meaningfully review the data, including, but not limited to, rosters that identify which employee, contractor, or subcontractor was using a given gas monitor at a given time.
9. Describe any safety-oriented training given to or required of any persons accessing Marathon's storage tanks for the purposes of gauging, flow testing, offloading, or maintaining those tanks.
- a. From December 1, 2011, through the date of your Response, provide the position(s) of the person(s) who instructs the training and his/her qualifications to do so; and
 - b. The dates and locations of each training.
10. For any training identified in your Response to Request 9, above, provide:
- a. Any documents describing the training's purpose and content including, but not limited to, training manuals or curricula; and
 - b. Any training logs or other documents recording attendance or completion of the identified trainings for any employees, contractors, or subcontractors for the period of December 1, 2011, through the date of your response.
11. In addition to the gas monitoring devices discussed in Request 6, above, describe any other Personal Protective Equipment (PPE) required to be used by persons when accessing your storage tanks. Additionally, describe any other PPE that may not be

required but is used by persons when accessing Marathon storage tanks. In particular identify:

- a. Types of respirators and records of fit testing for respirator use;
 - b. Types of gas masks that individuals may be wearing;
 - c. If and under what circumstances an individual accessing one of your tanks is directed to wear a respirator or gas mask; and
 - d. Whether you or another entity provides the respirator or gas mask, as well as the fit testing.
12. Produce any documents setting forth the technical specifications of, industry standards, or standard operating procedures for using all PPE identified in Request 11, above.
 13. Produce any hazard assessment documentation or industrial hygiene analyses pertaining to storage tanks identified in your response to Request 2, above.
 14. For the time period of September 1, 2011, through the date of your response, produce any near-miss reports, incident reports, root cause analysis, substantial equipment damage, or other documentation regarding injuries, deaths, illnesses, or accidents involving your employees, contractors, or subcontractors while gauging, flow testing, unloading, maintaining, or otherwise accessing your storage tanks. For each incident identified, provide the date, time, and location of the incident.
 15. Provide any documentation of standard practices that Marathon utilized in the past 5 years for the design and operation of Marathon's reduced emission completion facilities in North Dakota. In addition, provide the following:
 - a. The Process and Instrumentation Design (P&ID) for standard equipment at the production facility;
 - b. The Process and Instrumentation Design (P&ID) used in practice for each facility constructed in the past 5 years;
 - c. If and when Marathon deviates from the P&ID submit what those deviations are and the reason(s) for the deviations;
 - d. A schematic of any deviations from the P&ID; and
 - e. Following the reduced emission completion, describe what equipment is removed from the facility.
 16. For the time period of September 1, 2011, through the date of your response, provide whether the tanks identified in your Response to Request 2 had a documented venting event either observed/documented by a state inspector, EPA inspector, or any contractor, subcontractor, or employee of Marathon. For each venting event identified, provide the following:
 - a. The date on which it occurred;
 - b. Identification of the individual who observed the venting event;
 - c. The component on the tank that was venting; and

- d. If the venting component was fixed, replaced, or otherwise addressed and the date on which that occurred.
17. Identify and provide documentation of any industry practice/SOPs that Dustin Bergsing was required to follow, particularly on January 7, 2012. In addition, provide all of the following responsive data from September 1, 2011, until January 7, 2012:
 - a. Data from all gas monitors worn by Dustin Bergsing;
 - b. The date(s) of calibration for any gas monitors Dustin Bergsing wore;
 - c. The dates and description of any training provided to Dustin Bergsing and identify all persons who trained Dustin Bergsing and their qualifications/years of experience/certifications to train workers that access Marathon's storage tanks for the purposes of flow testing, gauging, and otherwise operating and maintaining the storage tanks; and
 - d. Provide the name(s) of the person(s) and the position(s) of the person(s) present at the Marathon storage tanks on January 7, 2012, where the incident occurred. If no other person was present, please state as such. Identify the first employees, contractors, or subcontractors of Marathon to arrive at the location on January 7, 2012, following the incident.
18. Provide a narrative of the events or circumstances that caused or substantially contributed to the fatality of Dustin Bergsing on January 7, 2012.

ENCLOSURE 3

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

(Signature)

(Printed Name)

(Title)

(Date)

ENCLOSURE 4

CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, subpart B. Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. If you fail to furnish a business confidentiality claim with your response to this information request, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business’s competitive position. *See* 40 C.F.R. § 2.208(a)-(e). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R.

§ 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. 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.
2. 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 have specified.
3. 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 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 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?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this information 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. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Lauren Hammond (8ENF-L)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-7081

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your answers or comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.