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Pensacola, Florida 32520

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**GULF  
POWER**

A SOUTHERN COMPANY

December 23, 1998

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0870

981973-EI

Dear Ms. Bayo:

RE: Petition of Gulf Power Company for Approval of New Environmental  
Program for Cost Recovery Through the Environmental Cost Recovery  
Clause

Enclosed are an original and fifteen copies of the Petition of Gulf Power Company  
for approval of cost recovery for new environmental program.

Also enclosed is a 3.5 inch double sided, high density diskette containing the  
Petition in WordPerfect for Windows 6.1 format as prepared on a Windows NT  
based computer.

Sincerely,



Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer

lw

Enclosure

cc: Beggs and Lane  
Jeffrey A. Stone, Esquire  
Florida Public Service Commission  
Jim Breman  
Leslie Paugh  
Katrina Tew

DOCUMENT NUMBER-DATE

14589 DEC 28 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of Gulf Power Company for )  
approval of new environmental program for ) Docket No.: \_\_\_\_\_  
cost recovery through the Environmental Cost ) Filed: December 28, 1998  
Recovery Clause. )  
\_\_\_\_\_ )

**PETITION OF GULF POWER COMPANY FOR APPROVAL  
OF COST RECOVERY FOR NEW ENVIRONMENTAL PROGRAM**

GULF POWER COMPANY ("Gulf Power", "Gulf", or "the Company"), by and through its undersigned counsel, and pursuant to Florida Public Service Commission Order Nos. PSC-94-0044-FOF-EI and PSC-94-1207-FOF-EI, hereby petitions this Commission for approval of the Company's Mercury Emissions Information Collection Effort as a new program for cost recovery through the Environmental Cost Recovery Clause. As grounds for the relief requested by this petition, the Company would respectfully show:

(1) Gulf is a corporation with its headquarters located at 500 Bayfront Parkway, Pensacola, Florida 32501. The Company is an investor-owned electric utility operating under the jurisdiction of this Commission. Notices and communications with respect to this petition and docket should be addressed to:

Jeffrey A. Stone  
Russell A. Badders  
Beggs & Lane  
P. O. Box 12950  
Pensacola, FL 32576-2950

Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

(2) Gulf seeks approval of the Mercury Emissions Information Collection Effort (hereafter the "Mercury Emissions program") as an environmental compliance program/activity appropriate for recovery through the Environmental Cost Recovery Clause ("ECRC"). This new

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FPSC-RECORDS/REPORTING

program is appropriate for ECRC recovery based on the provisions of Section 366.8255 of the Florida Statutes and the prior orders of the Commission implementing that statute.

(3) Implementation of the Mercury Emissions program is necessary for Gulf to ensure compliance with new environmental requirements mandated by the United States Environmental Protection Agency (EPA). In a letter dated November 25, 1998, Gulf Power was notified by the EPA that, pursuant to section 114 of the Clean Air Act, as amended, the Company is required to collect and analyze certain information pertaining to mercury emissions during the period January 1, 1999 through December 31, 1999. Gulf must periodically report its findings to the EPA. The EPA asserts that section 114 of the Clean Air Act, as amended, grants to the EPA the authority to request the collection of information necessary for it to study whether it is appropriate and necessary to regulate electric utility steam generating units. The Mercury Emissions program is Gulf's implementation of the EPA's mandate as it was expressed in the letter dated November 25, 1998. The EPA's November 25, 1998 letter ("EPA letter") is attached hereto as Exhibit "A".

(4) The EPA's Mercury Emissions Information Collection Effort requires Gulf to periodically sample and analyze coal shipments for mercury and chlorine content. The sampling interval is specified in the EPA letter, on pages 7 and 8 of Enclosure 1 thereto. The additional mercury and chlorine content analysis will be performed by the same laboratory Gulf uses to perform governing analysis on coal shipment samples. This is a cost-effective means of sampling and analyzing the samples used for determining mercury and chlorine content.

(5) Gulf will incur costs related to the collection and analysis of the coal shipments in addition to administrative costs for the implementation of the Mercury Emission program. This

is a new program initiated after the Company's last test year upon which its current base rates were established. As a result, the costs for the Mercury Emissions program will be incurred after the Company's last test year upon which rates are based.

(6) The Mercury Emissions program is an Operating and Maintenance ("O&M") activity. The O&M expenses associated with the Mercury Emissions program are projected to be approximately \$60,000 for calendar year 1999. These expenses are not recovered through any other cost recovery mechanism or through base rates.

(7) Gulf is not requesting a change in the ECRC factors that have been approved for calendar year 1999. Moreover, the projected program expenses are not expected to result in the need for a mid-course correction of the ECRC factors during 1999. The actual program expenditures will be addressed in an up-coming true-up cycle and will be subject to audit.

WHEREFORE, Gulf Power Company respectfully requests the Commission to approve the Mercury Emissions program and the costs associated therewith for recovery through the Environmental Cost Recovery Clause consistent with this petition.

Respectfully submitted the 23<sup>rd</sup> day of December, 1998.

  
\_\_\_\_\_  
**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 7455  
**Beggs & Lane**  
P. O. Box 12950  
Pensacola, Florida 32576-2950  
(850) 432-2451  
**Attorneys for Gulf Power Company**

Exhibit "A"

Letter dated November 25, 1998  
from United States Environmental Protection Agency  
to Gulf Power Company  
(with 6 attached enclosures)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH TRIANGLE PARK, NC 27711

*Received  
12/7/98  
EPA*

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

November 25, 1998

Gulf Power Company  
P.O. Box 1151  
Pensacola, FL 32520-0328  
ATTN: James O. Vick, Supervisor, Environmental Affairs, or Chief Environmental Coordinator

Dear Sir:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA) is using its authority under section 114 of the Clean Air Act, as amended, (the Act) to require that all coal-fired electric utility steam generating units provide certain information that will allow the Agency to calculate the annual mercury emissions from each such unit. This information will assist the Administrator of the EPA in determining whether it is appropriate and necessary to regulate emissions of hazardous air pollutants (HAPs) from electric utility steam generating units. These data in some form will ultimately be made available to the public.

Section 112(n)(1)(A) of the Act requires the Administrator of the EPA to perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions by electric utility steam generating units of HAPs and to prepare a Report to Congress containing the results of the study. The study has been completed and the Final Report to Congress was issued on February 24, 1998.

In the Final Report to Congress, the EPA stated that mercury is the HAP emission of greatest potential concern from coal-fired utilities and that additional research and monitoring are merited. The EPA also listed a number of research needs related to these mercury emissions. These include obtaining additional data on mercury emissions (e.g., how much is emitted from various types of units; how much is divalent vs. elemental mercury; and how do factors such as control device, fuel type, and plant configuration affect emissions and speciation).

Section 112(n)(1)(A) of the Act also requires the Administrator to regulate electric utility steam generating units under section 112 if the Administrator finds that such regulation is appropriate and necessary after "considering the results of the study" noted above. At the time the report was issued, the Agency deferred making any determination as to whether regulation of electric utility steam generating units for HAP emissions is appropriate and necessary. The

Administrator interprets the quoted language as indicating that the results of the study are to play a principle, but not exclusive, role in informing the Administrator's decision as to whether it is appropriate and necessary to regulate electric utility steam generating units under section 112. The Administrator believes that in addition to considering the results of the study, she may consider any other available information in making her decision. The Administrator also believes that she is authorized to collect and evaluate any additional information which may be necessary to inform this decision, as well as possible subsequent decisions, regarding mercury emissions from electric utility steam generating units.

After carefully considering the Final Report, the Administrator has concluded that obtaining additional information from owner/operators of coal-fired electric utility steam generating units is appropriate. The data collected under this effort, along with other information, will be used by the Agency in evaluating whether or not regulation of electric utility steam generating units is appropriate and necessary and in potential subsequent regulatory decisions. Section 112(a)(8) of the Act defines "electric utility steam generating unit" as follows:

The term "electric utility steam generating unit" means any fossil fuel fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale shall be considered an electric utility steam generating unit.

Specifically, the data will respond in part to the research need noted above, providing the Agency with updated information on the total amount of mercury emitted from electric utility steam generating units and on the speciation and controllability of such mercury. The data will be added to the existing database and will be used to further evaluate the emission of mercury by electric utility steam generating units.

This letter is to request from Gulf Power Company information about all of your coal-fired electric utility steam generating unit(s). The information requested is itemized in enclosure 1 to this letter. You are required to complete and return Part I of the enclosure by January 4, 1999. This information will allow the Agency to confirm the unit-specific data requested and to allow for selection of units to perform speciated mercury emissions testing. All recipients that are owner/operator(s) of units meeting the section 112(a)(8) definition of an electric utility steam generating unit and who utilize coal as a fuel are required to initiate the coal mercury analyses program outlined in Part II of the enclosure on January 1, 1999 and to continue such analyses until December 31, 1999. Owner/operators of units selected to perform speciated mercury emissions testing will be notified at a later date. We are sensitive to the amount of labor required to respond to this request and have tried to limit it to features important to regulatory development and to minimize demands on your time. Enclosure 2 gives additional information and instructions for compiling and providing the information requested.

The authority for the EPA's information gathering is included in section 114 of the Act (42 U.S.C. 7414). Enclosure 3 contains a summary of this authority. The EPA is requiring this information under an information collection request (ICR) approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB Control No. is 2060-0396.

The EPA does not believe that any of the information subject to this request is confidential; however, if you believe that disclosure of specific pieces of information you submit would reveal a trade secret, you should clearly identify such pieces of information. Please do not label an entire response "confidential" if only certain portions consist of material which you claim to be trade secret information. Refer to enclosure 3 for the information the EPA may require, at a later time, to support your confidentiality claims. Any information determined to constitute a trade secret will be protected under 18 U.S.C. 1905. If no claim of confidentiality accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice (40 CFR part 2.203, September 1, 1976). Section 114(c) of the Act exempts emission data from claims of confidentiality. The emission data you provide may be made available to the public. A clarification of what the EPA considers to be emissions data is contained in enclosure 4. You should not mark the emissions section as confidential business information.

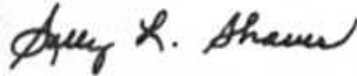
The EPA has contracted Research Triangle Institute (RTI) (Contract No. 68-D6-0014) to obtain information pertinent to the industry. Thus, as noted in enclosure 5, RTI has been designated by the EPA as an authorized representative of the Agency. Therefore, RTI has the rights discussed above and in enclosure 3. Accordingly, RTI will have access to information provided to the EPA in response to this request. As a designated representative of the Agency, RTI is subject to the provisions of 42 U.S.C. 7414(c) respecting confidentiality of methods or processes entitled to protection as trade secrets.

Enclosure 6 summarizes Agency and Emission Standards Division policies and procedures for handling privileged information and describes the EPA's contractor commitments and procedures for use of confidential materials. It is the EPA's policy that compliance by an authorized representative with the requirements detailed in enclosure 6 provides sufficient protection for the rights of submitters of privileged information.



If you have any questions regarding this request, or are unable to provide responses to the information requested under Part I of enclosure 1 by January 4, 1999, please contact Mr. William Maxwell of the EPA at (919) 541-5430.

Sincerely,



Sally L. Shaver  
Director  
Emission Standards Division

6 Enclosures

cc: Howard Rhodes, Division Director, Florida Department of Environmental Protection - Air Resources Management  
Winston A. Smith, Region IV, Director, Air, Pesticides & Toxics Mgmt. Division

**ELECTRIC UTILITY STEAM GENERATING UNIT  
MERCURY EMISSIONS INFORMATION COLLECTION EFFORT**

**BURDEN STATEMENT**

Preliminary estimates of the public burden associated with this information collection effort indicate a total of 186,127 hours and \$16,806,796. This is the estimated burden for 1,100 facilities to provide information on their boilers, 766 facilities to provide coal analyses, and 102 units to provide speciated mercury emission data.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that is sent to ten or more persons unless it displays a currently valid OMB control number.

**GENERAL INSTRUCTIONS**

Please provide the information requested in the following forms. If you are unable to respond to an item as it is stated, please provide any information you believe may be related. Use additional copies of the request forms for your response.

If you believe the disclosure of the information requested would compromise a trade secret, clearly identify such information as discussed in the cover letter. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. 1905. If

no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice (40 CFR 2.203, September 1, 1976). Because section 114(c) of the Act exempts emission data from claims of confidentiality, the emission data you provide may be made available to the public. A definition of what the EPA considers emissions data is provided in 40 CFR 2.301(a)(2)(i).

The following section is to be completed by all facilities:

- **Part I - General Facility Information:** once for each facility. A copy of Part I should be completed and returned to the address noted below within 30 days of receipt.

The following section is to be completed by all facilities meeting the section 112(a)(8) definition of an electric utility steam generating unit:

- **Part II - Coal Analyses:** Item 3 of Part II is to be completed for every coal shipment received at each facility at which one or more coal-fired electric utility steam generating units are located. Item 4 of Part II is to be completed for every sample analyzed per the schedule described in Part II. A copy of each Part II compiled for a calendar quarter should be completed and returned to the address noted below within 45 days of the end of the previous calendar quarter.

The following section is to be completed by all facilities selected for speciated stack testing:

- **Part III - Speciated Mercury Emissions Data:** one emissions test (consisting of three runs at each sampling location). A copy of the emissions test report should be completed and returned to the address noted below within 60 days of completion of the test.

Detailed instructions for each part follow.

Questions regarding this information request should be directed to Mr. Bill Maxwell at (919) 541-5430 or Mr. Bill Grimley at (919) 541-1065.

Return this information request and any additional information to:

Emissions Standards Division (MD-13)  
U.S. Environmental Protection Agency  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

Attention: Sally L. Shaver, Director

**PART I: GENERAL FACILITY INFORMATION**

**NOTE:** If any type of coal is fired, complete Part I and continue to Part II. If NO coal is fired, complete only Part I and return to the address noted earlier.

1. Name of legal owner of facility: \_\_\_\_\_  
\_\_\_\_\_

2. Name of legal operator of facility, if different from legal  
owner: \_\_\_\_\_  
\_\_\_\_\_

3. Address of \_\_\_\_ legal owner or \_\_\_\_ operator: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4a. Plant name (as reported on Form EIA-767, "Steam-Electric Plant Operation and Design  
Report," page 1, question 3) OR Facility name (as reported on Form EIA-867, "Annual  
Nonutility Power Producer Report," page 1, question 2): \_\_\_\_\_  
\_\_\_\_\_

4b. Plant code (as reported on Form EIA-767, page 1, question 4) OR Facility code (as  
reported on Form EIA-867, page 1, question 1): \_\_\_\_\_

5. Complete street address of facility (physical  
location): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Provide mailing address if different: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Name and title of contact(s) able to answer technical questions about the completed survey: \_\_\_\_\_
- 
8. Contact(s) telephone number(s): \_\_\_\_\_  
 and e-mail address(es): \_\_\_\_\_
9. What fuels are fired in any steam generating unit at this facility  
 \_\_\_ coal \_\_\_ oil \_\_\_ natural gas \_\_\_ other (specify \_\_\_\_\_)
10. If coal is fired, indicate which type of coal is utilized:  
 \_\_\_ lignite \_\_\_ subbituminous (including waste coal)  
 \_\_\_ bituminous (including waste coal or gob) \_\_\_ anthracite (including waste coal or culm)
11. Identification (or designation), nameplate capacity (megawatts electric output; MWe), and MWe sold to any utility power distribution system for all coal-fired steam generating units (boilers) (as defined by section 112(a)(8) of the Clean Air Act) located at this facility.

Boiler ID <sup>1</sup>	MWe capacity	MWe sold	Boiler ID	MWe capacity	MWe sold

<sup>1</sup> Boiler ID (as reported on Form EIA-767, "Steam-Electric Plant Operation and Design Report," page 5, question 1) OR Generator ID (as reported on Form EIA-867, "Annual Nonutility Power Producer Report," page 7, question 1).



## PART II: COAL ANALYSIS

Each facility should report the amount of coal received on a per shipment basis for the calendar year. In addition, for every sixth shipment the mercury and chlorine content of the coal, and any other available analyzed information as specified, should be reported. However, each facility is required to obtain a minimum of three analyses per month for mercury and chlorine in order to maintain good statistical practices. There are two exceptions where "shipments" will not apply in maintaining these three analyses per month. If a facility such as a mine-mouth operation does not receive "shipments" of coal, analyses of the coal supply should be made approximately every ten days in order to meet the required three analyses per month. A facility that receives less than 18 shipments of coal in any given month should report the analyzed information for 3 shipments received that are spaced approximately equally across the month.

At the end of the first quarter (i.e., three months), an evaluation is required to determine whether or not a 90 percent confidence interval about the mean amount of mercury content from the coal is within  $\pm 10$  percent. The calculation is as follows:

$$P\left[\bar{X} - t_{.05}\left(\frac{s}{\sqrt{n}}\right) < \mu < \bar{X} + t_{.05}\left(\frac{s}{\sqrt{n}}\right)\right] = .90$$

$$LCL_{.05} = \bar{X} - t_{.05}\left(\frac{s}{\sqrt{n}}\right)$$

$$UCL_{.05} = \bar{X} + t_{.05}\left(\frac{s}{\sqrt{n}}\right)$$

$$\text{Target: } LCL_{.05} \geq .9\bar{X} \text{ with } UCL_{.05} \leq .1\bar{X}$$



If the evaluation meets this target, continue analysis for every sixth shipment with a minimum of three reports per month. If the evaluation is outside the target, start reporting every third shipment, while maintaining a minimum of three analyses per month.

This evaluation should be repeated every quarter (i.e., every three months) for the duration of one year. The following table indicates how to proceed based on the potential outcomes of the quarterly evaluations.

IF	THEN
Two quarterly evaluations back-to-back (i.e., total over a 6-month period) meet target...	...analyses may be relaxed to every twelfth shipment.
The evaluation results fail to meet the target in any quarter...	...analyses must increase to every shipment, if current analyses are being made for every third shipment; ... OR
	...to every third shipment, if current analyses are being made for every sixth shipment; ... OR
	...to every sixth shipment, if current analyses are being made for every twelfth shipment.
Analyses for every shipment or every third shipment and a quarterly evaluation meets the target...	...analyses may be relaxed back to every third shipment, if analyzing every shipment, ... OR
	...analyses may be relaxed back to every sixth shipment, if analyzing every third shipment.

There should never be fewer than three reports per month (i.e., minimum total reports for the year should be 36) for each facility nor should a facility ever sample less frequently than every twelfth shipment. Sufficient data were unavailable to determine whether or not a  $\pm 10$  percent of a 90 percent confidence interval about the mean amount of mercury contained within the coal was attainable. If data become available before reporting begins on January 1, 1999 that indicates this percentage should be higher or lower, proper adjustments will be made.

If the evaluation meets this target, continue analysis for every sixth shipment with a minimum of three reports per month. If the evaluation is outside the target, start reporting every third shipment, while maintaining a minimum of three analyses per month.

This evaluation should be repeated every quarter (i.e., every three months) for the duration of one year. The following table indicates how to proceed based on the potential outcomes of the quarterly evaluations.

IF	THEN
Two quarterly evaluations back-to-back (i.e., total over a 6-month period) meet target...	...analyses may be relaxed to every twelfth shipment.
The evaluation results fail to meet the target in any quarter...	...analyses must increase to every shipment, if current analyses are being made for every third shipment; ... OR
	...to every third shipment, if current analyses are being made for every sixth shipment; ... OR
	...to every sixth shipment, if current analyses are being made for every twelfth shipment.
Analyses for every shipment or every third shipment and a quarterly evaluation meets the target...	...analyses may be relaxed back to every third shipment, if analyzing every shipment, ... OR
	...analyses may be relaxed back to every sixth shipment, if analyzing every third shipment.

There should never be fewer than three reports per month (i.e., minimum total reports for the year should be 36) for each facility nor should a facility ever sample less frequently than every twelfth shipment. Sufficient data were unavailable to determine whether or not a  $\pm 10$  percent of a 90 percent confidence interval about the mean amount of mercury contained within the coal was attainable. If data become available before reporting begins on January 1, 1999 that indicates this percentage should be higher or lower, proper adjustments will be made.

1a. Plant or facility name from Part I, question

4a: \_\_\_\_\_

1b. Plant or facility code from Part I, question 4b: \_\_\_\_\_

2. Period covered by this report: \_\_\_\_\_

3. For each individual coal shipment received, provide the following information:

Date shipment received	Amount received, dry basis, tons	ID # of boiler(s) firing coal <sup>7</sup>	Coal source			Contract verification sample ID #	Coal shipment method
			State	County	Seam <sup>8</sup>		

6

<sup>7</sup> Boiler ID (as reported on Form EIA-767, "Steam-Electric Plant Operation and Design Report," page 5, question 1) OR Generator ID (as reported on Form EIA-867, "Annual Nonutility Power Producer Report," page 7, question 1).  
<sup>8</sup> If known.

1a. Plant or facility name from Part I, question

4a: \_\_\_\_\_

1b. Plant or facility code from Part I, question 4b: \_\_\_\_\_

2. Period covered by this report: \_\_\_\_\_

3. For each individual coal shipment received, provide the following information:

Date shipment received	Amount received, dry basis, tons	ID # of boiler(s) firing coal <sup>7</sup>	Coal source			Contract verification sample ID #	Coal shipment method
			State	County	Seam <sup>8</sup>		

10

<sup>7</sup> Boiler ID (as reported on Form EIA-767, "Steam-Electric Plant Operation and Design Report," page 5, question 1) OR Generator ID (as reported on Form EIA-867, "Annual Nonutility Power Producer Report," page 7, question 1).  
<sup>8</sup> If known.



5. Analyses provided in Part II, question 4 supplied by  
— Coal supplier (name and address) \_\_\_\_\_  
\_\_\_\_\_  
— Other ( name and address) \_\_\_\_\_  
\_\_\_\_\_
6. Name and address of laboratory performing analyses:  
\_\_\_\_\_  
\_\_\_\_\_
7. Specific method(s) used to obtain  
samples: \_\_\_\_\_
8. Specific method(s) used to prepare samples for analysis for mercury:  
\_\_\_\_\_  
\_\_\_\_\_
9. Specific method(s) used to analyze samples for mercury: \_\_\_\_\_  
\_\_\_\_\_
10. Evidence of accuracy and precision of analysis for mercury (e.g., results of concurrent analyses of NIST SRMs): \_\_\_\_\_
11. In addition to the analyses required in question 4 above, please provide copies of any analyses for (a) complete proximate and ultimate analyses, (b) additional trace metals, and (c) the mineralogy of the ash that are readily available for the coal(s) listed in Part II, question 3 above. The Agency is requesting these data only as they may already be available; no additional sampling or analyses are required to provide these data.

### PART III: SPECIATED MERCURY EMISSIONS TESTING DATA

For statistically selected sources from the category, testing is to be performed on a one-time basis at the inlet and outlet of the SO<sub>2</sub> control device or, for the category of "no SO<sub>2</sub> control," at the inlet and outlet of the particulate control device.

Prior to the test, a site-specific test plan is to be submitted by the owner/operator to the EPA for review and approval. In addition, any revisions suggested by the owner/operator and any plant-specific material that should be added to the generic Quality Assurance Project Plan (QAPP) provided by the EPA with the section 114 letter should be submitted for approval with the site-specific test plan. The EPA will provide the results of its review of the site-specific test plan, and any QAPP modifications suggested, to the facility within 30 days of receipt. The test plan is to be prepared according to the document entitled "Preparation and Review of Site Specific Test Plans," which can be electronically obtained from the Internet at

"<http://www.epa.gov/ttn/emc/guidInd.html>".

Use the test method entitled "Standard Test Method for Elemental, Oxidized, Particle-Bound, and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method)," which can be electronically obtained from the Internet at

"<http://www.epa.gov/ttn/emc/prelim.html>".

Each test is to consist of three separate runs at each sampling location with inlet and outlet runs being run concurrently. Concurrent coal sampling and analysis of the coal fired during each of the three separate runs is to be done by taking three coal samples at intervals throughout each testing period, and the results are to be reported along with the emission results. Following the testing, submit the test report prepared according to the document entitled "Preparation and Review of Emission Test Reports," which can be electronically obtained from the Internet at

+ "<http://www.epa.gov/ttn/emc/guidInd.html>".

## ENCLOSURE 2

### **Electric Utility Steam Generating Unit Mercury Emissions Information Collection Effort Web Site**

In order to minimize the effort involved with submitting the required information, a Web site is available to facilitate communication and assist with transfer of the data. The use of the Web site will also reduce the number of errors that would occur if entering the information from paper. The Web site address is:

**<http://utility.rti.org>**

To keep the mercury emissions data on this site secure, the site will be password protected, and access will be limited to designated representative(s) from each company. The individuals named as contacts under Part I, question 7, will be the designated representatives, unless specified otherwise by a company. These individuals will each be assigned a unique username and password after the information in Part I is received. The site will employ the Secure Sockets Layer (SSL) technology to encrypt all transmissions. This is the same technology used by commercial Web sites to process credit card information. Each company will only have access to their own coal analysis data. No public reporting of the data will be made directly from this site. The site will be as user friendly as possible. The following telephone number is available to provide assistance in data entry and answer questions about the site: 1-800-262-3011.

Part I of the questionnaire may be completed either on paper (use the form enclosed with the letter), or electronically. An electronic version of the form is available for download at the Web site in both Excel and Lotus formats. Paper forms should be mailed or faxed to Sally L. Shaver (Fax No. 919-541-0072). Electronic forms should be emailed to [partone@utility.rti.org](mailto:partone@utility.rti.org) or uploaded at the site. Instructions for uploading the forms are available on the site. The site will not be secure or password protected during the time Part I information is being received.

The coal analysis data required under Part II of the questionnaire will be submitted through the Web site. This part of the Web site is under construction and will be available by March 1, 1999. Information and instructions for the Web site data entry will be provided by late January 1999, and some testing of the site will be performed during February 1999. The site will be secure and password protected for the individuals named under Part I, question 7. It is important that these individuals' email addresses be included in the information provided with Part I, because information and instructions will be provided through email to simplify and speed up the process.

Part III of the questionnaire is only required from selected facilities. The submission of this portion will be by paper report. The Web site will not be used to submit the information required under this part of the questionnaire.



EPA's Information Gathering Authority  
Under Section 114 of the Clean Air Act

Under Section 114 of the Act (42 U.S.C. 7414), Congress has given the U.S. Environmental Protection Agency broad authority to secure information needed "for the purpose of (i) developing or assisting in the development of any implementation plan under Section 110 or 111(d), any standard of performance under Section 111, or any emission standard under Section 112, (ii) determining whether any person is in violation of any such standard of any requirement of such a plan, or (iii) carrying out any provision of this Act." Among other things, Section 114 authorizes EPA to make inspections, conduct tests, examine records, and require owners or operators of emission sources to submit information reasonably required for the purpose of developing such standards. In addition, the EPA Office of General Counsel has interpreted Section 114 to include authority to photograph or require submission of photographs of pertinent equipment, emissions, or both.

Under Section 114, EPA is empowered to obtain information described by that section even if you consider it to be confidential. You may, however, request that EPA treat such information as confidential. Information obtained under Section 114 and covered by such a request will ordinarily be released to the public only if EPA determines that the information is not entitled to confidential treatment.\* Procedures to be used for making confidentiality determinations, substantive criteria to be used in such determinations, and special rules governing information obtained under Section 114 are set forth in 40 CFR Part 2 published in the Federal Register on September 1, 1976 (40 FR 36902).

Pursuant to §2.204(a) of EPA's Freedom of Information Act (FOIA) regulation, in the event a request is received, or it is determined that a request is likely to be received, or EPA desires to determine whether business information in its possession is entitled to confidential treatment even though no request for release of the information has been received, please be advised that EPA will seek, at that time, the following information to support your claim as required by §2.204(e)(4) of EPA's FOIA regulations:

1. Measures taken by your company to guard against undesired disclosure of the information to others;
2. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
3. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determinations, or reference to it, if available; and
4. Whether your company asserts that disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

\*Section 114 requires public availability of all emission data and authorizes disclosure of confidential information in certain circumstances. See 40 FR 36902 - 36912 (September 1, 1976)

(AD-FRL-3006-1)

**Disclosure of Emission Data Claimed as Confidential Under Sections 110 and 114(c) of the Clean Air Act**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of policy on public release of certain emission data submitted under sections 110 and 114(c) of the Clean Air Act (CAA).

**SUMMARY:** Section 114(c) of the CAA excludes emission data from the general definition of trade secret information. Certain classes of data submitted to the EPA under sections 110 and 114(a) of the CAA are emission data, and, as such, cannot be withheld from disclosure as confidential pursuant to section 1005 of title 48 of the United States Code. This notice clarifies EPA's current policy, and solicits comment regarding that policy and categories of data which it considers excluded from a trade secret definition.

**DATES:** Written comments pertaining to this notice are requested by April 22, 1991.

**ADDRESSES:** Submit comments to: Nancy D. Riley, U.S. Environmental Protection Agency, Emission Standards Division, Pollutant Assessment Branch (MD-12), Research Triangle Park, NC 27711.

**FOR FURTHER INFORMATION CONTACT:** Timothy Mohin (telephone: (919) 541-5348 commercial/FTS 629-6346) or Karen Blanchard (telephone: (919) 541-5503 commercial/FTS 629-6503).  
**Pollutant Assessment Branch (MD-12), Emission Standards Division, or Thomas Rosenbahl (telephone: (919) 541-6404 commercial/FTS 629-6404), National Air Data Branch (MD-14), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.**

**SUPPLEMENTARY INFORMATION:** The EPA routinely uses the authority of sections 110 and 114(c) of the CAA to gather technical information from industries involved in operations that lead to emission of pollutants to the ambient air. This information has been used, among other things, to better characterize emitting facilities and to evaluate the need for and impacts of potential regulation.

Information requests under sections 110 and 114(c) of the CAA typically include questions on uncontrolled and

controlled emission rates and emission parameters of the pollutant or group of pollutants of concern. The respondents sometimes claim that its response constitutes trade secret information, and thus, should be treated as confidential. Claims of confidentiality may be made under section 114(c) of the CAA, which states: "... upon a showing satisfactory to the Administrator by any person that records, reports, or information, or a particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such . . . confidential in accordance with the purposes of section 1005 of title 48 of the United States Code . . ." If the Administrator so determines, the information is not discloseable to the public.

However, section 114(c) of the CAA provides that information claimed to be a trade secret but which constitutes emission data may not be withheld as confidential. Although typically the EPA evaluates whether information constitutes emission data on a case-by-case basis, it believes that some kinds of data will always constitute emission data within the meaning of section 114(c). The purpose of this notice is to describe, without attempting to be comprehensive, that information which the EPA generally considers to be emission data, and which cannot qualify as confidential under either section 114(c) or section 110 (as set forth in 40 CFR 61.321, 61.322 and 61.323) of the CAA. The EPA is issuing this notice to clarify its policy and procedures, to facilitate the use of these data in automated data systems and computer-based simulation models, and to expedite processing of claims for confidentiality or requests for disclosure.

The EPA presently determines that data submitted to it as confidential if it does not qualify as confidential if it meets the following definition under 40 CFR 2.501(a)(2)(1):

a. Definition. For the purpose of this section: (1) *Act* means the Clean Air Act, as amended, 43 U.S.C. 7401 et seq. (2)(i) *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 emission 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 or rate of operation of the source), or any combination of the foregoing;

(C) 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).

The table below lists the specific data fields which the EPA presently considers to constitute emission data and provides a brief description of what each data field describes. The descriptions are intended to provide general information. This list is not exhaustive and, therefore, other data might be found, in a proper case, to constitute emission data.

#### Emission Data Fields

**Facility Identification:** The following data fields are needed to establish the identity and location of emission sources; this shall also include a description or an identifier of the device, installation, or operation constituting the source. These data are used to locate sources for dispersion evaluation and exposure modeling.

Plant Name and related point identifiers  
 Address  
 City  
 County  
 AQCR (Air Quality Control Region)  
 MSA, PMSA, DMA (Metropolitan Statistical Area)  
 State

Site  
 Zip Code  
 Ownership and point of contact information  
 Locational Identifiers  
 Latitude & Longitude, or UTM Grid

Coordinates  
 SIC (Standard Industrial Classification) emission point, device or operation description, information  
 SOC (Source Classification Codes)

Emission Parameters: The following data fields are needed to establish the characteristics of the emissions. This information is needed for the analyses of dispersion and potential control equipment.

Emission Type  
 (e.g., nature of emissions such as CO<sub>2</sub>, particulate or a specific toxic compound, and origin of emissions such as process vents, storage tanks or equipment leaks)  
 Emission rate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH TRIANGLE PARK, NC 27711

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

**DESIGNATION OF AUTHORIZED REPRESENTATIVE  
FOR STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES  
(SECTION 111) AND SOLID WASTE COMBUSTION (SECTION 129),  
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS  
(SECTION 112), AND FEDERAL OZONE MEASURES (SECTION 183)**

Under contract 68D60014, Research Triangle Institute (prime contractor) and Resolve Incorporated, The Kevric Company Incorporated, and SKT Consulting (subcontractors) are hereby designated Authorized Representatives of the Administrator of the United States Environmental Protection Agency for the purpose of assisting in the development of national emission standards for hazardous air pollutants under 42 U.S.C. 7412, standards of performance for new stationary sources under 42 U.S.C. 7411, solid waste combustion under 42 U.S.C. 7429, and Federal ozone measures under 42 U.S.C. 7511 (b).

This designation is made pursuant to the Clean Air Act, 42 U.S.C. 7414. The United States Code provides that, upon presentation of this credential, the Authorized Representative named herein: (1) shall have a right of entry to, upon, or through any premises in which an emission source is located or in which records required to be maintained under 42 U.S.C. 7414 (a) (1), are located, and (2) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under 42 U.S.C. 7414 (a) (1), and sample any emissions that the owner or operator of such source is required to sample.

Authorized Representatives of the Administrator are subject to the provisions of 42 U.S.C. 7414 (c) respecting confidentiality of methods or processes entitled to protection as trade secrets, as implemented by 40 CFR 2.301 (h) (41 FR 36912, September 1, 1976).

Date: **MAR 20 1998**

Designation Expires: September 30, 2001

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

John S. Seitz  
Director  
Office of Air Quality Planning  
and Standards



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

December 1995

**Summary of OAQPS**  
**Procedures for Safeguarding Clean Air Act (CAA)**  
**Confidential Business Information (CBI)**

1. **Purpose**

This memorandum describes Agency policy and procedures pertaining to the handling and safeguarding of information that may be entitled to confidential treatment for reasons of business confidentiality by the OAQPS, Office of Air and Radiation, U.S. Environmental Protection Agency.

2. **Other Applicable Documents:**

- a. Clean Air Act as amended.
- b. 40 CFR, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information.
- c. EPA Security Manual, Part II, Chapters 8 and 9.
- d. Clean Air Act Confidential Business Information Security Manual (June 1995 edition).

3. **Exception:**

This document was prepared as a summary of data gathering and handling procedures used by the OAQPS, EPA. Nothing in this document shall be construed as superseding or being in conflict with any applicable regulations, statutes, or policies to which EPA is subject.

4. **Definition:**

**Confidential Business Information** - Information claimed by the provider to be confidential. This information may be identified with such titles as trade secret, secret, administrative secret, company secret, secret proprietary, privileged, administrative confidential, company confidential, confidential proprietary, or proprietary. **NOTE:** These markings should not be confused with the classification markings of National Security information identified in Executive Order 11652.

5. Background

Section 114 (c) of the Clean Air Act as amended reads as follows:

"Any records, reports, or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such records, report, or information or particular portion thereof confidential in accordance with the purposes of Section 1905 of Title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act."

The treatment of CBI by the U.S. EPA, including data obtained under Section 114 of the Clean Air Act, is governed by Title 40, Part 2, of the Code of Federal Regulations. These regulations require EPA offices to include a notice with each request for information to inform the business of: (1) its right to assert a claim of confidentiality covering part or all of the information, (2) the method for asserting a claim, and (3) the effect of failure to assert a claim at time of submission. In addition, the regulations: (1) set forth procedures for the safeguarding of confidential information; (2) contain provisions for providing confidential information to authorize representatives; (3) contain provisions for the release of information to the Congress, Comptroller General, other Federal agencies, State and local government and Courts; (4) permit the disclosure of information within EPA to employees with an official need for the information; and (5) prohibit wrongful use of such information and cite penalties for wrongful disclosure. Further, the regulations contain the Agency's basic rule concerning the treatment of requests for information under the Freedom of Information Act (5 U.S.C. 552).

6. Procedures:

a. Request for Information

Each request for information made under the provisions of Section 114(a) is signed by the Division Director. The request includes standard enclosure "EPA's Information Gathering Authority Under Section 114 of the Clean Air Act," which was designed to meet the requirement of 40 CFR Part 2 discussed above.

b. Receipt of CAA Confidential Business Information

Upon receipt of information for which confidential treatment has been requested, the Office of the Director (OD) directs the logging of the material and the establishment of a

permanent file. If confidential treatment is requested, but is not specifically marked, the material will be stamped "Subject to Confidentiality Claim." If part of the material is claimed to be confidential, that portion is marked "Subject to Confidentiality Claim." In compliance with Sections 2.204 and 2.208 of 40 CFR Part 2, the Group Leader responsible for the requested information reviews the information to determine whether it is likely to be confidential in contrast to being available in the open literature, whether it is emission data, and whether it likely provides its holder with a competitive advantage. If the information is clearly not confidential, the Group Leader prepares a letter for signature of the Division Director, ESD, to notify the business of this finding. If the information is possibly confidential, the Group Leader sends a memorandum to inform the OD, ESD, of this finding, gives a brief description of the material (what it is, how many pages, etc.), identifies it with the correct ESD project number, and lists those persons who are authorized to have access to the information. The information and memorandum are hand carried to the OD and placed in the CBI files with the material. A record of who will see the information (Attachment A) is also filed with the folder containing the information. If CAA CBI is received from the owner via an authorized representative or a third party, the same procedure is followed, with the addition of clearly identifying the information and its source. By regulation, information for which confidential treatment is requested must be so marked or designated by the submitter. The EPA takes additional measures to ensure that the proprietary designation is uniformly indicated and immediately observable. All unmarked or undesignated information (except as noted below) is freely releasable.

c. Storage of CAA Confidential Business Information

Folders, documents, or material containing CAA CBI (as defined) shall be secured, at a minimum, in a combination-locked cabinet. Normal procedure is to secure this information in a cabinet equipped with a security bar and locked using a four-way, changeable combination padlock. In addition, the entrance door to the CBI storage room is equipped with a changeable combination simplex lock. The locked files are under the control of the OD.

Knowledge of the combinations of the locking devices is limited to the Document Control Officer (DCO) and the minimum number of persons required to effectively maintain normal business operations. Records of the locking device combination are stored elsewhere in conformance with the requirements of the EPA Security Manual.

Combinations of the locks are normally changed whenever a person with knowledge of the combinations is transferred, terminates employment, no longer authorized access, or whenever the possibility exists that the combinations may have been subject to compromise.

Files may be checked out upon confirmation that the requesting person is authorized to receive the information. All confidential files may be returned no later than 4:30 p.m. on the same day they are removed. The intended user must sign the CBI Control Record when the file is checked out.

The individual who signs out a confidential file is responsible for its safekeeping. The file must not be left unattended. The information must not be disclosed to any non-authorized personnel.

Storage procedures for CAA CBI by an authorized representative of EPA (see Section d. below) must be, at a minimum, as secure as those established for EPA offices within OAQPS. Whenever CBI is removed from the EPA files to be transmitted to an authorized representative, notation is placed in the file indicating what information was transmitted, the date, and the recipient. The authorized representative returns a signed receipt of the DCO.

d. Access to CAA Confidential Business Information

Only authorized EPA employees may open a distribute CAA CBI.

Only employees who require and are authorized access to CAA CBI in the performance of their official duties are permitted to review documents and, upon receiving a confidential document, must sign and date the form shown in Attachment A to certify their access to the document.

The CBI files are controlled by the OD, ESD, and managed by an authorized federal employee. Access to the information is limited to those persons having a need to know in performing their official duties.

The Group Leader having primary interest in the CAA CBI provides a memorandum for the record designating those personnel who are authorized to use CBI in a program under which CBI can be requested. No person is automatically entitled to access based solely on grade, position, or security clearance. The names of persons granted access to CAA CBI are placed on the Clean Air Act CBI access list, which indicates the "specific" CBI each person is permitted to see. The Access List is reviewed and updated periodically.

Companies under contract to perform work for the EPA may be designated authorized representatives of EPA if such designation is necessary in order for the contractor to carry out the work required by the contract. As authorized representatives, contractors may be granted access to CAA CBI by the Director, ESD. The following conditions apply when it has been determined that disclosure is necessary:

(1) The contractor designated as a representative and its employees (a) may use such confidential information only for the purpose of carrying out the work required, (b) must refrain from disclosing the information to anyone other than EPA without having received from EPA prior written approval of each affected business or of an EPA legal office, and (c) must return to EPA all copies of the information (and any abstracts or excerpts therefrom) upon request or whenever the information is no longer required for the performance of the work.

(2) The authorized contractor designated as a representative must obtain a written agreement from each of its employees who will have access to the information. A copy of each employee agreement (Attachment B) must be furnished to EPA before access is permitted.

(3) The contractor designated as an authorized representative must agree that the conditions in the contract concerning the use and disclosure of CAA CBI are included for the benefit of, and shall be enforceable by, both EPA and any affected business having a proprietary interest in the information.

Information may be released to or accessed by EPA employees other than OAQPS employees only upon approval of the Director, ESD.

Requests for CAA CBI from other Federal agencies, Congress, the Comptroller General, Courts, etc., are processed by the OD, ESD in accordance with 40 CFR 2, Subpart B.

Requests under the Freedom of Information Act are handled in accordance with 40 CFR 2, Subpart A. The Freedom of Information Act Coordinator must be consulted prior to responding to any request for information if a claim of confidentiality has been asserted or if there is reason to believe that a claim might be made if the business knew release was intended.

**e. Use and Disclosure of CAA Confidential Business Information**

The CAA CBI as defined may not be used in publications, supporting document, memoranda, etc., that become a part of the public domain, except as provided for in 40 CFR 2 Subpart B.

The CAA CBI may not be summarized without the approval of the Group Leader responsible for the CAA CBI. Any authorized reproductions must be logged into the CAA CBI document tracking system and treated according to the same procedures applicable to the original confidential material.

The EPA generated documents or material, or extracts of information containing CAA CBI, must be stamped "Subject to Confidentiality Claim" and a cover sheet must be attached to identify the material as CBI.

**f. Handling of Other Information**

Reports, memoranda, documents, etc., prepared by EPA or its authorized representatives are not normally circulated outside EPA for comment or review prior to publication except in such cases as described above (6.d.3) wherein CBI is expressly included. However, because



industrial-data-gathering visits, plant inspections, and source testing can involve inadvertent receipt of CAA CBI, it is the policy of OAQPS to protect all parties involved in the following manner.

Prior to or at the inception of a plant inspection, data-gathering visit, or source test, EPA or its authorized representative discusses with a responsible industry official the information sought, how it is to be used, and how it is to be protected. A copy of this summary is usually provided to the industry official being consulted.

Following an inspection, visit, or test, a trip report is prepared to include, as practicable, all information received by EPA or its authorized representative during the visit or test. The report may be prepared by either EPA or its authorized representative. The draft of that report is clearly identified, on an attached, colored cover sheet as "Confidential Pending Determination." A second copy of the draft trip report is forwarded by EPA to the responsible industry official for review. The responsible industry official is requested by cover letter to review the report, clearly mark any information considered to be confidential, and return the marked up-report to the responsible EPA employee within 2 weeks of receipt. The original draft is kept in the CBI "pending" file until the marked-up copy is returned by the business firm.

When the reviewed copy of the report, as marked by the responsible plant official, is received by EPA, information designated confidential is placed in the CBI files as described above. The original draft of the trip report is edited to delete the confidential information and to accommodate technical changes, and the trip report is issued.

2 Attachments



I. AUTHORIZATION FOR ACCESS TO CAA CBI FOR CONTRACTOR EMPLOYEES		
FULL NAME	POSITION	
SSN	CONTRACTOR	
<p>It is the responsibility of each Authorizing Official* to ensure that the employees under his/her supervision who require access to CAA CBI:</p> <ol style="list-style-type: none"> <li>1. Sign the Confidentiality Agreement for EPA Employees</li> <li>2. Are fully informed regarding their security responsibilities for CAA CBI.</li> <li>3. Obtain access only to that CAA CBI required to perform their official duties</li> </ol>		
SIGNATURE OF AUTHORIZING OFFICIAL*	TELEPHONE NO.	DATE
TITLE	LOCATION	
II. CONFIDENTIALITY AGREEMENT FOR CONTRACTOR EMPLOYEES		
<p>I understand that I will have access to certain Confidential Business Information submitted to EPA or its authorized representatives under the Clean Air Act (CAA). This access is granted in accordance with my official duties as an employee of the Environmental Protection Agency contractor.</p> <p>I understand that CAA CBI may not be disclosed except as authorized by CAA and Agency regulations. I understand that I am liable for a possible fine of up to \$1,000 and/or imprisonment for up to 1 year if I willfully disclose CAA CBI to any person not authorized to receive it. In addition I understand that I may be subject to disciplinary action for violation of this agreement with penalties ranging up to and including dismissal.</p> <p>I agree that I will treat any CAA CBI furnished to me as confidential and that I will follow the procedures set forth in the CAA Confidential Business Information Security Manual.</p> <p>I have read and understand these procedures.</p>		
SIGNATURE	TELEPHONE NO.	DATE
III. HAVING COMPLETE REQUIRED TRAINING AND PASSED REQUIRED TEST, THE ABOVE-NAMED EMPLOYEE IS HEREBY AUTHORIZED TO HAVE ACCESS TO CAA CBI.		
SIGNATURE CONTRACTOR/DCO	TELEPHONE NO.	DATE