



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**MAR 27 2012**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mick Durham, Director of Environmental Services  
Grain Processing Corporation, Inc.  
1600 Oregon Street  
Muscatine, Iowa 52761

Dear Mr. Durham:

The United States Environmental Protection Agency hereby notifies you that the EPA finds Grain Processing Corporation, Inc. (GPC), Muscatine, Iowa, in violation of the permitting requirements of the Iowa State Implementation Plan, specifically 567 Iowa Administrative Code Chapter, Chapter 22, et seq. The Iowa SIP is approved by EPA pursuant to Section 110 of the Clean Air Act, 42 U.S.C. § 7410, and is federally enforceable pursuant to Section 113 of the Act, 42 U.S.C. § 7413. The EPA also has determined that GPC is in violation of the "Title V" operating permit and program.

The Notice of Violation set forth in Attachment 1 outlines the specific violations for the GPC facility located at 1600 Oregon Street, Muscatine, Iowa 52761 (facility). This NOV does not constitute a waiver of the EPA's authority to pursue an enforcement action under Section 113 of the CAA, or of state or local authority to pursue an enforcement action under applicable state and local statutes, for any violation addressed herein. The NOV does not affect GPC's responsibility to comply with any applicable federal, state or local regulations. The EPA will consider its enforcement options under Section 113 of the CAA in further addressing these matters.

Additionally, the EPA is hereby issuing GPC a Request for Information (Attachment 2) pursuant to the authority of Section 308 of the Clean Water Act, 33 U.S.C. 1318, that requires GPC to provide information regarding GPC's compliance with the requirements of Section 311 of the CWA, 33 U.S.C. § 1321, and regulations promulgated under that authority. Specifically, the attached Request for Information seeks information regarding GPC's compliance with the Facility Response Plan requirements of 40 C.F.R. §§ 112.20 and 112.21 and the Spill Prevention and Countermeasures Control requirements of 40 C.F.R. § 112.12.

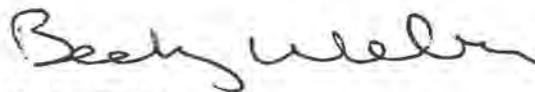
The enclosed Request for Information sets forth in detail the information being requested. Please understand the information provided by your company may be used by the EPA in administrative and/or judicial enforcement proceedings. Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§ 1318 and 1321(m), GPC is required to furnish the information and documents requested in Attachment 2 to this letter that are in its possession, custody, or control, or in the possession, custody, or control of any of its employees or agents. Failure to provide all of the information required, or the making of any false material statement or representation in response to this letter, constitutes violations of Section 308 of the CWA.

Lastly, on October 25, 2010, the EPA conducted a CWA Compliance Inspection at GPC's Muscatine facility. As a result of this inspection, the EPA identified violations of the CWA which were alleged in an administrative compliance order issued to GPC on August 2, 2011 (Docket No. CWA-07-2011-0090,

"August 2011 Order"). The August 2011 Order required GPC to take specific actions to address the identified violations. Please understand that the EPA believes that penalties for the violations of the CWA identified in the August 2011 Order remain appropriate, and intends to pursue an enforcement action for such penalties at a future date. Any response by GPC to the attached CAA Notice of Violation and/or CWA Request for Information will not constitute resolution of the EPA's outstanding claims for GPC's violations of the CWA. The EPA will also continue to monitor GPC's compliance with the requirements of its CWA permit and the August 2011 Order.

If you have any questions concerning the NOV or the Request for Information enclosed herein, contact Gary Bertram of my staff at (913) 551-7533, or Howard Bunch, Office of Regional Counsel, at (913) 551-7879.

Sincerely,



Becky Weber  
Director  
Air and Waste Management Division

Enclosures

cc: Brian Hutchins, Iowa Department of Natural Resources (w/encl)

**Attachment 1:**

**Grain Processing Corporation, Inc.  
Clean Air Act  
Notice of Violation**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101**

In the Matter of: )  
)  
Grain Processing Corporation, Inc. ) CLEAN AIR ACT  
1600 Oregon Street ) 42 U.S.C. § 7410  
Muscatine, Iowa 52761 )

**NOTICE OF VIOLATION**

1. Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding. Pursuant to Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), you are hereby notified that the United States Environmental Protection Agency (EPA) finds Grain Processing Corporation (GPC) in violation of a construction permit issued pursuant to 567 IAC Chapter 22, et seq., which is incorporated into the Iowa State Implementation Plan (SIP). The SIP was approved by EPA pursuant to Section 110 of the Act, 42 U.S.C. § 7410, and is federally enforceable pursuant to Section 113 of the Act, 42 U.S.C. § 7413. EPA also finds that GPC violated the terms and conditions of its operating permit, issued pursuant to Title V of the CAA. This Notice of Violation (NOV) is issued pursuant to Section 113 of the Act, 42 U.S.C. § 7413. The authority to issue this NOV has been delegated to the Regional Administrator of EPA Region 7 and further re-delegated to the Director, Air and Waste Management Division, EPA Region 7.

**STATUTORY AND REGULATORY BACKGROUND**

2. Section 110 of the Act, 42 U.S.C. § 7410, grants the Administrator of EPA authority to approve a state plan which provides for implementation, maintenance, and enforcement of a standard in each air quality control region within the state.
3. The regulations at 567 IAC 22.3 (Issuing Permits) were approved by EPA on September 12, 1985, as part of the Iowa SIP. This rule states, in part: "[a] permit may be issued subject to conditions which shall be specified in writing. Such conditions may include but are not limited to emission limits, operating conditions, fuel specifications, compliance testing, continuous monitoring, and excess emission reporting."

4. Violations of Title V of the CAA, 42 U.S.C. §§ 7661-7661f and the regulations at 567 IAC Chapter 22 require major sources of air pollutants to obtain and operate pursuant to operating permits which incorporate all applicable requirements of the CAA. Pursuant to Section 502 of the CAA, 42 U.S.C. §§ 7661d, the regulations at 567 IAC 22.100, et seq (Operating Permits), were given final approval by EPA on September 12, 1997.

### **FACTUAL BACKGROUND**

#### **1995 Construction Permit (Opacity Limits and Reporting Requirements)**

5. Pursuant to 567 IAC 22.3, the Iowa Department of Natural Resources (IDNR) issued Air Quality Construction Permits 95-A-374 to GPC on September 8, 1995 (1995 Construction Permit).
6. The original permit has since been amended and/or modified three times, including on June 24, 2003 (Permit Number 95-A-374-S2), and on March 29, 2007 (Permit Number 95-A-374-S3).
7. GPC's 1995 Construction Permit's (as amended) Condition 10 imposes an emission limit of 40 percent for opacity from the Emission Point 1.0 (GEP Stack). The GEP Stack receives and emits emissions from six coal fired boilers at the facility, and is currently monitored by a Continuous Opacity Monitoring system (COMs). Compliance is based on six minute averages for opacity.
8. GPC's 1995 Construction Permit's (as amended) Condition 6 states that "excess emissions during a period of startup, shutdown, or cleaning of control equipment are not a violation of the emission standard...an incident of excess emissions other than the above is a violation..."
9. GPC's 1995 Construction Permit's (as amended) Condition 8 requires that incidents of excess emissions shall be orally reported in accordance with 567 IAC 24.1, which requires that reports be made to the appropriate field office of the department within eight hours of, or at the start of the first working day following the onset of the incident, and that written follow-up reports be made within seven days of the onset of the incident.

#### **2003 Title V Permit (Opacity Limits and Reporting Requirements)**

10. Pursuant to Title V of the Act, IDNR issued an Operating Permit to GPC on September 8, 2003 (2003 Title V Permit). The 2003 Title V permit's Emission Point-Specific Conditions for Emission Point ID 1.0 imposes an emission limit for opacity of 40 percent. The 2003 Title V permit's General Condition 14(1) states that "excess

emissions during a period of startup, shutdown, or cleaning of control equipment are not a violation of the emission standard...an incident of excess emissions other than the above is a violation..."

11. The 2003 Title V Permit's General Condition 14(2)(a) requires oral reporting of excess emissions and states that "An incident of excess emission (other than an incident of excess emission during a period of startup, shutdown, or cleaning) shall be reported to the appropriate field office of the department within eight hours of, or at the start of the first working day following the onset of the incident...An oral report of excess emission is not required for a source with operational continuous monitoring equipment if the incident of excess emission continues for less than 30 minutes and does not exceed the applicable visible emission standard by more than 10 percent opacity."
12. The 2003 Title V Permit's General Condition 14(2)(b) requires written reporting of excess emissions and states that "A written report of an incident of excess emission shall be submitted as a follow-up to all required oral reports to the department within seven days of the onset of the upset condition..."
13. The 2003 Title V Permit's General Condition 4 requires annual compliance certifications for this permit and states that "By March 31 of each year, the permittee shall submit compliance certifications for the previous calendar year... The certification for a source shall include the identification of each term or condition of the permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent..."
14. The 2003 Title V Permit's General Condition 4 also requires that the annual compliance certification include "a compliance schedule...that provides for periodic progress report updates, dates for achieving activities, milestones, and an explanation of why any dates were missed and corrective or preventative measures..."

**Violations of Opacity limits and Notification requirements  
of GPC's 1995 Construction Permit  
and 2003 Title V Permit**

15. Between 2007 and 2011, GPC submitted Excess Emission Reports (EER) to IDNR documenting the results of emissions and compliance monitoring performed by GPC pursuant to its 1995 Construction Permit (as amended) and 2003 Title V permit.
16. The EERs submitted by GPC to IDNR document that between 2007 and 2011, GPC repeatedly violated the limitations on Opacity set forth in GPC's 1995 Construction Permit (as amended) and 2003 Title V Permit.
17. Between 2007 and 2011, GPC repeatedly violated the notification requirements for such excess emissions set forth in GPC's 1995 Construction Permit (as amended) and 2003 Title V Permit.

### **Violations of Annual Certification Requirements of GPC's 2003 Title V Permit**

18. For the annual Compliance Certifications submitted for 2007-2011, GPC failed to document its failure to submit the oral and written reports of excess emissions (Opacity violations) for the GEP Stack, as required by General Condition 4 of the 2003 Title V permit (and 567 IAC 24.1).
19. In the annual Compliance Certifications submitted for 2007-2011, GPC failed to include a compliance schedule to address the facility's violations of the opacity limits of the 1995 Construction Permit (as amended) and the 2003 Title V permit.

### **POTENTIAL LIABILITY**

20. At any time after the expiration of thirty (30) days following the date that this NOV was issued, the Administrator of EPA is authorized under Section 113( a)(1) of the Act to address violations such as those stated herein as follows:
  - a. Issue an order requiring compliance with the requirements or prohibitions of the applicable state implementation plan or permit; and/or
  - b. Issue an administrative penalty order assessing a civil penalty not to exceed \$37,500 per day of violation; and/or
  - c. Bring a civil action for permanent or temporary injunction, or to recover a penalty not to exceed \$37,500 per day of violation.
21. Section 113(e)(2) of the Act allows EPA to assess a penalty for each day of violation. After the EPA makes a prima facie showing that the conduct or events giving rise to these violations are likely to have continued or recurred past the date of this NOV, the days of violation shall be presumed to include the date of this Notice and each and every day thereafter, unless GPC can prove by a preponderance of evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.
22. The issuance of this NOV does not preclude the state of Iowa or the EPA from assessing penalties, or taking any other action authorized by the Act. This Notice does not affect the obligation of GPC to comply with any requirement of the Act or any other federal, state and local statutes, regulations and permits.
23. Pursuant to Section 306 of the Act, 42 U.S.C. § 7606, Executive Order 11738, and EPA regulations issued thereunder (40 C.F.R. Part 15), facilities to be utilized in federal contracts, grants, and loans must be in compliance with standards established pursuant to the Act. The violations set forth in this NOV may result in ineligibility to participate with a federal contract, grant, or loan.

### OPPORTUNITY FOR CONFERENCE

GPC may, upon request, confer with EPA. The conference will enable GPC to present evidence bearing on the findings of violation, on the nature of violation, and on any efforts it may have taken or proposes to take to achieve compliance. If such conference is held, GPC may be represented by counsel. A request for a conference must be made within 10 working days of receipt of this NOV, and the request for a conference or other inquiries concerning the NOV should be made in writing to:

Howard C. Bunch  
Office of Regional Counsel  
U.S. EPA  
901 North 5th Street  
Kansas City, Kansas 66101.

3/27/12  
Date

Becky Weber  
Becky Weber  
Director  
Air and Waste Management Division



**Attachment 2:**

**Grain Processing Corporation, Inc.  
Clean Water Act  
Request for Information**

**Request for Information**  
**Pursuant to Sections 311(m) and 308 of the Act**

The U.S. Environmental Protection Agency is investigating the status of Grain Processing Corporation, Inc.'s (GPC) compliance with Section 311 of the Clean Water Act. Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318 et seq., the EPA has the authority to request information pertinent to carrying out its responsibilities under the CWA. This Request for Information seeks information pertaining to GPC's compliance with both the Spill Prevention Control and Countermeasures and Facility Response Plan provisions of 40 C.F.R. Part 112, promulgated pursuant to the authority of Section 311 of the CWA.

Compliance with the provisions of this Request for Information is mandatory. Your responses to the questions are to be submitted to EPA and postmarked within fifteen (15) days of receipt of this letter. The response must include a Statement of Certification signed by a duly authorized official of your company. The information will be considered in the evaluation of the extent of your compliance with the federal regulations governing the discharge, or threat of discharge, of oil, hazardous substances, pollutants, or contaminants into navigable waters of the United States.

Failure to respond fully and truthfully to this Request for Information, or to adequately justify such failure to respond, will be considered a violation of Section 309 of the CWA, as amended by the Water Quality Act of 1987, which can result in enforcement action by EPA. Section 309 of the CWA permits EPA to seek the imposition of civil and criminal penalties for failure to submit information requested under Section 308 of the CWA. This includes the issuance of an Administrative Penalty Order or a referral to the United States Department of Justice for judicial action with monetary fines. Providing false, misleading, or fraudulent statements or representations, may subject you to criminal penalties under Section 309 of the CWA.

In accordance with the provisions of 40 C.F.R. § 2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice. The final determination regarding this material will be made by EPA pursuant to the regulations found in 40 C.F.R. § 2.204.

A Statement of Certification is enclosed and must be completed by the owner, CEO, president, or another responsible official of your company.

Attached is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet containing information on compliance assistance resources and tools available to small businesses. The SBREFA does not eliminate your responsibility to comply with the Act or respond to this information request, nor does it create any new rights or defenses under law. This information sheet is routinely provided whether or not you are a small business as defined by the Small Business Administration.

**Request for Information**  
**Pursuant to Sections 311(m) and 308 of the Act**

Please mail your response to the following address:

Paula Higbee  
Air and Waste Management Division/STOP  
U.S. Environmental Protection Agency  
901 North 5th Street  
Kansas City, Kansas 66101.

Should you have any questions or require more than 15 days to respond to this Information Request, please call Paula Higbee at (913) 551-7028.

Based on GPC's ownership and/or operation of the Muscatine Facility, GPC is hereby requested and required to provide the items of information specified in the Request for Information (including all supporting documents for the information).

**INSTRUCTIONS**

Each of the following instructions applies to all items requested in the Request for Information:

1. A separate response must be made to each of the questions set forth in this Request for Information.
2. Address each item separately and precede each answer with the number of the item in the Request for Information to which it corresponds.
3. For each item, identify all persons consulted in the preparation of the answer.
4. In answering each Request for Information, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents.
5. If information is not known or not available to Grain Processing Corporation, Inc. ("GPC") as of the date of submission of its response, if the information should later become known or available, GPC must supplement its response to EPA.
6. Should GPC find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, it must notify EPA immediately.
7. For each document produced in response to the Request for Information, indicate on the document, or in some other reasonable manner, the number of the item(s) to which it responds.
8. You must respond to the Request for Information on the basis of all information and documents in your possession, custody or control, or in the possession, custody or control of your former or current employees, agents, servants, contractors, or attorneys. Furnish such

**Request for Information**  
**Pursuant to Sections 311(m) and 308 of the Act**

information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.

9. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition and state the date or approximate date of such transfer or other disposition.

**DEFINITIONS**

For the purpose of the Instructions and Request for Information set forth herein, the following definitions shall apply:

1. The term "you" shall mean the addressee of the Request for Information (Grain Processing Corporation, Inc., or GPC), the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.

2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

3. The term "Muscatine facility" shall include the GPC plant addressed at 1600 Oregon Street, Muscatine, IA 52761 (including all contiguous property under GPC's ownership and/or control), and shall include includes all tanks, gathering lines, pipelines, wells and other equipment related to oil production, storage or distribution operated by GPC in the vicinity of this location. EPA understands that GPC owns a facility addressed at 1600 Oregon Street, Muscatine, Iowa 52761 (Muscatine Facility). EPA understands that at the Muscatine Facility, GPC has over 1 million gallons of tank storage capacity for fuel grade "mixed" ethyl alcohol (or "ethanol"). EPA also understands that at the Muscatine Facility, GPC has storage capacity for "natural gasoline." GPC's Muscatine Facility is directly adjacent to the Mississippi River.

4. The term "oil" shall have the same definition as that contained in Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1). This term includes "natural gasoline," or "natural gasoline liquids." This term shall also include ethanol or ethyl alcohol, where oil is used as an additive or denaturant.

5. The term "hazardous substances" shall have the same definition as that contained in Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14), including the substances listed in 40 C.F.R. Part 116.

6. The terms "furnish," "describe," "provide," or "indicate" shall mean turning over to EPA either original or duplicate copies of the requested information in your possession, custody, or control. Where specific information has not been memorialized in any document but is nonetheless responsive to a Request for Information, you must respond to the request with a

**Request for Information**  
**Pursuant to Sections 311(m) and 308 of the Act**

written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his or her full name, present or last known business address, the name of his or her employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and the substance of the subject matter.

10. The "discharge" shall have the same definition as that contained in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), which includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (included 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, memoranda of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents, and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Request for Information any information which might otherwise be construed to be outside their scope.

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**Pursuant to Sections 311(m) and 308 of the Act**

**REQUEST FOR INFORMATION**

1. Identify the person(s) answering these questions on behalf of GPC, its affiliates and other related entities, including full name, business mailing address, business telephone number, and relationship to GPC.

2. State the full and correct name of Grain Processing Corporation, Inc., its address, its current line(s) of business, and its Dun & Bradstreet number, if any. Provide the name and address of its president and any registered agent for the state in which it is incorporated, and the state(s) in which it does business.

3. Identify the parent corporation(s), subsidiary(ies), and related entity(ies) of GPC, if any. For each parent, subsidiary, or related entity provide its address, the state in which it is incorporated, the state(s) in which it is doing business, its current line(s) of business, and its Dun & Bradstreet number, if any.

4. For the GPC Muscatine facility (as identified in Paragraph 3, Definitions, above) provide the following information:

- a. Name of the Muscatine facility and its proper street address.
- b. Provide the date the Muscatine facility first began operation.
- c. Primary product(s) or service(s) produced or provided by the Muscatine facility.
- d. The total underground and aboveground oil storage capacity of the Muscatine facility (including storage capacity of ethanol denatured with oil (including natural gasoline or NGLs)).
- e. Describe the type (underground v. aboveground), capacity, contents, and date of installation of each tank at the Muscatine facility which contains, or has the capacity to contain oil, or oil products (including tanks used for storage of ethanol denatured with oil (including natural gasoline or NGLs)).
- f. State whether the Muscatine facility stores oil (including ethanol denatured with oil (including natural gasoline or NGLs)) above ground in excess of 1,320 gallons).
- g. State whether the Muscatine facility stores oil under ground in excess of 42,000 gallons (including storage of ethanol denatured with oil (including natural gasoline or NGLs)).
- h. Identify all bodies of water near the Muscatine facility (e.g., creeks, streams, rivers, lakes, ponds), and provide the distance between the Muscatine facility and that water body.
- i. Identify all storm drains, drainage ditches, and other storm water drainage structures within a quarter of a mile of the Muscatine facility. In addition, identify the body of water into which the storm water flows.
- j. Due to the Muscatine facility's location, state whether the Muscatine facility could reasonably be expected to discharge oil in harmful quantities into or upon navigable waters. (Discharges of oil in harmful quantities include discharges of

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**Pursuant to Sections 311(m) and 308 of the Act**

oil that violate applicable water quality standards, or discharges that cause a film or sheen upon or discoloration of the surface of the waters or adjoining shorelines, or discharges that cause a sludge or emulsion to be deposited beneath the surface of the waters or upon adjoining shorelines.)

5. State whether Muscatine facility has prepared a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with 40 C.F.R. § 112.20. If so, provide a copy each SPCC plan prepared for the Muscatine facility.

6. Describe whether oil, or products containing oil (such as of ethanol denatured with oil (including natural gasoline or NGLs)) are transported over water (by barge or other water transport) from the Muscatine facility.

7. State whether the Muscatine facility (as identified in Paragraph 3 of the Definitions, above) has a Facility Response Plan ("FRP") and spill contingency plan developed in accordance with 40 C.F.R. § 112.20. If so, provide the following information for each FRP:

- i. A copy of the FRP.
- ii. Provide the date the FRP was prepared.
- iii. State who prepared the FRP.

8. Provide copies of all available documentation that shows when any FRP for the Muscatine facility was submitted to EPA for approval or any determination that the Muscatine facility is not subject to the FRP requirements set forth in 40 C.F.R. Part 112.

9. State whether the Muscatine facility has conducted unannounced response exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.

10. State whether the Muscatine facility has conducted qualified individual notification exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.

11. State whether the Muscatine facility has conducted spill management team tabletop exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.

12. State whether the Muscatine facility has conducted facility response equipment deployment exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates such exercises and all records concerning the details of such exercises.

13. Identify whether the Muscatine facility has conducted personnel emergency procedures response training during the last five (5) years in accordance with an approved FRP. If so,

**Request for Information**  
**Pursuant to Sections 311(m) and 308 of the Act**

provide logs showing the dates of such training and all records concerning the details of such training.

14. Identify whether the Muscatine facility has conducted other discharge prevention meetings during the last five (5) years. If so, provide logs showing the dates of such meetings and all records concerning the details of such meetings.

15. Identify whether a Certification of the Applicability of Substantial Harm Criteria, as found in 40 C.F.R. Part 112, has been completed for the Muscatine facility. If so, provide a copy of the certification.



**STATEMENT OF CERTIFICATION**

I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

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

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

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

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

#### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/  
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

#### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

#### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

#### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

#### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

#### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

#### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

#### Education

[www.campuserc.org](http://www.campuserc.org)

#### Food Processing

[www.fpeac.org](http://www.fpeac.org)

#### Healthcare

[www.hercenter.org](http://www.hercenter.org)

#### Local Government

[www.lgean.org](http://www.lgean.org)

#### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

#### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

#### Printed Wiring Board Manufacturing

[www.pwbrc.org](http://www.pwbrc.org)

#### Printing

[www.pneac.org](http://www.pneac.org)

#### Ports

[www.portcompliance.org](http://www.portcompliance.org)

#### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

#### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

#### Antimicrobial Information Hotline

[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

#### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

#### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/  
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

#### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or  
734-214-4100

#### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

#### National Response Center Hotline -

to report oil and hazardous substance spills  
[www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

#### Pollution Prevention Information Clearinghouse (PPIC)

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or  
1-202-566-0799

#### Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.  
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

#### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996

## U. S. EPA Small Business Resources

**Toxic Substances Control Act (TSCA) Hotline**  
tsc hotline@epa.gov or 1-202-554-1404

**Wetlands Information Helpline**  
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

### State and Tribal Web-Based Resources

**State Resource Locators**  
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

**State Small Business Environmental Assistance Programs (SBEAPs)**  
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

**EPA's Tribal Compliance Assistance Center**  
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

**EPA's Tribal Portal**  
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

**EPA's Small Business Compliance Policy**  
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

**EPA's Audit Policy**  
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*