



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

October 3, 2012

Mr. David L. Puzan, Plant Manager  
Buzzi Unicem USA, Midwest Division, Pryor Plant  
2430 S. 437 Road  
P.O. Box 68  
Pryor, Oklahoma 74362

Re: Supplemental Request for Information Pursuant to the Clean Air Act  
Buzzi Unicem USA, Midwest Division, Pryor, Oklahoma Plant

Dear Mr. Puzan:

Enclosed is an Information Request (Request) issued to Buzzi Unicem USA under the authority of Section 114 of the Clean Air Act (CAA). The purpose of this Request is to obtain updated information necessary to determine compliance with the provisions of the CAA. The Request contains detailed instructions, specific questions, and other relevant material for your use in responding to the Request.

Please provide the information within thirty (30) days of receipt of this letter to Mr. Emad Shahin (6EN-AA) at the above address. If you need additional time, EPA may grant an extension for cause, upon written request.

If you have any questions regarding the Request, please feel free to contact Mr. Shahin, of my staff, at (214) 665-6717.

Sincerely,

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

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Eddie Terrell, Director  
Air Quality Division  
Oklahoma Department of Environmental Quality

**ENCLOSURE**  
**INFORMATION REQUEST**  
**for**  
**BUZZI UNICEM USA (BUZZI)**  
**PART 1 OF 4**  
***AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

**AUTHORITY**

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this request for information to Buzzi Unicem USA (Buzzi) to provide certain information regarding their Pryor Cement Plant, pursuant to Section 114(a) of the Clean Air Act ("the Act" or "CAA"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of this information. The Administrator has delegated this authority to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6. Therefore, you are hereby required to provide responses to the questions and requested information regarding the Buzzi's Pryor Cement Plant located in Pryor, Oklahoma, as identified in **PART 2** of this Enclosure.

EPA requires Buzzi to submit the information requested no later than thirty (30) calendar days after your receipt of this letter. If information or documents not known or not available to you as of the date of submission of a response to this information request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Please be advised that failure to provide the information required by this letter in a timely manner and in accordance with this information request may result in the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false statements or omission in any response required under the Act. EPA may also seek criminal penalties from any person who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of EPA or in relation to or contemplation of any such matter or case. *See* 18 U.S.C. §§ 1001, 1341, 1519.

## **BUZZI INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

Any information that you provide in response to our request may be used in administrative, civil, and criminal proceedings. Therefore, a duly authorized officer or agent of Buzzi should certify your response to this information request by signing the enclosed Statement of Certification, provided in **PART 3**, and returning it with your response. For claiming any information you provide as confidential business information, please see **PART 4**.

### **INSTRUCTIONS**

1. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which the document corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
6. When specific questions request data in electronic form to be provided, the data and corresponding information should be provided in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
7. You have the option to provide any individual document that would otherwise be provided in hard copy form in response to our request for information in Portable Document Format (PDF), saved to a compact disc, rather than hard copy.
  - a. Each document provided in PDF must still be provided in accordance with those instructions for submittal of documents as outlined above (e.g., each PDF document should include all enclosures/attachments associated with the

## **BUZZI INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

document, or a reference page added to indicate that a separate PDF document is provided as the enclosure/attachment so referenced).

- b. For each compact disc containing PDF documents submitted in response to our request, a table of contents for the PDF documents on individual or multiple discs must be provided so that each PDF document can be accurately identified in relation to your response to a specific question. In addition, each compact disc should be labeled appropriately (e.g., Disc 1 of 4 for Information Request Response, Date of Buzzi Response). This option does not include any "data" specifically covered in item 6 of these instructions, above.
- c. For PDF submittals, please ensure that confidential business information and non-confidential information are submitted on separate disks. Please also mark each page that is confidential business information as such.

### **DEFINITIONS**

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, 40 C.F.R. Part 52 (which incorporates the Federally-approved State Implementation Plan), other CAA implementing regulations, or otherwise defined herein.

1. The term "Air Pollution Control Equipment" or "APCE" shall mean any control device and/or equipment used to reduce the release of particulate matter and other pollutants to the atmosphere.
2. The term "BTU" shall mean the British Thermal Unit of heat.
3. The term "Buzzi" includes any officer, director, agent, or employee of Buzzi, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
4. The term "Capital Appropriation Request" shall mean any documents used by plant personnel that serve the purpose of describing projects for equipment and process changes when seeking management approval for a planned expenditure at the plant. These documents are also known as capital improvement project requests, authorizations for expenditure, work order records, improvement requisition projects, or other similar names.
5. The term "Cement Kiln" or "Kiln" shall mean equipment used for the purpose of generating clinker including, but not limited to, a rotary kiln and any associated preheater or precalciner devices that are used to produce clinker by heating limestone and other materials for subsequent production of cement. Kiln shall include associated clinker coolers, alkali bypasses, and in-line raw mills for the purpose of this request.

## **BUZZI INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

6. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice 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; 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, tape or other type of memory); and (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 on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
7. The term "Emissions Unit" shall have the same meaning as defined at 40 C.F.R. §52.21(b)(7).
8. The term "Fuel Feed" or "Fuels" shall mean any fuels fired to a Kiln in order to heat raw materials, including, but not limited to coal, natural gas, oil, alternative natural fuel such as oil shale or waste-derived fuel ("WDF") such as scrap tires, used motor oils, surplus printing inks, dry-cleaning solvents, paint thinners, sludge from the petroleum industry, etc.
9. The term "NSPS" shall mean the Standards of Performance for New Stationary Sources promulgated at 40 C.F.R. Part 60.
10. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.

## **BUZZI INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

11. The term "PSD/NSR" shall mean the Prevention of Significant Deterioration and the New Source Review preconstruction permitting programs established at CAA subparts C and D and further defined at 40 C.F.R. Parts 51 and 52 and any respective program established under a state implementation plan.
12. The term "Raw Material Feed" or "Raw Materials" means the prepared and mixed materials, which include, but are not limited to, materials such as limestone, clay, shale, sand, iron ore, mill scale, cement kiln dust, and flyash, that are fed to a Cement Kiln. Raw Material Feed does not include the fuels used in the Kiln to produce heat to form the clinker product.
13. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

**ENCLOSURE**  
**INFORMATION REQUEST**  
for  
***BUZZI OPERATIONS, LP (BUZZI)***

**PART 2 OF 4**  
***QUESTIONS AND INFORMATION SPECIFIC TO***  
***PRYOR CEMENT PLANT***

In accordance with that authority outlined in Enclosure, Part 1, this information request pertains specifically to Buzzi's Pryor Cement Plant, located in Pryor, Oklahoma:

**PRYOR CEMENT PLANT**

Latitude 36.27211, Longitude 95.22069

Physical location: 2430 South 437

Nearest City: Pryor

County: Mayes

State/Zip Code: OK/74362

The Buzzi Pryor Cement Plant ("Facility") contains emission units that emit or have the potential to emit pollutants subject to requirements of the Prevention of Significant Deterioration (PSD) and/or New Source Review (NSR) programs and is subject to the requirements of Title V of the Clean Air Act (CAA). Buzzi must provide the following information for the Facility:

1. Provide a table of data in electronic form that includes the following for each month for each kiln for the period between October, 2010, and the present:
  - a. Total production of clinker (tons);
  - b. Total mass of raw material feed to the kiln (tons);
  - c. Type of raw material and percentage of each type of raw material feed;
  - d. Total amount of fuel feed to the kiln (BTU);
  - e. Type of fuel feed to the kiln and percentage of each fuel;
  - f. Mass of the cement kiln dust produced each year (tons);
  - g. Hours of operation of each kiln;
  - h. Mass of non-clinker added in the finishing mill (tons); and
  - i. A description of the data and methodology used in calculating items a. through f.

**BUZZI INFORMATION REQUEST**  
**PART 2: PRYOR CEMENT PLANT**

2. Based on data from the continuous emission monitoring system(s), or the continuous opacity monitoring system, and any other data available, provide a table of data in electronic form that includes the following for each day for each kiln from September 14, 2010 to the present. If daily emissions data are not available, provide emissions data on a monthly basis and explain, in detail, why the daily information is not available:
  - a. Emissions in pounds per ton of clinker produced and tons per day for each operating day (midnight to midnight) for the following pollutants: NO<sub>x</sub>, SO<sub>2</sub>, CO, VOCs, PM, and PM<sub>10</sub>, and any other monitored emissions pollutant (e.g., total hydrocarbons, metals, etc.) or process control parameter (e.g., flow rate of flue gas, temperature, oxygen, etc.).
  - b. A description of the source of the data and methodology used in calculating item a.

**ENCLOSURE**  
**INFORMATION REQUEST**  
**for**  
***BUZZI UNICEM USA (BUZZI)***

**PART 3 OF 4**  
***STATEMENT OF CERTIFICATION FORM***  
***FOR DULY AUTHORIZED AGENT***

**STATEMENT OF CERTIFICATION**

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

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

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

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

**ENCLOSURE**  
**INFORMATION REQUEST**  
**for**  
***BUZZI UNICEM USA (BUZZI)***

**PART 4 OF 4**  
***CONFIDENTIAL BUSINESS INFORMATION (CBI)***  
***CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS***

**Assertion Requirements**

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, 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 EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

**Substantiation Requirements**

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

## **BUZZI INFORMATION REQUEST**

### ***PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS***

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

## **BUZZI INFORMATION REQUEST**

### ***PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS***

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
  
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "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 emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A),(B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.