



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Corporation Service Company
Registered Agent for Heidelberg Materials US Cement LLC
505 5th Avenue, Suite 729
Des Moines, Iowa 50309

RE: Request for Information pursuant to Clean Water Act § 308(a)

Dear Registered Agent:

On November 14-17, 2022, the U.S. Environmental Protection Agency, Region 7, conducted an inspection of the Lehigh Cement Company LLC (Lehigh) facility located at 700 25th Street NW, Mason City, Iowa (Facility). The EPA inspected the Facility to determine Lehigh's compliance with the Clean Water Act (CWA).

The EPA issues the enclosed Request for Information to Lehigh pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a). Section 308(a) of the CWA authorizes the EPA to require those subject to the Act to submit information and make reports as necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251, *et seq.* The EPA requests information related to the operation of the Facility, so that the EPA can better evaluate the Facility's compliance with its National Pollutant Discharge Elimination System (NPDES) permits.

Lehigh must submit the information requested in Enclosure 1 **within 15 calendar days** of receipt of this letter. Please read the instructions and definitions included in Enclosure 1 carefully before preparing a response.

Lehigh's response is to be sent electronically to:

Hannah Lewis, Compliance Officer
Water Branch, Enforcement and Compliance Assurance Division
lewis.hannah@epa.gov

Please be aware that the issuance of this letter and Lehigh's response with the requested information does not relieve Lehigh of any responsibility under the CWA, including, but not limited to, seeking, maintaining, or complying with an applicable National Pollutant Discharge Elimination System (NPDES) permit. The EPA retains its authority to pursue appropriate enforcement actions, including penalties, for violations discovered as result of Lehigh's response to this letter, regardless of whether the violations were subsequently corrected.

The failure to respond accurately, or the submission of false information, may subject you to administrative, civil, or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

We appreciate your cooperation and prompt attention to this matter. If you have any questions, please contact Hannah Lewis at (913) 551-7679 or lewis.hannah@epa.gov.

Sincerely,

JODI
BRUNO

 Digitally signed by JODI
BRUNO
Date: 2023.08.07
15:51:05 -05'00'

Jodi Bruno, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosures

1. Enclosure 1 – Request for Information & Instructions
2. Enclosure 2 – Statement of Certification

cc:

Rachel Glaza (rachel.glaza@heidelbergmaterials.com)
Timothy J. Bergere (tbergere@atllp.com)
Ted Petersen (ted.petersen@dnr.iowa.gov)
Hannah Lewis (lewis.hannah@epa.gov)
Sara Hertz Wu (hertzwu.sara@epa.gov)

ENCLOSURE 1

REQUEST FOR INFORMATION AND INSTRUCTIONS

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318(a).

I. Instructions

Contact Information.

1. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address, and email and/or phone number.
2. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

Format of Responses.

3. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
4. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information (CBI) should be submitted by mail and properly labeled.*

Complete Responses and New or Corrected Information.

5. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.
6. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within 14 calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within 14 calendar days of when you find the information is inaccurate, false or misrepresents the truth.

Certification.

7. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this Request for Information. This statement should be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a) and (b). For your convenience, the text of these provisions is included on ENCLOSURE 2.

Confidential Business Information.

8. You may assert a business confidentiality claim covering all or part of the information provided in response to this Information Request for any business information entitled to confidential treatment

under Section 308(a) of the CAA, 33 U.S.C. § 1318(a), and 40 C.F.R. Part 2, Subpart B. Under Section 308(a) of the CAA, entities are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 308(a) of the CWA and 40 C.F.R. Part 2, Subpart B. If no such business confidentiality claim accompanies the response to this Information Request when it is received by the EPA, then such information may be made available to the public without further notice. See 40 C.F.R. § 2.203(c).

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time it provides its response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. Please refer to 40 C.F.R. § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

Submission of Response to Request for Information.

9. All responses to this Request for Information must be submitted within the timeframes identified in Section III, below. Emailed responses to the address below are preferred. Each response should be submitted in a manner that allows you to track delivery and must be submitted to:

U.S. Environmental Protection Agency- Region 7
Attn: Hannah Lewis, Enforcement and Compliance Assurance Division
11201 Renner Boulevard
Lenexa, Kansas 66219
Lewis.Hannah@epa.gov.

II. Definitions

All terms used in this Request for Information have their ordinary meaning unless such terms are defined in the CWA, 42 U.S.C. § 1251 *et seq.*, or applicable implementing regulations unless otherwise provided in this information request.

1. The terms “document” and “documentation” mean any object that records, stores, or presents information, and include: email; writings; memoranda; contracts; agreements; records; or information of any kind, whether handwritten or typed, or in computer format, memory, or storage device, or in hardcopy. All documents in hard copy shall also include attachments to or enclosures with any document.
2. The terms “Lehigh” or “Lehigh Cement” or “you” or “your” includes any assumed business names, agents, representatives, employees, contractors, or other entities that performed work or acted in any way on behalf of, are related to, or acted at the direction of Lehigh Cement Company.

3. The term “Facility” means Lehigh’s cement manufacturing facility, landfill, and remediation site located at 700 25th Street NW, Mason City, Iowa.
4. The term “treated seed” means any seed to which a chemical coating has been applied.

III. Information Requested

Please submit your response to this Information Request within 15 calendar days of receipt.

1. From July 1, 2019, to the present, provide laboratory analytical results from the analysis of all storm water, wastewater, soil sampling, materials stored outdoors, and dust conducted at the Facility for the presence of any constituents required to be listed on any Toxic Release Inventory (TRI) report.
2. Is seed received at the Facility treated with chemicals? If so, provide the following information on all treated seed received at the Facility from July 1, 2019, to the present:
 - a. Identify the name and address of each entity that has sent treated seed to the Facility, including the name, title, and contact information of a representative for each entity.
 - b. Identify the total amount of treated seed received at the Facility by each entity per year.
 - c. Identify the total amount of treated seed processed at the Facility per year.
 - d. Provide shipping documentation (e.g., manifests, bills of lading, sales receipts, etc.) showing the quantity of treated seed sent by each entity to the Facility.
 - e. Identify the costs incurred or paid by Lehigh Cement to each entity or amount received by Lehigh Cement from each entity related to treated seed, on an annual basis, and any supporting documentation.
 - f. Provide a list of all chemicals that have been used to treat the seed sent to the Facility and the Safety Data Sheet for each chemical.
 - g. Provide copies of seed bag tags for each treated seed product sent to the Facility.
 - h. Provide all documentation that identifies the volume of each treated seed product sent by each entity to the Facility.
 - i. Provide all documentation that identifies the names of the pesticides applied to each treated seed product sent by each entity to the Facility, including which entity sent each pesticide product identified in the SDSs.
 - j. Identify the total amount of untreated seed sent to the Facility per year.
 - k. Identify the total amount of untreated seed processed by the Facility per year.
3. From July 1, 2019, to the present, provide all analytical results of storm water collected on the Facility or as a discharge from the Facility for the presence of any chemical applied to treated seed.

4. Describe the procedures for storing and transporting seed at the Facility.
5. Describe the procedures for how seed is utilized and processed at the Facility.
6. Describe how Lehigh Cement disposes of unused seed.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title