



REGION 10

SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

Mr. Don Alsup
President
Specialty Sales, LLC
4672 East Drummond Avenue
Fresno, California 93725

Re: Information Request Regarding Specialty Sales, LLC
Facility 1: 2341 South Davis Street, Jerome, Idaho
Facility 2: 379 East 300 South, Jerome, Idaho

Dear Mr. Alsup:

The U.S. Environmental Protection Agency (EPA), Region 10, seeks information concerning two Specialty Sales, LLC facilities. Specialty Sales, LLC owns a facility located at 2341 South Davis Street in Jerome, Idaho ("Facility 1") and a facility located at 379 East 300 South, Jerome, Idaho ("Facility 2"). The enclosed Information Request is issued to Specialty Sales, LLC pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414, and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e).

On July 16, 2021, Specialty Sales, LLC purchased all assets and chemical inventory associated with Environmental Technologies, Inc. This purchase included Formaldehyde (CAS #: 50-00-0), the Extremely Hazardous Substance, which when stored over the 10,000 lbs. threshold, requires a facility to implement a Risk Management Program (RMP) under CAA Section 112(r). According to EPA's records, Specialty Sales, LLC has never submitted an RMP for Facility 1 and the RMP for Facility 2, formerly submitted by Environmental Technologies, Inc, is currently out of date. EPA also requests information concerning the nature and extent of any releases or potential releases from and storage of hazardous substances, pollutants or contaminants at Facility 1 and 2, to determine compliance with CERCLA Section 103, 42 U.S.C. § 9603.

Under CAA Section 114, 42 U.S.C. § 7414, EPA is authorized to require the submission of records, reports and other information for the purpose of determining whether any violations of the CAA have occurred and for other purposes of the CAA. CERCLA Section 104(e), 42 U.S.C. § 9604(e), authorizes EPA to require the submission of information or documents for the purpose of, among other things, enforcing CERCLA.

Specialty Sales, LLC is required to provide information and documents in response to the enclosed Information Request within **45 days** of your receipt of the request. Please ensure the separate

Statement of Certification (Enclosure 2) is signed by a duly authorized officer or agent of Specialty Sales, LLC and returned with the response to this Information Request. If you anticipate being unable to fully respond to this Information Request by the specified date, you may request an extension within **14 days** of receipt of this request. Include a justification for your extension request.

To aid EPA's timely review of your responses, EPA prefers that you submit responses to this Information Request via an electronic submission. For instructions on submitting your response electronically, refer to instruction number A.8. in Enclosure 1. Please contact Mhara Coffman, RMP/EPCRA Compliance Officer, at (206) 553-1236 or coffman.mhara@epa.gov, if you have any questions regarding the electronic submission instructions or for additional options if electronic submission is not possible.

Failure to timely respond fully and truthfully to this Information Request may subject you to civil penalties pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Your response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

EPA's *Small Business Resources Information Sheet*, which provides information on compliance assistance that may be helpful to you, is also enclosed. For more information about the CAA Risk Management Plan requirement, please visit the following EPA webpage: <https://www.epa.gov/rmp>. For more information about the CERCLA release reporting requirements, please visit the following EPA webpage: <https://www.epa.gov/epcra>.

Thank you for your cooperation. If you have any questions regarding this Information Request or wish to request an extension, please contact Mhara Coffman whose contact information is listed above. For legal matters, please contact Emma Yip, in the Office of Regional Counsel, at (206) 553-0977 or yip.emma@epa.gov.

Sincerely,

**MORGAN
JENCIUS**

Digitally signed by
MORGAN JENCIUS
Date: 2024.01.10
16:18:34 -08'00'

Morgan Jencius, Chief
Air and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Mr. Brad Brech
Vice President of Operations, Specialty Sales, LLC

Mr. James Baker
Vice President of Finance, Specialty Sales, LLC

Mr. Andrew Cotten
Manager, Specialty Sales, LLC

ENCLOSURE 1
INFORMATION REQUEST

Specialty Sales, LLC

A. INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question in this Information Request. Mark each answer with the number of the question (and subpart, if applicable) to which it corresponds.
2. For each question, provide a copy of each document reviewed or referred to in the preparation of the response or that contains information responsive to the question.
3. Indicate on each document produced in response to this Information Request, or in another reasonable manner, the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to the EPA. Moreover, if you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide the EPA with a corrected response as soon as possible.
5. Provide the name, title, and business contact information for each person who prepared or was consulted in the preparation of the answers to this request. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein, or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
6. If you believe a question is not applicable to the Facility, explain in detail the reason for that belief.
7. The information requested herein must be provided whether you regard part or all of it as a trade secret or confidential business information. You may assert a confidentiality claim covering part or all of the information submitted, pursuant to Section 114(c) of the Clean Air Act (CAA), 42 U.S.C. § 7414(c) and Section 104(e)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 § 9604(e)(7), by placing on (or attaching to) the information, at the time it is submitted to the 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 the EPA.

Information covered by such a claim will be disclosed by the EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by the EPA without further notice to you. See 41 Fed. Reg. 36902 (Sept. 1, 1976).

8. To aid electronic recordkeeping efforts, the EPA prefers you provide all documents responsive to this Information Request in electronic format in accordance with a) through f), below. These

electronic submissions are in lieu of hard copy. The EPA uses a service (GoAnywhere) to receive large amounts of electronic information.

When you have compiled responsive documents and are ready to submit information to the EPA, alert Mhara Coffman, RMP/EPCRA Compliance Officer, at (206) 553-1236 or coffman.mhara@epa.gov, and she will initiate the file transfer request for the documents.

You will then receive a system-generated request via email to upload files. This request will be active for 45-days and you may make multiple submissions, if necessary.

- a. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for the EPA use in repurposing text.
- b. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.
- c. Provide a table of contents for electronic documents submitted in response to the information request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.
- d. Documents claimed as confidential business information (CBI) must begin with the file name CBI, followed by the rest of the file name. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please also mark each page that is CBI as such.
- e. Include a statement certifying the attached files have been scanned for viruses and indicate what program was used.
- f. Upload the files to GoAnywhere in .zip format. If the .zip file is larger than 10GB, create smaller .zip files (part 1, part 2, part 3, etc.).

B. DEFINITIONS

All terms used in this Information Request have their ordinary meaning unless such terms are defined in this Information Request; the CAA, 42 U.S.C. § 7401, *et seq.*; Section 101 of CERCLA, 42 U.S.C. § 9601; Section 329 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11049; or 40 C.F.R. Parts 68, 300, 355, 370 and 372. For purposes of this Information Request:

1. The terms “you” or “Respondent” mean Specialty Sales, LLC and its parents, subsidiaries, officers, directors, managers, partners, employees, contractors, trustees, successors, assigns, and agents, as applicable.

2. "Facility 1" means the property owned or operated by Specialty Sales, LLC located at 2341 South Davis Street in Jerome, Idaho.
3. "Facility 2" means the property owned or operated by Specialty Sales, LLC located at 379 East 300 South, Jerome, Idaho.
4. "Document" includes writings, records, or information of any kind, formal or informal, whether handwritten, typed, or otherwise recorded in or on any format or media. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. Include all attachments to or enclosures with any responsive document.
5. "Person" has the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
6. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.
7. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a question or questions.
8. The term "vessel," as defined in 40 C.F.R. § 68.3, means any reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose, or other container.
9. The term "regulated substance," as defined in 40 C.F.R. § 68.3, means any substance listed pursuant to Section 112(r)(3) of the Clean Air Act as amended in 40 C.F.R. § 68.130.
10. The term "process," as defined in 40 C.F.R. § 68.3, means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
11. The term "process equipment" means all equipment used in the process.
12. "Hazardous substance" has the same definition as in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
13. "Hazardous chemical" has the same definition as in Section 11049(5) of EPCRA, 42 U.S.C. § 11049(7), as further defined at Section 311(e) of EPCRA, 42 U.S.C. § 11021(e).
14. "Extremely hazardous substance" is a substance listed in 40 C.F.R. Part 355, Appendix A or B.

15. "Release" has the same definition as in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
16. "Tier II Emergency and Hazardous Chemical Inventory" means the chemical inventory required by 40 C.F.R. § 370.40(b) that contains Tier II information pursuant to 40 C.F.R. § 370.42.
17. "Threshold planning quantity" means, for any hazardous substance as defined by the Occupational Safety and Health Act, the amount of hazardous substance present at the Facility as described in 40 C.F.R. § 370.20.

C. INFORMATION REQUEST

Provide the following information for Facility 1 and 2. Unless otherwise specified, provide all responsive information from the time period between July 16, 2021, and the date of this Information Request.

1. Provide the name and address of the legal owner of Facility 1 and 2. If the owner and operator of the Facilities are not the same entity, include the name and address of the operator of the Facilities in your response and provide contracts or other legal documents relating to ownership, purchase or buy-back agreements, and contract operation.
2. Provide the number of employees and total employee hours for each calendar year during the time period covered by this information request.
 - (a) Include the hours worked by off-site direct corporate support employees of Respondent and its corporate parents.
 - (b) Working hours, paid vacation, and sick leave for the following personnel should be included in your calculation of employee hours:
 - i. Owners working at the Facility;
 - ii. Operations staff;
 - iii. Clerical staff;
 - iv. Temporary and part-time employees;
 - v. Sales personnel;
 - vi. Truck drivers (employed by the Facility);
 - vii. Other off-site Facility employees directly supporting the Facility; and

viii. Contractor employees (excluding contract truck drivers).

3. What was the maximum amount of formaldehyde (in pounds) stored at Facility 1 and 2 at any given time, for each calendar year during the time period covered by this information request? Specify the methodology used in calculating the inventory and provide copies of the records you relied upon to support your response, including all purchase orders, invoices and bills of lading.
4. Has a process hazard review or process hazard analysis been performed for formaldehyde storage at Facility 1 and 2? If yes, specify the type of review or analysis, the year it was performed and who conducted it, and provide a copy of the review or analysis.
5. Describe what coordination and communications Facility 1 and 2 have had with the Local Emergency Planning Committee (LEPC) to include the facilities in the community emergency response plan, as required under EPCRA Sections 302 and 303. Provide supporting documentation of this coordination.
6. Describe the procedures for notifying emergency responders when there is a need for a response in the event of an accidental release involving a hazardous chemical or extremely hazardous substance from Facility 1 and 2. Provide supporting documentation, including a copy of your emergency plan, if you have one.
7. Provide copies of all federal or state permits under which Facility 1 and 2 operated at the time of any releases involving hazardous substances or extremely hazardous substances.
8. Describe **all releases**, if any, which have occurred at Facility 1 and 2 involving hazardous substances or extremely hazardous substances. The descriptions should follow the same format as outlined in items 5(a) through 5(j) below, including but not limited to the following:
 - (a) Date, time, and duration of release;
 - (b) What hazardous substances and/or extremely hazardous substances were released and quantity (in pounds) of each, including a detailed description of the method used to calculate the quantity;
 - (c) Quantity (in pounds) of each hazardous substance and/or extremely hazardous substance released and, for each, including a detailed description of the method used to calculate the quantity. If the quantity is different for onsite versus beyond the boundaries of the facility, please provide both amounts and a justification explaining the difference;
 - (d) Circumstances of the release, including (1) how and where the release occurred, (2) any equipment malfunctions, (3) subsequent equipment repairs, (4) what environmental mediums (air, water, land) were affected by the release and (5) how each impact occurred;
 - (e) The first person who initially discovered the release, and the date and time of the discovery, and a description of all actions taken by that person in response to the release;

- (f) Each employee with information about the release, including dates and times that each employee received such information;
 - (g) Activities undertaken by the facility in response to the release, including the dates and times of each action;
 - (h) The coordination and communication with each entity or agency of local, state, or federal government notified of the release (including the date, time and manner of the notification and the name and title of the person making the notification). Provide copies of any initial reports and follow-up reports that were made to each such government agency or entity;
 - (i) Any federal or state permits under which the release may have been covered. Cite the applicable permit conditions and the permitted levels of emissions and provide copies of these permits; and
 - (j) Any continuous release reports for CERCLA Section 103(f), 42 U.S.C. § 9603(f), under which the release may have been covered. Provide copies of these reports.
9. Provide a copy of any Tier II Emergency and Hazardous Chemical Inventory form listing hazardous chemicals stored or used at Facility 1 and 2 for calendar years 2021 and 2022, including any records of submitting such forms to the Idaho State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and the fire department with jurisdiction over the facility. If the 2023 Tier II forms are completed, which are due by March 1, 2024, please provide a copy of the form and records of submitting the forms to the SERC, LEPC and fire department.
10. If Tier II Emergency and Hazardous Chemical Inventory forms are not available, provide a current, complete inventory of all chemicals which exceed the threshold planning quantity under EPCRA at Facility 1 and 2, including the amount of each onsite at each facility and the date when each exceeded the EPCRA threshold planning quantity. Information about EPCRA and EPCRA threshold planning quantities can be found at <https://www.epa.gov/epcra>.

**ENCLOSURE 2
INFORMATION REQUEST**

STATEMENT OF CERTIFICATION

Specialty Sales, LLC

I certify under penalty of law that I have examined and am familiar with the documents submitted to the U.S. Environmental Protection Agency (EPA) in response to the Information Request, issued pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414 and Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). 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 in response to this Information Request, including the possibility of fine or imprisonment.

I certify that I am duly authorized by Specialty Sales, LLC and any parent organizations, affiliates, predecessors, successors, and assignees, to provide the above information on its behalf to EPA.

Signature

Printed Name

Title

Date