



## REGION 10

SEATTLE, WA 98101

### RETURN RECEIPT REQUESTED

Mr. James Essig  
Resource Development Manager  
Granite Construction Company  
1525 East Marine View Drive  
Everett, Washington 98201

Re: INFORMATION REQUEST Regarding Granite Construction Company, Omak Area

Dear Mr. Essig:

The U.S. Environmental Protection Agency (EPA), Region 10 seeks information concerning the facility owned or operated by Granite Construction Company at 249-B Rodeo Trail Drive in Okanogan, Washington ("Facility"). The Facility is located within the exterior boundaries of the Colville Indian Reservation. The enclosed Information Request is issued to Granite Construction Company pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414.

The purpose of this request is to assess the Facility's compliance with the Clean Air Act, including the February 8, 2019, Synthetic Minor Source Permit and the Federal Air Rules for Reservations at 40 CFR part 49, subpart M.

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. Granite Construction Company is required to provide information and documents in accordance with the enclosed Information Request within **60 days** of your receipt of the 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. If timely submitted, EPA will consider your request and may extend the deadline.

Submit your response electronically to this Information Request or request for extension to Trey Peterson, EPA Region 10, Seattle, Washington at [peterston.trey@epa.gov](mailto:peterston.trey@epa.gov).

Responses may be provided in electronic format in Word, Excel, PDF or TIFF formats. We ask you to upload all required information to the secured web link to be shared with you or identify another method to transfer electronic files.

Please ensure the enclosed Statement of Certification is signed by a duly-authorized officer or agent of Granite Construction Company and returned with the response to this Information Request.

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. 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 enclosed.

Thank you for your cooperation. If you have any questions regarding this Information Request or wish to request an extension, please contact Trey Peterson at (206) 553-2575 or [peterson.trey@epa.gov](mailto:peterson.trey@epa.gov). For legal matters or questions from legal counsel, please contact Brett Dugan, in the Office of Regional Counsel, at (206) 553-8562 or [dugan.brett@epa.gov](mailto:dugan.brett@epa.gov).

Sincerely,

**MORGAN JENCIUS**

Digitally signed by MORGAN  
JENCIUS  
Date: 2024.12.17 12:29:59 -08'00'

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

Enclosures

1. Information Request
2. Statement of Certification
3. *Small Business Resources Information Sheet*

cc: Steven Hitzel  
Environmental Engineer, Granite Construction Company

## ENCLOSURE 1

### CAA INFORMATION REQUEST

#### Granite Construction Company

#### 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 relied on 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 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 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 your response. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained in this Information Request, or who may be able to provide additional responsive documents, provide the name, title, and business contact information for each such person and the additional information or documents that they may have.
6. If you believe a question is not applicable to the Facility, explain the reason for that belief.
7. The information requested must be provided whether or not 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 of the Clean Air Act (CAA), 42 U.S.C. § 7414 and 40 C.F.R. Part 2, by placing on (or attaching to) the information, 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," "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.
8. Information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. See 40 C.F.R. § 2.301 for additional rules governing certain information obtained under the CAA. Note that certain categories of information, including "emission data," are not entitled to confidential treatment. 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 EPA without further notice to you. See also 41 Fed. Reg. 36902 (Sept. 1, 1976).

## **B. DEFINITIONS**

All terms used in this Information Request have their ordinary meaning unless such terms are defined in this Information Request; 302 of the CAA, 42 U.S.C. §§ 7602; or 40 C.F.R. For purposes of this Information Request:

1. The terms “you” or “Respondent” mean Granite Construction Company, and its subsidiaries, officers, directors, managers, partners, employees, contractors, and agents, as applicable.
2. “Facility” means the hot mix asphalt plant owned or operated by Respondent located at 249-B Rodeo Trail Drive Okanogan, Washington
3. “Document” means any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. Include all attachments to or enclosures with any responsive document.
4. “Synthetic Minor Permit” means the Synthetic Minor Source Permit issued by EPA Region 10 to Granite Construction Company on February 8, 2019, with Permit Number R10TNSR01700.
5. “Source Test” means the collection of data regarding the emissions of pollutants of a source or emissions unit within a source. A source test is typically conducted using a reference test method to determine compliance with an emissions standard.

## **C. INFORMATION REQUEST**

Provide the following information for the Facility. Unless otherwise specified, provide all responsive information for the time period between October 1, 2021, and October 1, 2024.

1. Provide the name and address of the legal owner of the Facility. If the owner and operator of the Facility are not the same entity, provide the name and address of the operator of the Facility and provide contracts/legal documents between entities as they relate to ownership, purchase or buy-back agreements and contract operation.
2. Provide a record of the weeks the Facility was in operation.
3. Provide a table showing the amount (in tons) of asphalt produced each month.
4. Provide all records required by Conditions 4.1 through 4.12 and 5.4 of the Synthetic Minor Permit. Please organize responses by Permit condition.
5. Provide records of all EPA Method 9 surveys conducted regardless if required by Condition 4.2 of the Synthetic Minor Permit.

6. Provide the documentation and results of Source Tests conducted at the Facility including the Source Test from September 18, 2017.
7. Provide a copy of the Operations and Maintenance Manual for the Facility's baghouse.

**ENCLOSURE 2  
STATEMENT OF CERTIFICATION**

Granite Construction Company  
Colville Reservation  
249-B Rodeo Trail Drive  
Okanogan, Washington 98840

**INFORMATION REQUEST  
STATEMENT OF CERTIFICATION**

I certify that the enclosed responses to EPA's Information Request issued to Granite Construction Company are true, accurate and complete. I certify that the portions of these responses which I did not personally prepare were prepared by persons acting on behalf of Granite Construction Company under my supervision and at my instruction and that the information provided is true, accurate and complete. I am aware that there are significant penalties for submitting false information in response to this Information Request, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources 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.

## Office of Small and Disadvantaged Business Utilization (OSDBU)

<https://www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu>

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

## EPA's Asbestos Small Business Ombudsman (ASBO)

<https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman> or 1-800-368-5888

The ASBO helps make technical resources on environmental regulations, asbestos, and compliance assistance information more accessible, while encouraging communication and partnerships with small business on regulatory compliance, and to address asbestos-related questions from the public.

## Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

## EPA's Compliance Assistance Homepage

<https://www.epa.gov/compliance>

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

## Compliance Assistance Centers

<https://www.complianceassistance.net/>

EPA-sponsored Compliance Assistance Centers provide the information you need, in a way that helps make sense of environmental regulations. Each Center addresses real world issues faced by a specific industry or government sector. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

<https://www.epa.gov/agriculture>

### Automotive Recycling

<http://www.ecarcenter.org>

### Automotive Service and Repair

<https://ccar-greenlink.org/> or 1-888-476-5465

### Beneficial Use

<https://www.beneficialuse.org/>

### Construction

<https://www.cicacenter.org/>

### Education

<https://www.nacubo.org/>

### Hazardous Waste Portal

<https://www.hazwasteportal.org/>

### Healthcare

<http://www.hercenter.org>

### Local Government

<https://www.lgean.net/>

### Oil/Natural Gas Energy Extraction

<https://www.eciee.org/>

### Paints and Coatings

<https://www.paintcenter.org/>

### Ports

<https://www.portcompliance.org/>

## Surface Technology Environmental Resource Center (STERC)

<https://sterc.org/>

## Transportation

<https://www.tercenter.org/>

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

<https://www.bordercenter.org/>

## Veterinary Care

<https://vetca.org/>

## EPA Hotlines and Clearinghouses

[www.epa.gov/home/epa-hotlines](http://www.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

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

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

## Superfund, TRI, EPCRA, RMP and Oil Information Center

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 or hazardous substance spills  
<https://nrc.uscg.mil/>; [NRC@uscg.mil](mailto:NRC@uscg.mil) or 1-800-424-8802

## Pollution Prevention Information Clearinghouse (PPIC)

[ppic@epa.gov](mailto:ppic@epa.gov) or 202-566-0799

## Safe Drinking Water Hotline

[safewater@epa.gov](mailto:safewater@epa.gov) or 1-800-426-4791

## Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 202-554-1404

## Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

## Regional Small Business Liaisons

[www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons](http://www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons)

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

## State Resource Locators

[www.envcap.org/srl/](http://www.envcap.org/srl/)

The Locators provide state-specific information on regulations and resources covering the major environmental laws.

## State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

## EPA's Tribal Portal

<https://www.epa.gov/tribal>

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 several such policies that may apply to small businesses. More information is available at:

- **EPA's Small Business Compliance Policy**  
<https://www.epa.gov/compliance/small-business-compliance>
- **EPA's Audit Policy**  
[www.epa.gov/compliance/epas-audit-policy](http://www.epa.gov/compliance/epas-audit-policy)

## Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a Small Business Administration (SBA) National Ombudsman and 10 Regional Fairness Boards to receive comments from small business about federal agency enforcement actions.

If you believe that you fall within the SBA'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, you can call the SBA National Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or submit a comment online at: <https://www.sba.gov/about-sba/oversight-advocacy/office-national-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, including the right to take emergency remedial 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.*