



REGION 1

BOSTON, MA 02109

VIA EMAIL

REQUIRES PROMPT RESPONSE

Dated via electronic signature

Mr. Charles Benevento
President
Benevento Companies
PO Box 454
Wilmington, MA01887

Re: Clean Air Act Reporting Requirement

Dear Mr. Benevento:

The United States Environmental Protection Agency ("EPA") is evaluating whether Benevento Companies ("Benevento") is in compliance with the Clean Air Act ("CAA" or "Act") and the requirements promulgated under the Act at its facility located at 900 Salem Street in Wilmington, MA, Rhode Island (the "Facility"). In particular, EPA is evaluating if the Facility is in compliance with the Standards of Performance for Nonmetallic Mineral Processing Plants, found at 40 C.F.R. Part 60, Subpart OOO ("Subpart OOO").

The provisions of Subpart OOO are applicable to the following affected facilities¹ in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.

Subpart OOO includes standard for particulate matter ("PM"). Exposure to PM can lead to adverse respiratory and cardiovascular effects, including premature death in people with heart or lung disease, aggravated asthma, and decreased lung function.

¹ As defined in 40 C.F.R. § 60.670(a)(1), except as provided in paragraphs (a)(2), (b), (c) and (d) of § 60.670 of Subpart OOO.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations.

This Reporting Requirement directs Benevento to submit information requested below relating to activities at locations where Benevento owns and/or operates affected facilities subject to Subpart 000, including but not necessarily limited to 900 Salem Street in Wilmington, MA. Benevento is required to provide responses to the following questions **within 30 days** of the date of this Reporting Requirement².

Company and Operating Structure

1. Provide the formal company name and a detailed description of the ownership and business structure of Benevento, including date and state of incorporation and a listing of partners or corporate officers. For each owner or proprietor, provide a name, mailing address, email address, and phone number.
2. Provide the formal company names and description of work performed by any company³ that operates fixed or portable nonmetallic mineral processing plants at any locations Benevento owns. For each owner or proprietor of each company, provide names of corporate officers, mailing address, email address and phone number, and a description of what kind of contractual relationship Benevento has with the company.

Subpart 000

Please provide the following information utilizing the spreadsheet provided in Attachment 2 of this request, entitled "Benevento Reporting Requirements."

For each fixed and portable "nonmetallic mineral processing plant"⁴ ("Plant") operated at locations that Benevento owns and/or operates, provide the following information using the "Plant Inventory" worksheet provided in Attachment 2 of this request:

3. The names of the company (or companies) that owns and operates the Plant.
4. The address and Plant ID.
5. The capacity⁵ (tons per hour) of the Plant. Include supporting documentation showing how the capacity of the Plant was determined.
6. If the Plant is fixed or portable⁶.
7. The original installation date of the Plant.

For fixed Plants with capacities greater than 25 tons per hour and portable Plants with capacities greater than 150 tons per hour, provide the information request below.

² Refer to Attachment 1 and 40 C.F.R. § 60.671 for a list of definitions applicable to this Information Request.

³ Include J.R. Vinagro Corporation in this list.

⁴ Including Plants not owned and/or operated by Benevento.

⁵ Refer to Attachment 1 for a definition of capacity.

⁶ Refer to Attachment 1 for a definition of what is considered portable.

8. Provide the requested information in questions 8.a through 8.d for any of the following new equipment installed since April 22, 2008: crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations, and crushers and grinding mills located at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin. Provide the information using the “New Equipment” worksheet provided in Attachment 2 of this request. A separate worksheet should be completed for each applicable Plant:
- a. Plant address and ID.
 - b. The equipment ID, make, model number of each new piece of equipment added to the Plant.
 - c. The corresponding type of equipment added to the Plant (primary, secondary or tertiary crusher, grinding mill, bucket elevator, bagging operation, screening operation, belt conveyor, storage bin).
 - d. The date the new equipment was installed.
9. Provide requested information in questions 9.a through 9.e for any of the following equipment replaced since July 1, 2020: crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations, and crushers and grinding mills located at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin. Provide the information requested using the “Replacement Equipment” worksheet provided in Attachment 2 of this request. A separate worksheet should be completed for each applicable Plant:
- a. Plant address and ID.
 - b. The equipment ID, make, model number of each piece of equipment replaced at the Plant.
 - c. The corresponding type of equipment that was replaced at the Plant (primary, secondary or tertiary crusher, grinding mill, bucket elevator, bagging operation, screening operation, belt conveyor, storage bin).
 - d. The date the equipment was replaced.
 - e. Indicate if the replaced equipment is of smaller, equal or greater size⁷, to the original equipment being replaced.
10. For the period of July 1, 2023, through June 30, 2025, provide copies of any records of inspections conducted of the spray nozzles in the wet suppression systems at each Plant, including records of corrective actions taken and how long it took to initiate and complete the corrective actions.

If you do not provide the information when required, EPA may order you to comply and may assess monetary penalties for any failure to comply, under Section 113 of the CAA, 42 U.S.C. §§ 7413. Federal

⁷ Refer to Attachment 1 for a definition of “size”.

law establishes criminal penalties for knowingly providing false information to EPA. This Reporting Requirement is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you. EPA may use any information provided in response to this Reporting Requirement in an administrative, civil, or criminal action.

We are also providing you a link to the U.S. EPA Small Business Resources-Information Sheet⁸ which contains information on potential compliance assistance opportunities that are available to you. Any decision to seek compliance assistance, however, does not relieve Benevento of its environmental obligations. Nor does any decision to seek compliance assistance create any rights or defenses or affect EPA's ability to pursue an enforcement action.

Provide the above-required information electronically via email⁹ to Karen Peltier of my staff at peltier.karen@epa.gov. Please provide separate electronic files for each report you submit.

If you have any questions concerning this Reporting Requirement, please contact Ms. Peltier at (617) 918-1613.

Sincerely,

JAMES CHOW
Digitally signed by JAMES CHOW
Date: 2025.07.07 16:09:11 -04'00'

James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 1

ENCLOSURES

Attachment 1: Definitions

Attachment 2: Benevento Reporting Requirement Spreadsheet

cc: Karen Peltier, US EPA (via email)

⁸ <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>

⁹ Note that EPA cannot receive email messages with files larger than 25 MB. If your submissions are larger than 25 MB, please contact EPA to discuss submission options.

ATTACHMENT 1

Definitions

All terms used in this Reporting Requirement will have their ordinary meaning unless such terms are defined in 40 C.F.R. Parts 60.671 or defined below or elsewhere in this Reporting Requirement.

1. The term “bagging operations” means the mechanical process by which bags are filled with nonmetallic minerals.
2. The term “belt conveyor” means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.
3. The term “bucket elevator” means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.
4. The term “capacity” under Subpart OOO means the cumulative rated capacity of all initial crushers that are part of the plant.
5. The term “crusher” means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.
6. The term “enclosed truck or railcar loading station” means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.
7. The term “grinding mill” means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: Hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.
8. The term “nonmetallic mineral processing plant” means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals. See 40 C.F.R. § 60.671 for an expanded definition.
9. The term “portable plant” under Subpart OOO means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

10. The term “size” means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.
11. The term “screening operation” means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series and retaining oversize material on the mesh surfaces (screens). Grizzly feeders associated with truck dumping and static (non-moving) grizzlies used anywhere in the nonmetallic mineral processing plant are not considered to be screening operations.
12. The term “storage bin” means a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading.

Attachment 2

Attachment 2-Benevento Reporting Requirement.xlsx