



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Braxton McCaleb
Environmental Health & Safety Director
Buffalo Rock Co
111 Oxmoor Road
Birmingham, Alabama 35209
BMcCaleb@buffalorock.com

Dear Braxton McCaleb:

Re: Information Request Letter

Pursuant to Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), you are hereby required to provide the U.S. Environmental Protection Agency with information relating to the Buffalo Rock Co (Buffalo Rock) facility located at 111 Oxmoor Road, Birmingham, Alabama. This information is needed to determine whether Buffalo Rock is in compliance with the requirements of the Act and its implementing regulations. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the Act, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the Act. This authority has been duly delegated to the Director of the Enforcement and Compliance Assurance Division, Region 4.

The EPA is also requesting information to determine compliance with Section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11004 and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 40 U.S.C. 9603, and the regulations promulgated at 40 C.F.R. Parts 302 and 355, respectively. The information being requested to determine compliance with CERCLA is specifically being requested pursuant to CERCLA Section 304(b)(1), 42 U.S.C. § 9604(b)(1).

Please review and follow the instructions in and, where required, complete the following enclosures: Instructions (Enclosure 1), Definitions (Enclosure 2), Claiming Confidentiality (Enclosure 3), Request for Information (Enclosure 4), and Statement of Certification (Enclosure 5).

The requested information shall be submitted to the EPA electronically, per the instructions in Enclosure 1. The responses shall be submitted **no later than thirty (30) calendar days** after Buffalo Rock's receipt of this letter as determined by the date of the EPA's email transmitting this request unless the EPA, for good cause shown, extends in writing the deadline for responding to this request. This information must be submitted electronically to the following individual:

Justin Stark
Air Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
Stark.Justin@epa.gov

Failure to provide the information required by this letter is a violation of the Act and may result in one or more of the following actions: (1) issuance of an order requiring compliance with this request; (2) issuance of an administrative penalty order pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d); (3) commencement of a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b); and/or (4) any other action authorized under the Act.

Under Section 114(c) of the Act, 42 U.S.C. § 7414(c), and pursuant to the regulations found at 40 C.F.R. Part 2, Subpart B, including 40 C.F.R. § 2.301, you are entitled to assert a claim of business confidentiality for any information you provide to the EPA that involves trade secrets and which Buffalo Rock regards as confidential business information (CBI). For such information, you may request that the EPA treat such information as confidential. Any such claim of confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that "emission data," as defined by 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act, 42 U.S.C. § 7414(c). For detailed instructions for claiming confidentiality, please see Enclosure 3. Information you supply under a claim of confidentiality will be treated in accordance with 40 C.F.R. Part 2, Subpart B, and will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to Buffalo Rock. Please note that any confidentiality claim does not obviate the need to send that portion of the response to the EPA.

The response to the information requested must be accompanied by Enclosure 5, Statement of Certification, which is to be signed and dated by a responsible official of Buffalo Rock. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you, following a complete and thorough review of all information and sources available to you.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3520, because it seeks information from specific individuals or entities as part of an investigation.

If you have any questions regarding this matter, please contact Justin Stark at (404) 562-8305 or by email at Stark.Justin@epa.gov.

Sincerely,

**TODD
RUSSO**

Digitally signed
by TODD RUSSO
Date: 2025.02.27
14:08:44 -05'00'

Todd Russo
Chief
Air Enforcement Branch

cc: Jason Howanitz, JCDH
jason.howanitz@jcdh.org

ENCLOSURE 1

Instructions

Each of the following instructions applies to each and every request contained in Enclosure 4.

1. Provide a separate response to each and every request, and each and every subpart of a request.
2. If the company has no responsive information or documents pertaining to a particular request, submit an affirmative statement and explanation.
3. Indicate on each document produced, or in some other reasonable manner, the number of the request to which it corresponds. If a document is responsive to more than one request, this must be so indicated and only one (1) version of the document needs to be provided.
4. The company shall submit documents in Portable Document Format (PDF) or in any other electronic format as specified in Enclosure 4. Do not create separate PDF files for each page of a single document.
5. Where a request requires the submission of an electronic spreadsheet, please provide the spreadsheet as an unlocked, Microsoft Excel file. If Excel format is not available, then the format should allow for data to be imported and used in calculations by a standard spreadsheet program such as Microsoft Excel.
6. Identify each person whom you relied on or consulted with in preparing your responses to each request. Provide their name, title, job duties and duration of employment with the company. If they are not an employee of the company, identify their employer and provide their name, title, job duties and duration of employment with their employer.
7. 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 within 30 calendar days of discovery of the responsive information. Moreover, should 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.
8. Please submit your response to this information request to the EPA electronically. You may submit your response using either of the following options: (A) As an attachment sent via email to Justin Stark at Stark.Justin@epa.gov; or (B) by requesting a link from the EPA for a secure file transfer site where you may upload your response. You may request a link by sending an email to Justin Stark at Stark.Justin@epa.gov.
9. Please do not submit compressed files (.zip) via email. If you wish to submit compressed files, please select option B.

10. Please do not send documents that you have claimed as confidential business information (CBI) to the EPA by email (option A). If you are submitting documents that you have claimed as CBI, please upload them to the EPA's secure file transfer site (option B).
11. Prior to submitting your response, please send an email to Justin Stark at Stark.Justin@epa.gov indicating which option or combination of options (A, and/or B) you have selected to submit your response to this request.

ENCLOSURE 2

Definitions

1. The terms **“document”** and **“writing”** and the plural forms thereof shall mean all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this request, and which are in the company's possession, custody or control or to which the company has or has had access. The terms **“document”** and **“writing”** shall include, but are not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (email), whether drafted, received or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed or graphic matter, however produced or reproduced.
2. The terms **“person”** and/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.
3. The terms **“relate to”** and/or **“pertain to”** (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms **“you”** and/or **“your”** shall mean Buffalo Rock, and all its agents, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, and contractors. These terms shall also mean any others who are not listed above and are in possession, custody, or control (actual or constructive) of information relevant to this request or information that is otherwise available to Buffalo Rock, or who may have obtained information for or on behalf of Buffalo Rock.
5. The term **“facility”** shall mean the facility (including all physical structures) operated by Buffalo Rock located at 111 Oxmoor Road, Birmingham, Alabama 35209.
6. The term **“hazard assessment”** shall mean the identification of individual hazards of a system, determination of the mechanisms by which they could give rise to undesired events, and evaluation of the consequences of these events on health, environment and property. A hazard assessment uses qualitative techniques to pinpoint weaknesses in the design and operation of facilities that could lead to incidents. Techniques for hazard assessment include: safety review, checklist analysis, relative ranking, preliminary hazard analysis, what-if analysis, what-

if/checklist, hazard and operability analysis, failure modes and effects analysis, fault tree analysis, event tree analysis, cause-consequence analysis and human reliability analysis.

7. All terms not defined in this enclosure have their ordinary meaning, unless such terms are defined in the Clean Air Act and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.

ENCLOSURE 3

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering part or all of the information, other than emissions data and information or data that is otherwise publicly available, as described in 40 C.F.R. § 2.203(b). If no business confidentiality claim accompanies the information when it is received by the EPA, the EPA may make the information available to the public without further notice. To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any information over which you make a claim of confidentiality should be marked 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” or “proprietary” or “business confidential” and a date if any when the information should no longer be treated as confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. Information covered by such a claim will be disclosed by the EPA only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Act, and 40 C.F.R. Part 2, Subpart B. The 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.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as “Personal Privacy Information” given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. Part 2, Subpart B.¹ You bear the burden of substantiating your confidentiality claim and must satisfactorily show, among other things, that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that the information is not, and has not been, reasonably obtainable by legitimate means without your consent. Conclusory allegations will be given little or no weight.

Before the EPA makes a final determination regarding your claim of confidentiality, pursuant to 40 C.F.R. Part 2, Subpart B, the EPA will send you a letter asking you to substantiate fully your CBI claim by answering several questions. Your comments in response to these questions will be used by the EPA to determine whether the information has been shown to meet the requirements so as to be entitled to confidential treatment. You must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information.

¹ 40 C.F.R. § 2.208(e) conflicts with the holding in *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356, 2366 (2019) (*Argus Leader*). In light of the *Argus Leader* decision, the Agency will not consider 40 C.F.R. § 2.208(e) in this determination. The Agency anticipates amending 40 C.F.R. § 2.208 so that it is consistent with the decision in *Argus Leader*.

The 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. Please note that if a page, document, group or class of documents claimed by you to be confidential contains a significant amount of information which the EPA determines is not confidential, your confidentiality claim regarding that page, document, group or class of documents may be denied. For each item or class of information that you identify as being confidential, the EPA will ask you to answer the following questions, giving as much detail as possible, as conclusory allegations will be given little or no weight in the EPA's determination:

1. 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 the 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 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? If so, specify which.
5. 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?
6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
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, please explain whether the information is the kind that would customarily not be released to the public.
8. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
9. If you believe any information to be (a) trade secret (s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret (s).

10. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is *not* entitled to confidential treatment under Section 114(c) of the Act, 42 U.S.C. § 7414(c) or 40 C.F.R. Part 2.

“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/or 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).

Information designated confidential will be disclosed by EPA only to the extent allowed by, and by means of procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

ENCLOSURE 4

Request for Information

Please provide the following information regarding the Buffalo Rock facility located at 111 Oxmoor Road, Birmingham, Alabama, using the instructions and definitions provided in Enclosures 1 and 2. A response must be sent to the EPA no later than 30 calendar days after Buffalo Rock receives this request as determined by the date of the EPA's electronic mail transmitting this request.

1. Provide a map of the facility.
2. Provide the following information regarding the facility:
 - a. Date the facility began operations; Buffalo Rock began operations at the facility;
 - b. Number of employees;
 - c. Hours of operation; and
 - d. A narrative description of the business conducted at the facility.
3. Provide the following information regarding the ammonia refrigerant system:
 - a. Date the ammonia refrigerant system was commissioned;
 - b. Ammonia charge size (in pounds) at the time of commissioning; and
 - c. Ammonia charge size (in pounds) at the time of this request.
4. Provide a copy of the facility's hazard assessment for the ammonia refrigerant system. If these documents do not exist, please provide dates and workorders of when a hazard assessment will be performed.
5. Provide documentation regarding the number of ammonia sensors at the facility and documentation of recalibration of the sensors and testing of the alarms. If these documents do not exist, please provide dates and workorders of when the ammonia sensors will be recalibrated or replaced and calibrated and alarms tested.
6. Provide documentation regarding dates of installation, inspection, and cleaning and/or replacement of all ammonia pressure relief valves. If these documents do not exist, please provide dates and workorders of when these valves will be replaced and tested.
7. Provide a copy of all standard operating procedures that pertain to the ammonia refrigerant system. If these documents do not exist, please provide dates and workorders of when these documents will be completed. The operating procedures must include emergency shutdown and startup after emergency shutdown.
8. Provide a copy of the facility's emergency response/action plan. Provide dates and documentation of drills with first responders. If these documents do not exist, please provide dates and of when these meetings and drills will be completed.
9. Provide the name, address, and phone number of the ammonia servicing contractor that the facility is using for overall maintenance of the ammonia refrigeration system. If no contractor is

used, please state that no ammonia contractor is used and provide the names and titles of who is maintaining the ammonia refrigeration system.

10. Have there been any releases of ammonia above 5 lbs at the facility in the last 3 years? If no, please state that there have not been any releases of ammonia above 5 lbs during that time period. If there have been releases of ammonia, please provide a narrative of what happened for each release including dates, and equipment involved and state what the company has done to remedy the problems and prevent future releases.

Please provide the EPA with the following information regarding the release of ammonia that occurred at your facility on or around December 9, 2024, and was reported to the National Response Center (NRC) as Incident Report # 1418320.

1. Please provide the date and time of discovery of the release.
2. Please identify the following individuals and provide their job titles:
 - a. The person who discovered the release;
 - b. The person in charge of the facility at the time of the release;
 - c. The owner of the facility;
 - d. The operator of the facility; and
 - e. The person who notified the NRC of the release.
3. Please identify the date and time when the owner, operator or person in charge had knowledge of the release.
4. Please identify and provide the contact information for the Local Emergency Planning Committee(s) (LEPC) for any area likely to have been affected by this release.
5. Please provide the date and time the initial notification of the release was reported to the NRC, State Emergency Response Commission (SERC), and LEPC(s).
6. Was a written follow-up emergency notification submitted to the SERC and the LEPC(s)?
7. If the answer to Question 6 is yes, please provide a copy of the written follow-up emergency notification and provide the date and time it was submitted to the SERC and the LEPC(s).
8. Please provide a narrative response describing the timeline of events and actions leading up to, during, and after the release. In this timeline please include a description of who discovered the release, how the release was discovered, the duration of the release, the facility's actions upon discovery, how discovery of the release was communicated internally, the initial notification of the release to the NRC, SERC, and LEPC(s), the facility's activities after notification, how the release was stopped, the timing of any follow-up notifications and any corrective actions.
9. Please provide a copy of any internal reports related to this release.

10. Please identify the chemical(s) that was released and provide the amount of the chemical(s) (in pounds) that was released.
11. If a mixture or solution was released, please provide the concentration of the reportable chemical(s) in the mixture or solution, the density of the mixture or solution (in pounds per gallon), and the amount of the reportable chemical(s) (in pounds) released.
12. Please describe how the amounts of each chemical released were determined, the calculations used to determine the amounts, and describe any assumptions or estimates used in the calculations.
13. For each chemical released, identify the media the chemical was released to (air, water, ground), identify if the release migrated off-site, and identify the amount of chemical that migrated off-site.
14. Provide copies of the material safety data sheet and technical data sheet for the chemical(s) released.
15. Did the release go into a containment area?
16. If the release was into a containment area, please describe the amount(s) of chemical(s) that went into containment, the amount(s) of chemical(s) that was recovered from containment, how the chemical(s) was recovered, how and where the chemical(s) was transferred to or disposed of, and the amount(s) of chemical(s) that evaporated or was otherwise released from containment. Please provide the calculations and describe any assumptions or estimates used in the calculations.
17. Please provided a narrative response describing any on-site or off-site consequences of this release, including but not limited to: injuries, casualties, evacuations, road closures, shelter-in-place orders, and/or property damage.

ENCLOSURE 5

STATEMENT OF CERTIFICATION

I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal 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 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, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001, 1341 and 1505.

(Signature)

(Printed Name)

(Title)

(Date)