



## OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

### VIA ELECTRONIC MAIL

### Dated by Electronic Signature

Marcus Jansen  
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**Re: Request for Information Under Section 114(a) of the Clean Air Act,  
42 U.S.C. § 7414(a)**

The United States Environmental Protection Agency (EPA) hereby requires Greenfield Global Winnebago LLC and Affiliates (Greenfield Global, you, or your), to submit certain information as part of an EPA investigation to determine your compliance with section 211 of the Clean Air Act (CAA), 42 U.S.C. § 7545, and the regulations set forth at 40 C.F.R. Parts 80 and 1090 (fuels regulations).

This letter, and the enclosed appendices, are collectively referred to as the Information Request. Appendix A provides instructions for your response to this request, Appendix B provides definitions, and Appendix C specifies the information that you must submit to comply with this Information Request. You must submit this information to the EPA representative listed below within 30 calendar days from the date of your receipt of this request. Please note that if additional information responsive to this request is identified, found, or located by Greenfield Global following your response to this request, you are required to submit all such material within 30 calendar days of discovery.

The EPA issues this Information Request under section 114(a) of the CAA, 42 U.S.C. § 7414(a). Under section 114(a) of the CAA, the Administrator of the EPA may require any person who is subject to the CAA to provide certain information, including information to evaluate that person's compliance with section 211 of the CAA, 42 U.S.C. § 7545, and the regulations

promulgated thereunder. This authority has been delegated to the undersigned Director of the Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance.

Failure to provide the required information may result in the initiation of an enforcement action pursuant to section 113 of the CAA, 42 U.S.C. § 7413. Failure to provide all requested information and in the format requested may result in additional inquiries. It is important that your responses be clear, accurate, and complete. The EPA will regard the submission of information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA or other applicable laws. Please carefully review the instructions, definitions, and the information requested as you prepare your response.

Greenfield Global must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed Documents, including all attachments. 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 and complete, and that all Documents produced in response to this information request are true and complete copies of Documents as maintained in the ordinary course of the company's business. 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 Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

The EPA may use any information submitted in response to this Information Request in administrative, civil, or criminal action(s).

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this request, in accordance with the procedures described in the confidentiality of business information (CBI) regulations, 40 C.F.R. Part 2, Subpart B. However, no such CBI claim may be made with respect to emission data, as defined at 40 C.F.R. § 2.301(a)(2). Appendix D of this Information Request specifies the assertion requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

The EPA prefers electronic submittals in lieu of hard copy submittals. If possible, we ask that you provide all requested information via OneDrive using the secure link provided in the email transmitting this Information Request.

Any questions concerning this Information Request should be directed to Karen Nelson at 303-312-6010 or [nelson.karen@epa.gov](mailto:nelson.karen@epa.gov).

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Mary E. Greene, Director  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance

Enclosures

## **Appendix A Instructions**

1. Provide a separate response in English to each request set forth in Appendix C of this Information Request. If you have no responsive information or Documents pertaining to a particular request, submit an affirmative statement and explanation.
2. At the end of each answer, identify the person(s) (including name, title, and a description of job duties) that provided information that was used or considered in responding to that request, as well as each person (including name, title, and a description of job duties) who was consulted in the preparation of that response.
3. Please indicate on each Document produced in response to this Information Request, 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 copy of the Document needs to be provided.
4. When a response is provided in the form of a number, specify the units of measure of the number.
5. Where a Document or information necessary for a response is neither in your possession nor available to you, indicate in your response why such Document or information is not available or in your possession and identify who either possesses or is likely to possess such information.
6. All submitted Documents should be copies and not original Documents.
7. For each Document produced, please mark the Document with the numbers(s) of the request(s) to which it responds or produce the Document in a manner that makes it easy to identify which request the Document responds to (e.g., by producing responsive Documents in folders corresponding to each request).
8. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless asked for in a different format in the specific requests. If the PDFs are scanned images, provide the PDF in an Optical Character Recognition (OCR) searchable format.
9. Where you have previously submitted information to the EPA that is also the subject of these requests, re-submit the information in accordance with these Instructions (Appendix A).
10. Where spreadsheets are responsive to a request, produce them in unlocked electronic spreadsheet format such as .xlsx or .csv (locked spreadsheets and .pdf files are unacceptable). Please contact Karen Nelson at [nelson.karen@epa.gov](mailto:nelson.karen@epa.gov) if you have any

questions regarding the acceptable format for any spreadsheets.

11. This Information Request is a continuing request. You are required to submit all such material within 30 calendar days of discovery in the event you learn that you possess responsive information not yet produced, or if you gain possession, custody, or control of responsive information after initially responding to this Information Request.

## **Appendix B**

### **Definitions**

All terms used in this Information Request will have their ordinary meaning unless defined in the CAA, 42 U.S.C. § 7401 *et seq.*, or the implementing fuels regulations at 40 C.F.R. Parts 80 and 1090, or in this Appendix B.

1. “Affiliate” is used to indicate a relationship to a specified Person or Entity, and means any Person or Entity that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with such Person or Entity.
2. The terms “Document” and “Documents” mean any information in a recorded form. Documents include, without limitation, writings, memoranda, records, electronic mail, text messages, electronic files or records, recorded communications, images, sound recordings, and any combination of the preceding. Recorded information is a Document regardless of the medium in which the information is recorded, methods required to produce the information in usable form, or the formality or informality of the information. All Documents produced under this Information Request must be unedited, complete, and accompanied by all exhibits, attachments, and enclosures. If a Document is not immediately accessible and comprehensible to the EPA, the information recorded in that Document must be presented in an immediately accessible and comprehensible form. If in computer format or memory, each Document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support.
3. “Person” or “Entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
4. “Greenfield Global,” “you,” or “your” includes Greenfield Global Winnebago LLC and any of its Affiliates, predecessors, successors, and assigns.
5. “Winnebago Facility” means the ethanol distillery located at or near 711 6<sup>th</sup> Ave SE, Winnebago, MN 56098.

## **Appendix C**

### **Information Request**

Greenfield Global must submit a copy of the following information to the EPA under section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days from your receipt of this Information Request.

1. Provide a detailed written description of Greenfield Global's business structure including ownership, corporate form, parent and/or subsidiary companies, Affiliates, and any associated EPA company identification numbers.
2. Provide a list of the names and addresses of every facility where Greenfield Global produces renewable fuel, the EPA assigned facility ID, and the type of fuel(s) produced at each facility (e.g., neat ethanol, denatured ethanol, etc.).
3. Provide, in an unlocked excel spreadsheet, the following information relating to all renewable fuel produced by Greenfield Global and its Affiliates from January 1, 2019, to present:
  - a. Date of renewable fuel production, volume, and batch number;
  - b. Renewable fuel type;
  - c. Whether RINs were generated on a batch of renewable fuel;
  - d. Number and D code of RINs generated;
  - e. Date RINs were generated; and
  - f. Facility at which the renewable fuel was produced.
4. Provide, in an unlocked excel spreadsheet, the following information relating to all renewable fuel exported by Greenfield Global and its Affiliates from January 1, 2019, to present:
  - a. Date of renewable fuel export and volume exported;
  - b. Date and number of RINs retired for renewable fuel exports;
  - c. Method of renewable fuel export (e.g., rail car, tanker truck, barge, etc.); and
  - d. Renewable fuel export destination and company receiving the exported fuel.
5. Provide copies of the following reports for reporting years 2019 through 2022. For the reports listed below, the effective date for reporting requirements in 40 C.F.R. Part 1090 was January 1, 2021. The EPA requires all reports before this date to reflect the 40 C.F.R. Part 80 requirements, and all reports thereafter to reflect the Part 1090 requirements. Please provide the reports in the form of electronic summary spreadsheets, preferably directly from the software used to report to the EPA, and state whether the data is a copy of the data reported to the EPA.

- a. Quarterly RIN transaction report;
- b. Quarterly RFS0106 RIN activity report;
- c. Quarterly RFS0702 renewable fuel producer co-product report;
- d. Annual RFS0902 production report;
- e. Any other RFS compliance reports submitted by the company not listed here.

## Appendix D Confidential Business Information

You may assert a business confidentiality claim covering some portion of the information you provide in response to this Information Request for any business information you believe may be entitled to confidential treatment under Section 114(c) of the CAA, 42 U.S.C. § 7414(c); Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4); and 40 C.F.R. Part 2, Subpart B. Under Section 114(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Exemption 4 under FOIA protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” 5 U.S.C. § 552(b)(4). Under 40 C.F.R. Part 2, Subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

However, your business confidentiality claims are limited by any confidentiality or emission data determinations the Agency has made through rulemaking for information required to be reported to the Agency under Parts 80 and 1090. In accordance with 40 C.F.R. § 2.301(d), the general CBI rules at 40 C.F.R. §§ 2.201–2.215 do not apply to any information found to be emission data or not otherwise entitled to confidential treatment through rulemaking. See 76 Fed. Reg. 30,782 (May 26, 2011); 76 Fed. Reg. 73,886 (Nov. 29, 2011); 81 Fed. Reg. 89,188 (Dec. 9, 2016); 77 Fed. Reg. 48,072 (Aug. 13, 2012); 78 Fed. Reg. 71,904 (Nov. 29, 2013). If you claim any information already determined to be emission data or not otherwise entitled to confidential treatment through rulemaking, the information may be released without further notice to you in accordance with 40 C.F.R. § 2.301(d).

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 114(c) of the CAA, 42 U.S.C. § 7414(c), 40 C.F.R. Part 2, Subpart B, and FOIA Exemption 4. **If a business confidentiality claim does not accompany the information submitted to the EPA, then the EPA may make the information available to the public without further notice to you. See 40 C.F.R. § 2.203(c).**

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential 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 you submit your response to this Information Request. Allegedly confidential portions of otherwise non-confidential information should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. Please be

specific by page (including Bates Stamp, if applicable), paragraph, and sentence when identifying the information subject to your claim. Where your claim does not include all information on a page, please place brackets around, or otherwise designate, the text that you claim to be CBI. Please note that if a page, document, group, or class of documents claimed by you to be CBI contains information which the EPA determines is not CBI, your CBI claim regarding that page, document, group, or class of documents may be denied. All confidentiality claims are subject to EPA verification. If the EPA reviews your CBI claim(s), the EPA may send notice to your business and ask you to submit additional information to substantiate the CBI claim(s). See 40 C.F.R. § 2.204(e).

In making its final confidentiality determination, the EPA will consider the relevant substantive criteria in its CBI regulations, under 40 C.F.R. § 2.208(a)–(d), as well as the U.S. Supreme Court’s decision in *Food Marketing Institute v. Argus Leader Media (Argus)*, 139 S. Ct. 2356 (2019), which evaluated the definition of “confidential” as used in Exemption 4 under FOIA. In the *Argus* decision, the Court held that at least where “[1] commercial or financial information is both customarily and actually treated as private by its owner and [2] provided to the government under an assurance of privacy, the information is ‘confidential’ within the meaning of Exemption 4.” *Argus*, 139 S. Ct. at 2366. The definition of “trade secret” under FOIA is limited to “a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” *Pub. Citizen Health Research Grp. v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). This definition requires that there be a “direct relationship” between the information at issue and the production process. *Id.*

For each item or class of information that you claim as CBI, please answer the following questions, giving as much detail as possible. The EPA will use your responses to these questions to determine whether the information has been shown to be entitled to confidential treatment:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. 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, specify that event. Additionally, explain why the information should be protected for the time period you’ve specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? 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 still 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? Are 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?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

By submitting this information, you are consenting to a limited release of any confidential business information to EPA interns and contractors pursuant to 40 C.F.R. § 2.209(f). The EPA's interns and contractors are required to sign confidentiality agreements as a requirement of their participation in EPA related matters.