



December 6, 2022

**VIA ELECTRONIC MAIL**

Mr. Brian Storey  
Office of Air Quality Planning and Standards  
Sector Policies and Programs Division  
Research Triangle Park, North Carolina 27711  
[storey.brian@epa.gov](mailto:storey.brian@epa.gov)

**Re: Ash Grove Cement Company – Response to October 3, 2022  
Clean Air Act Section 114 Information Request**

Dear Mr. Storey,

Ash Grove Cement Company (“**Ash Grove**”) hereby submits its response (this “**Response**”) to the October 3, 2022 Information Request Letter issued by the United States Environmental Protection Agency (“**EPA**”) to Ash Grove Section pursuant to Section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a) (the “**Information Request**”).

**GENERAL OBJECTIONS.** Ash Grove has engaged in considerable effort to ensure that its submissions are complete, responsive, and useful to the Agency. Ash Grove makes the following general qualifications and objections to EPA’s request:

- Ash Grove objects to the Information Request to the extent that it seeks information beyond the scope of EPA’s authority under Section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a), and is therefore not a proper exercise of EPA’s information-gathering authority;
- Ash Grove objects to the Information Request to the extent that it seeks information that is not reasonably related to EPA’s stated intent to collect “information and data pertaining to these sources to inform the development of future emissions standards for unregulated HAP pursuant to the CAA and as required by *Louisiana Environmental Action Network et al. v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020).”;
- Ash Grove objects to the Information Request to the extent it (including without limitation the instructions and questions therein) is vague, ambiguous, overbroad, or unduly burdensome;
- Ash Grove objects to the Information Request to the extent it seeks information not in Ash Grove’s possession, custody, or control, has been previously produced to EPA, is already available to EPA, is possessed by another governmental agency, or is already publicly available;

- Ash Grove objects to the request insofar as it seeks privileged information, including any and all communications and documents that are protected from disclosure by either the attorney-client communication privilege or attorney work-product doctrine;
- Ash Grove reserves the right to supplement and revise its response, and reserves the right to assert additional objections as it continues to evaluate its response; and
- Ash Grove requests confidential treatment for the documents and information designated as “confidential business information” (“**CBI**”) to the extent information in the files and documents is designated confidential.

**COVERED FACILITIES.** Ash Grove reserves the right to supplement its general objections above and its specific objections and qualifications set forth below. Without waiving any of the foregoing qualifications and objections and as requested by EPA, Ash Grove has attached a response in Excel Spreadsheet format for its each of its six facilities with kilns regulated under 40 CFR Part 63, Subpart LLL (each a “**Facility**,” and together the “**Facilities**”). Those facilities are identified below:

Durkee Plant  
P.O. BOX 287  
33060 SHIRTTAIL CREEK RD.  
DURKEE, OR 97905-0287

Leamington Plant  
HWY. 132,  
LEAMINGTON, UT 84638

Louisville Plant  
16215 HIGHWAY 50  
LOUISVILLE, NE 68037-2881

Midlothian Plant  
900 GIFCO ROAD  
MIDLOTHIAN, TX 76065

Montana City Plant  
100 HWY. 518  
CLANCY, MT 59634-9701

Seattle Plant  
3801 E. MARGINAL WAY S.  
SEATTLE, WA 98134-1147

**SPECIFIC OBJECTIONS AND CLARIFICATIONS.** In addition, we state below the following specific objections and clarifications for particular questions or sub-questions contained in the Information Request.

1. For Question A-09, Ash Grove Cement Company is an indirect, wholly-owned subsidiary of a public company, CRH plc. Annual revenue for the parent company CRH plc can be found by referencing its Annual Report at <https://www.crh.com/media/4226/2021-annual-report-interactive.pdf>.
2. For Question A-10, we understand that Column C of the spreadsheet is to be used to enter information for cells asking for additional information beyond a simple Yes or No answer. In addition, we have responded as to whether a state air toxics rule applies to each Facility.
3. Question A-12 requests the “[a]mount of clinker produced [in] the most recent year of normal operation.” EPA has not provided a definition of “normal operation” and Ash Grove therefore objects to this question as being unreasonably vague. Notwithstanding the foregoing, Ash Grove will respond to this question with production totals in the calendar year 2021 for each of the Facilities.
4. We have Bates Numbered our submissions with two ranges: Public versions of these documents are labelled with Bates range AGP, while CBI versions of the responses are labelled with Bates range AGC.
5. In Part B, EPA asks Ash Grove to classify each piece of equipment as “New, Existing or Reconstructed.” Ash Grove has used the definitions of those terms provided in the NESHAP regulations at 40 C.F.R. Part 63.<sup>1</sup>
6. Question D-01 references “Add-on air pollution control devices” which Ash Grove interprets as equipment added for the purpose of reducing emissions of pollutants.
7. In addition to the general objections raised above, Ash Grove objects to EPA’s request in Question C-01, Column G relating to process modifications as overbroad and impermissibly vague. As such, Ash Grove is unable to respond to this question as written.
8. Ash Grove interprets Question C-03 as referring to “idled kilns” as kilns that temporarily cease operations for six months or longer for economic or other non-technical reasons, but are otherwise included in the Facility’s Title V or State Operating Permit.

Ash Grove Cement Company has undertaken an inquiry reasonably calculated to identify existing information in its possession, custody, or control to provide the basis for its response to the Information Request. We have not searched files outside of the possession, custody, or control of Ash Grove Cement Company. This Response is, to the best of our knowledge, true and correct as of the date of this submission and contains all relevant, responsive, non-privileged information in our possession, custody or control. However, we reserve the right to supplement and amend our Response if and when new non-privileged information becomes available or comes into our possession, custody, or control.

---

<sup>1</sup> “New source” is defined in Subpart LLL to Part 63, while “reconstruction” and “existing” are defined in the general provisions for Part 63 (i.e., Subpart A).

Mr. Brian Storey  
Page 4 of 4  
December 6, 2022

Please contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Nielson", is positioned above the printed name.

Scott Nielson  
Vice President of Environmental Affairs  
Ash Grove Cement Company