



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

April 4, 2023

Via Electronic Mail – jldiaz@emdi.net and jadiaz@praspphalt.com

Jorge L. Diaz-Irizarry
President
Bettrecycling Corporation
P.O. Box 21420
San Juan, PR 00928-1420

Jorge A. Diaz-Mayoral
President
Puerto Rico Asphalt, LLC
P.O. Box 25252
San Juan, PR 00928

Re: Information Request, Reference Number: CAA-02-2023-1415

Dear Mr. Diaz-Irizarry and Mr. Diaz-Mayoral:

The Clean Air Act, 42 U.S.C. §§ 7401 *et seq.* (“CAA” or the “Act”), at Section 114, 42 U.S.C. § 7414, authorizes the U.S. Environmental Protection Agency (“EPA”) to require submittal of information to, among other things, assess compliance with the Act and regulations promulgated pursuant to the Act. This Information Request requires Bettrecycling Corporation (“BRC”) and Puerto Rico Asphalt LLC (“PRA”) to submit information related to compliance with applicable CAA requirements at the facilities owned and operated by BRC and PRA, respectively in Barranquitas, Carolina, Caguas, Humacao, and Salinas, all located in Puerto Rico and further identified in Enclosure 1 to this letter.

Pursuant to Section 114 of the Act, this Information Request requires BRC and/or PRA to submit all of the information described in Enclosure 1. Failure to submit the requested information is a violation of Section 114 of the Act, and may result in an order to comply, an order for administrative penalties, or a civil action for penalties and an injunction requiring compliance pursuant to EPA’s enforcement authority provided in Section 113(a) of the Act. *See Enclosure 2*. In accordance with Section 113(c)(2)(A) of the Act, any person who knowingly makes any false statement, representation, or certification, or who omits material information from or knowingly alters, conceals, or fails to file a response to this Information Request, may be subject to a criminal action.

You may choose to assert a business confidentiality claim covering all or part of the information submitted. You may not, however, withhold any information on that basis. For EPA to consider a claim of business confidentiality for one or more of the documents submitted by you, a cover sheet, stamped or typed legend, or other suitable form of notice must be placed on or enclosed with the document, with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. To facilitate identification and

handling by EPA, please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials that you assert are entitled to confidential treatment are in a separate envelope. Note that “emission data,” as defined in 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act. *See* 42 U.S.C. § 7414(c). If no confidentiality claim accompanies the information received by EPA, the information submitted as part of your response may be made available to the public without further notice to you. EPA will disclose information covered by a confidentiality claim only to the extent allowed by, and in accordance with, the procedures set forth in EPA’s public information regulations at 40 C.F.R. §§ 2.201, *et seq.* (*See* 41 Fed. Reg. 36902 (Sept. 1, 1976)), and with applicable case law.

In order to comply fully with this Information Request, your response must include a completed Certification of Response (*see* [Attachment to Enclosure 1](#)), notarized by a notary public, and signed by you or another officer of your company. Your responses to the questions in Enclosure 1, including all supporting documents and the Certification of Response, must be scanned, and submitted by email to Ms. Nancy Rodríguez of the EPA, in accordance with the schedule set forth in Enclosure 1, at her email address below:

Ms. Nancy Rodríguez, Chief
Multimedia Permits and Compliance Branch
U.S. Environmental Protection Agency, Region 2
rodriguez.nancy@epa.gov

with copies sent to:

Alex Rivera
rivera.alex@epa.gov

Gloria Diaz-Galarza
diaz-galarza.gloria@epa.gov

The requested information shall be submitted to EPA within the timelines indicated for the specific requests in Part III of Enclosure 1. You may request an extension of any timeline to respond by email to Ms. Rodríguez at her email address above. Please include the reason(s) for the delay in responding and a proposed response date. In order to allow sufficient time for review, any such request for an extension of time must be made at least ten calendar days prior to the date on which the requested information is due to EPA. An extension of time will be effective only if granted by EPA in writing.

Please include the above-cited Reference No. CAA-02-2023-1415 in any and all of your response(s) to this Information Request. Further, if within one year of the date of this Information Request, you obtain information different from, or in addition to, the information provided, or if there is any change affecting the information submitted, you must notify EPA and submit the relevant information no later than twenty calendar days after such information becomes available.

You may address any questions concerning this matter to Mr. Alex Rivera in the EPA Region 2 Multimedia Permits and Compliance Branch Air Protection Team at rivera.alex@epa.gov or by phone at 787-977-5845, or to Carolina Jordán-García, Assistant Regional Counsel, at jordan-garcia.carolina@epa.gov or 787-977-5834. We appreciate and look forward to your prompt response.

Sincerely,

**CARMEN
GUERRERO PEREZ**

Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2023.04.04 17:16:24
-04'00'

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

Enclosures

cc: Eng. Jesus Acosta, PRA, jacosta@prasphalt.com
Eng. Mario Pérez, PRA Environmental Health and Safety Officer, ambiental@prasphalt.com

Amarilys Rosario, Department of Natural and Environmental Resources (DNER), Air Quality Area Manager, amarilysrosario@drna.pr.gov

ENCLOSURE 1

REPORTING REQUIREMENT PURSUANT TO SECTION 114 OF THE CLEAN AIR ACT

The U.S. Environmental Protection Agency (“EPA”) requires the submittal of information regarding operations and compliance of the following BRC and PRA facilities:

- a) Caguas Asphalt Plant located at PR-156 Km. 5.6, Las Carolinas, Caguas, PR;
- b) Carolina Asphalt Plant located at PR-887, Km. 0.4 Julio N. Matos Industrial Park, Carolina PR;
- c) Barranquitas Asphalt Plant located at PR-152 Km. 1.0, Bo. Quebrada Grande, Barranquitas, PR;
- d) Humacao Asphalt Plant located at PR-198, Punta Santiago, Humacao, PR; and
- e) Salinas Asphalt Plant located at PR-1 Km. 83.4, Bo. Coco, Salinas, PR.

Part I: Instructions

1. Provide all responsive documents in Portable Document Format (“PDF”) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.
3. Provide electronic submissions on physical media such as compact disk, flash drive, or another similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number and facility name. In addition, each compact disk or flash drive should be labeled appropriately (*e.g.*, Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Emission data obtained through Section 114 of the CAA is **not** considered confidential business information (“CBI”), pursuant to 42 U.S.C. § 7414(c) and 40 C.F.R. § 2.301(a)(2)(i). Any information claimed as CBI must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

7. If you have no information or documents responsive to a request, please so state in your response.
8. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information are not available or in your possession and identify any source that either possesses or is likely to possess such information.
9. To the extent that a document is responsive to more than one request, please so state and provide only one copy of the document.
10. All terms used in this information request have their ordinary meaning, unless such terms are defined in the CAA, 42 U.S.C. §§ 7401, *et seq.*

Part II: Definitions

All terms used in this Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, *et seq.*, or are defined in the applicable regulations implementing the Act, including any state regulations that are federally enforceable under the Act, in which case the statutory or regulatory definitions shall apply. Specific terms are defined as follows:

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, 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.
2. The term “Facility” refers to each one of the following:
 - a. Caguas Asphalt Plant located at PR-156 Km. 5.6, Las Carolinas, Caguas, PR;
 - b. Carolina Asphalt Plant located at PR-887, Km. 0.4 Julio N. Matos Industrial Park, Carolina PR;
 - c. Barranquitas Asphalt Plant located at PR-152 Km. 1.0, Bo. Quebrada Grande, Barranquitas, PR;
 - d. Salinas Asphalt Plant located at PR-1 Km. 83.4, Bo. Coco, Salinas, PR;
 - e. Humacao Asphalt Plant located at PR-198, Punta Santiago, Humacao, PR; and
 - f. Any of the facilities listed in Paragraph 2 (a) through (e) above, regardless of whether BRC or PRA transfers or has transferred ownership or operation of the facilities to a third party or parties since 2018.
3. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, sole proprietorship 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, or other entity.
4. The term “identify” means to provide the person’s full name, address, and affiliation with the individual and/or Company to whom this request is addressed.
5. The term “you” shall include any officers, managers, employees, contractors, trustees, successors, assignees, and agents with knowledge of your Facility.
6. 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.

Part III: Specific Information Requested

Except as specifically provided in Part III of Enclosure 1 of this Information Request, provide the following information regarding the Facility **within 30 days** from the receipt of this Information Request. Unless otherwise stated, this information shall be submitted in Microsoft Excel, Microsoft Word, or optical character recognition Adobe Acrobat PDF format, depending on the information requested. Pursuant to Part II: Definitions, the term “**Facility**” means each one of the asphalt plants in paragraph 2, items (a) through (e). In answering each question, identify the information that applies to each Facility.

1. Copies of each Facility’s air emission source operating permits.
2. For each Facility, please identify the name, physical address, email and telephone number of a) its current owner and a person who is a responsible officer thereof and b) its current operator and a person who is a responsible officer thereof.
3. Provide each Facility’s construction date(s).
4. Provide each Facility’s preventive maintenance procedures.
5. Provide each Facility’s dust collector’s construction dates, equipment manufacture’s specifications, operation manuals, and maintenance procedures. Also include a detailed description of the maintenance, repairs, and/or improvement activities conducted at each Facility’s dust collectors from 2018 through the date of this Information Request.
6. Copies of each Facility’s performance tests protocols and reports required under 40 C.F.R. § 60.93 and evidence of submittal to the Puerto Rico Department of Natural and Environmental Resources (“DNER”).
7. An electronic spreadsheet containing each Facility’s annual asphalt cement production (tons/yr) and hours of operation in 365 days rolling basis from 2018-2022.
8. Evidence of annual emissions fees payments from 2018-2022, for each Facility.
9. Copies of each Facility’s annual fuel quality analysis reports from 2018-2022 and evidence of submittal to DNER.
10. Copies of each Facility’s fuel flow meter calibration records from 2018-2022.
11. Copies of each Facility’s dust collector inspection log and records from 2020 through the date of this Information Request.
12. Copies of each Facility’s dust collector pressure drop meters calibration records from 2018-2022.
13. Copies of each Facility’s drum mixer monthly fuel quality analysis reports from 2018-2022 and

evidence of submittal to DNER.

14. Copies of each Facility's Reclaimed Asphalt Pavement Crusher performance test protocols and reports to show compliance with the 20% opacity limit and evidence of submittal to DNER.
15. Copies of each Facility's tanks and silos inspection log and records from 2020 through the date of this Information Request.
16. A detailed inventory of each Facility's emergency generators, including engine brand, model number, series number, manufacturing date, engine power, fuel type, and type of operation (emergency/non-emergency). The inventory should also include the annual hours of operation and fuel consumption from 2018-2022.

ATTACHMENT 1 TO ENCLOSURE 1

CERTIFICATION OF RESPONSE

State/Territory of _____:

County of _____:

I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in response to the Information Request and all documents submitted with this response, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted with this response are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that for one year from the date of the Information Request, I am under an obligation to supplement my response to the Information Request if any additional information relevant to the matters should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this ___ day of _____, 2023

Notary Public