



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

July 3, 2024

Via Electronic Mail

Mr. Javier J. Vázquez Bravo, Esq.
Resident Agent
Landfill Gas Technologies, LLC
P. O. Box 1322
Gurabo, Puerto Rico 00778
Email: jvazquez@landfillpr.com

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act
Carolina Municipal Solid Waste Landfill
NPDES ID: PRR053155
Request for Information ID: CEPD-CWA-02-IR-2024-004**

Dear Mr. Vázquez Bravo:

The United States Environmental Protection Agency ("EPA" or "Agency") is charged with the protection of human health and the environment under the Clean Water Act ("CWA" or the "Act").¹ Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person² is in violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, respectively, EPA shall require the submission of any information reasonably necessary to make such a determination.³ Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

EPA is conducting an investigation of alleged discharges of waste leachate and/or stormwater runoff carrying waste leachate from the Carolina Municipal Solid Waste Landfill ("Carolina Landfill" or "Landfill") into waters of the United States.⁴ You are receiving this Request for Information letter ("RFI" or "RFI Letter") under EPA's understanding that you are the Vice President and Registered Agent of a company named Landfill Gas Technologies, LLC ("LGT"), which EPA also understands is the operator of the Landfill.

¹ See 33 U.S.C. § 1251 *et seq.*

² See 33 U.S.C. § 1362(5).

³ See 33 U.S.C. §§ 1311, 1318(a), 1342, and 1362.

⁴ See 33 U.S.C. § 1362(7).

A. REQUEST FOR INFORMATION

EPA is hereby requesting information from LGA pursuant to the authority granted under Section 308(a) of the CWA concerning the Landfill. This information will be used to determine LGT's past and present compliance with Sections 301(a) and 402 of the CWA.

Please review and follow the instructions in Enclosure 1 (Instructions and Definitions); review the information being requested in Enclosure 2 and submit the information requested therein; and submit a signed and dated Statement of Certification (Enclosure 3), which is to be signed and dated by an LGT authorized officer pursuant to the signatory requirements in 40 C.F.R. § 122.22. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this RFI Letter that are known to you, following a complete and thorough review of all information and sources available to you.

B. ACKNOWLEDGEMENT OF RECEIPT AND DELIVERY OF INFORMATION

Please acknowledge receipt of this letter upon receipt by sending an electronic mail to Jaime López, Senior Physical Scientist, Clean Water Act Team, at lopez.jaime@epa.gov. EPA requests that LGT submits all the requested information within fifteen (15) calendar days of receipt of this letter.

The electronic delivery of LGT's response to this RFI Letter is strongly encouraged. To the extent possible, any documents to be submitted in response to this RFI Letter should be in Portable Document Format ("PDF"). The requested information must be sent to the following EPA Region 2 designated official:

Jaime López
Senior Physical Scientist
Clean Water Act Team
Multimedia Permits and Compliance Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
Email: lopez.jaime@epa.gov.

If you are without access to a computer and must submit the response by U.S. mail, LGT should notify Mr. Jaime López at (787) 977-5851, or by email at lopez.jaime@epa.gov, when it sends a document in such a manner.

Please be advised that LGT is under a continuing obligation to supplement its response if information not known or not available to LGT as of the date of submission of its response should later become known or available to LGT. In this instance, LGT must supplement the response to EPA within ten (10) business days.

If at any time in the future LGT becomes aware of additional information or find that any portion of the submitted information is false, misleading or misrepresents the truth, LGT must notify EPA of this fact immediately and provide a corrected response within ten (10) business days. If any part of the response is found to be untrue, LGT may be subject to criminal prosecution.

C. RESPONSIBILITY TO RESPOND TO THIS RFI LETTER

Failure to comply in all respects with this RFI Letter may result in the initiation of an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, under which injunctive relief and penalties may be sought.

This RFI Letter is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3401-3420. LGT may, if so desire, assert a business confidentiality claim covering all or part of the information requested by this RFI Letter. A business confidentiality claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret” or “proprietary” or “company confidential.” Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Sub-Part B, 40 C.F.R. Part 2.

If no such claim accompanies the information contained in the response to the RFI Letter when it is received by EPA, it may be made available to the public by EPA without further notice to LGT. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. If LGT desires confidential treatment of information only until a certain date or until the occurrence of a certain event, LGT’s response should state so.

EPA encourages you and LGT personnel to become familiar with the Small Business Resource Information Sheet (“Information Sheet”). This Information Sheet provides information to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies. The Information Sheet is available at <https://www.epa.gov/sites/default/files/2017-04/documents/smallbusinessinfo.pdf>.

If you have any questions concerning this matter, please contact Mr. Jaime López at (787) 977-5851, or

through email at lopez.jaime@epa.gov.

Sincerely,

CARMEN

GUERRERO PEREZ

Digitally signed by
CARMEN GUERRERO PEREZ

Date: 2024.07.03 12:21:41
-04'00'

Carmen R. Guerrero Pérez

Director

Caribbean Environmental Protection Division

Enclosures

cc: Mr. Ángel Meléndez, DNER/WQA (angel.melendez@drna.pr.gov)
Mr. Hermes Camis (hcamis@conwastepr.com)

ENCLOSURE 1

INSTRUCTIONS AND DEFINITIONS

In responding to this RFI Letter, please apply the following instructions, definitions, and information:

1. Please use the RFI ID Number CEPD-CWA-02-IR-2024-004 when referring to this RFI Letter.
2. The signatory should be an officer or agent who is authorized to respond on behalf of LGT pursuant to the NPDES signatory requirements regulations codified at 40 C.F.R. § 122.22.
3. A complete separate response must be made to each individual question in this RFI Letter. Identify each answer with the number of the question to which it is addressed and precede each answer with the question to which it is addressed.
4. Interpret “and” as well as “or” to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. In preparing the response to each question, consult with all present and former employees, agents and/or contractors whom you have reason to believe may be familiar with the matter to which the question pertains, regardless of whether the source is in your immediate possession.
6. In answering each question, identify all contributing sources of information.
7. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person’s name and last known address and phone number and the reasons for your belief.
8. If anything is deleted from a document produced in response to this RFI Letter, state the reason for and the subject matter of the deletion.
9. For each document produced in response to this RFI Letter, indicate on the document or in some other reasonable manner, the number of the question to which it applies. If a document is requested but is not available, state the reason for its unavailability.
10. The term “Landfill” or “Carolina Landfill” includes but is not limited to active shooting areas, waste delineation areas, and areas no longer in use and/or inactive. This term also includes supporting

areas, buffer areas, access roads, buildings, vehicle maintenance shop, and areas impacted and covered with vegetation or other means of soil stabilization.

11. For other terms and definitions referred in this RFI Letter, you will find its meaning in Section 502 of the CWA, and 40 C.F.R. §§ 122.2 and 445.2.

End of Definitions and Instructions

ENCLOSURE 2

INFORMATION REQUESTED

LGT shall submit the following information pursuant to the instructions and definitions contained in Enclosure 1, above.

General Information

1. Submit a copy of the current operation contract, including amendments, between the Municipality of Carolina and LGT.

NPDES Permitting and Outfalls/Point Sources

2. Provide a copy of the most recent version of the Stormwater Pollution Prevention Plan ("SWPPP"), including amendments thereto developed by LGT for the Landfill.⁵
3. Submit a description (e.g., type, material) for each of the outfalls identified in the electronic Notice of Intent ("eNOI") that LGT submitted for coverage under the 2021 MSGP for the Landfill.
4. Submit a color picture (4 inches by six inches) depicting the inflow and outflow direction for each of the outfalls identified in the May 29, 2021 eNOI. Indicate the date and time each picture was taken, and the name and contact information of the individual that took the pictures.

Officials, Qualified Personnel and Employees⁶

5. Submit the names, positions, electronic mails, and telephone numbers of the LGT management structure for the Landfill, including the manager authorized to make management decisions which govern the operation of the Landfill including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations.
6. Submit the names, positions, electronic mails, and telephone numbers of the LGT "qualified personnel" for the Landfill from July 1, 2021, to the present. In addition, for each individual, submit the following:
 - a. whether it is an LGT employee or is a third-party individual;

⁵ EPA has a copy of the SWPPP, dated May 20, 2021, developed for the Landfill. If this is the most recent version of the SWPPP, LGT must state so. Under such circumstance, LGT is not required to submit a copy of the SWPPP, dated May 20, 2021.

⁶ Refer to Appendix A of the 2021 MSGP for the definition of "qualified personnel."

- b. their main responsibilities for the Landfill; and
 - c. his/her qualifications.
- 7. Submit the names of the LGT employees and third-party individuals responsible for the implementation, maintenance, and inspections of storm water controls at the Landfill.
 - 8. Submit the names of the LGT employees and third-party individuals responsible for conducting and documenting Quarterly Visual Assessments of Storm Water Discharges at the Landfill.⁷
 - 9. Submit the names of the LGT employees and third-party individuals responsible for stormwater monitoring and for stormwater monitoring data reporting at the Landfill.⁸
 - 10. Submit all training logs on which LGT's employees and third-party individuals received training under the 2021 MSGP for the Landfill.

Landfill Information, Maps, Drawings, and Descriptions

- 11. Submit a legible topography map (30 inches by 36 inches drawing) depicting all parcels of land where the Landfill facility is located.
- 12. Submit a legible site map (30 inches by 36 inches drawing) and/or legible aerial photography that depicts all locations where solid waste management activities and industrial activities are conducted, as defined in 40 C.F.R. §§ 122.26(b)(14), 122.26(b)(14)(v) and 445.
- 13. Submit a legible map and/or legible aerial photography that depicts areas at the Landfill where contaminated stormwater⁹ occurs during rain events. The legible site map shall clearly specify such areas and the runoff direction, including stormwater outfall identification.
- 14. Submit a legible map and/or legible aerial photography that depicts areas at the Landfill where non-contaminated stormwater occurs during rain events. The legible site map must clearly specify such areas and the runoff direction including stormwater outfall identification.¹⁰
- 15. Submit an as-built storm water collection, conveyance, and discharge system map (i.e., storm sewer map) for the Landfill.

⁷ Refer to Part 3.2 of the 2021 National Pollutant Discharge Elimination System ("NPDES") Multi-Sector General Permit for Stormwater Discharges from Industrial Activities ("2021 MSGP").

⁸ Refer to Parts 4 and 7 of the 2021 MSGP.

⁹ Refer to 40 C.F.R. § 445.2(b) for the definition of contaminated stormwater.

¹⁰ Refer to 40 C.F.R. § 445.2(g) for the definition of non-contaminated stormwater.

16. Submit a detailed description of the erosion control practices implemented at the access and internal roads at the Landfill.
17. Submit a legible site map and/or legible aerial photography that depicts the areas of the Landfill where soil stabilization is lacking, if applicable.

Rain Data

18. Submit information about the installation and operation of rain gauges at the Landfill since July 1, 2021. If a rain gauge is available, submit legible pictures, indicate its location (coordinates in Lambert), and include pictures depicting different views.
19. Submit a copy of precipitation logs retained by LGT from July 1, 2021, to the present.
20. Submit the dates when rain events and runoff precluded LGT from operating the Landfill since July 1, 2021.
21. Submit the dates when rain events occurred at the Landfill from July 1, 2021, to the present.
22. For each rain event from July 1, 2021, to the present, submit the dates and duration, including beginning and end of each rain event.
23. Submit the date for every rain event that was sampled to comply with the Quarterly Visual Assessments of Storm Water Discharges and Monitoring requirements in Parts 3.2.2, 4.1.3, 4.1.4, 4.2.1, 4.2.3.1, and 4.2.5.1.a of the 2021 MSGP, from July 1, 2021, to the present.

Inspections

24. Submit all documentation for the “Routine Facility Inspections” prepared by LGT under the 2021 MSGP for the Landfill.¹¹
25. Submit all documentation for the “Quarterly Visual Assessments of Storm Water Discharges” prepared by LGT under 2021 MSGP for the Landfill.¹²

Corrective Actions and Additional Implementation Measures

26. Submit all documentation for the “Corrective Actions and Additional Implementation Measures” prepared by LGT under the 2021 MSGP for the Landfill.¹³

¹¹Refer to Part 3.1.6 of the 2021 MSGP.

¹² Refer to Part 3.2.3 of the 2021 MSGP.

¹³ Refer to Parts 5.1 and 5.2 of the 2021 MSGP.

Monitoring

The following is to be submitted for each of the outfalls identified in the May 29, 2021 eNOI:

27. Submit the laboratory results for “Indicator Monitoring” conducted by LGT under 2021 MSGP for the Landfill.¹⁴
28. Submit the chain of custody records for Indicator Monitoring conducted by LGT under the 2021 MSGP for the Landfill.
29. Submit the laboratory results for “Effluent Limitations Monitoring” conducted by LGT under 2021 MSGP for the Landfill.¹⁵
30. Submit the chain of custody records for Effluent Limitations Monitoring conducted by LGT under the 2021 MSGP for the Landfill.
31. Submit the laboratory results for “Impaired Waters Monitoring” conducted by LGT under 2021 MSGP for the Landfill.¹⁶
32. Submit the chain of custody records for Impaired Waters Monitoring conducted by LGT under the 2021 MSGP for the Landfill.

Waste Leachate

33. Submit a detailed description of all elements of leachate collection and treatment system to prevent exposure of leachate to rain and storm water runoff. Submit photo documentation of key components of the leachate collection and treatment system.
34. Submit a detailed description of operation status of all elements of the Landfill leachate collection and treatment system.
35. Submit detailed information and documentation concerning any discharge of waste leachate from the Landfill into surface bodies of water since June 2021 to the present.
36. Submit the dates in which the discharge of waste leachate from the Landfill into surface bodies of water started and ended since July 1, 2021, to the present.
37. Submit a detailed description of the sequence of events that occurred leading to the discharge of waste leachate from the Landfill into surface bodies of water since July 1, 2021, to the present.

¹⁴ Refer to Part 4.2.1 of the 2021 MSGP.

¹⁵ Refer to Part 4.2.3 of the 2021 MSGP.

¹⁶ Refer to Part 4.2.5 of the 2021 MSGP.

38. Submit the exact location(s) and coordinates (Lambert) where the discharge of waste leachate from the Landfill reached surface bodies of water since July 1, 2021, to the present.
39. Submit a description of the methods used to eliminate or minimize the discharge of waste leachate from the Landfill into surface bodies of water since July 1, 2021, to the present.
40. Submit a description of the waste leachate path within the Landfill and locations where the waste leachate left the premises since July 1, 2021, to the present.
41. Submit a detailed description of the waste leachate path downstream until reaching among others, off-site storm water infrastructure, drainage, channels, and surface water bodies since July 1, 2021, to the present.
42. Submit a copy of any written reports concerning the discharge of waste leachate from the Landfill into surface bodies of water prepared by LGT.
43. Submit a copy of any written reports that were prepared by a governmental and/or private entity concerning the discharge of waste leachate from the Landfill into surface water of bodies since July 1, 2021, to the present.
44. Submit copy of any records (i.e., logs) concerning collection of waste leachate from the Landfill since July 1, 2021, to the present.
45. Submit a copy of any records (i.e., logs) concerning on-site disposal of waste leachate since July 1, 2021, to the present.
46. Submit a copy of any records (i.e., manifest) concerning off-site transportation of waste leachate for final disposal since July 1, 2021, to the present.

End of Enclosure 2

ENCLOSURE 3

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 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001, 1341 and 1505.

(Signature)

(Printed Name)

(Title)

(Date)