



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

December 19, 2024

Via Electronic Mail

Mr. José E. Cedeño
Corporate Senior Environmental Manager
Schnitzer Puerto Rico, Inc.
Road PR-3, Km. 156.4
Aguirre Ward
Salinas, Puerto Rico 00751
Email: jcedeno@rdus.com

**Re: Information Request Pursuant to Section 308 of the Clean Water Act
Recycling Facility in Salinas, Puerto Rico
Request for Information ID: CEPD-CWA-02-IR-2025-001
NPDES ID: PR053129**

Dear Mr. Cedeño:

The United States Environmental Protection Agency (“EPA” or the “Agency”) is charged with the protection of human health and the environment under the Clean Water Act (“CWA” or “Act”), 33 U.S.C. §§ 1251 *et seq.* Section 301(a) of the CWA, 33 U.S.C. § 1311(a), provides in part that except as in compliance with Section 402 of the CWA, 33 U.S.C. § 1342, the discharge of any pollutant by any person shall be unlawful. Under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

On January 15, 2021, EPA issued the 2021 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity in the Commonwealth of Puerto Rico (the “2021 MSGP” or the “Permit”) under the provisions of the CWA. 86 Fed. Reg. 10269. The 2021 MSGP became effective on March 1, 2021, and expires on February 28, 2026. On September 29, 2021, EPA modified the 2021 MSGP. The 2021 MSGP modification became effective on September 29, 2021, and the expiration date of the 2021 MSGP remains as February 28, 2026.

On May 12, 2021, Schnitzer Puerto Rico, Inc. (“SPR”) submitted a Notices of Intent (the “NOI”) for its facility located at PR-3 Road, Km. 156.4, Aguirre Ward, Salinas, Puerto Rico (the “Facility” or the “Salinas Facility”). On July 11, 2021, EPA notified SPR that it had granted coverage under the 2021 for the Facility beginning on July 11, 2021.

A. REQUEST FOR INFORMATION

Pursuant to Part B.8 of the 2021 MSGP and Section 308(a) of the CWA, EPA issues this Request for Information (“RFI”) to SPR pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the CWA. This authority has been duly delegated to the Regional Administrator of Region 2, EPA, and since further re-delegated to the Director, Caribbean Environmental Protection Division. The purpose of this RFI is to require SPR to submit information about the Facility. The information requested below will be used to determine SPR’s compliance with Sections 301(a) and 402 of the CWA, and its implementing NPDES regulations and the 2021 MSGP.

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 a SPR authorized officer pursuant to the signatory requirements in 40 C.F.R. § 122.22 and Appendix B.11 of the 2021 MSGP. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this RFI 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 Sergio Bosques at bosques.sergio@epa.gov and José A. Rivera at rivera.jose@epa.gov. EPA requests that SPR submits all the requested information within thirty (30) calendar days of receipt of this letter.

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

José A. Rivera, BSCE
Team Leader
Clean Water Act Team
Caribbean Environmental Protection Division
Email: rivera.jose@epa.gov.

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

If at any time in the future SPR becomes aware of additional information or find that any portion of the submitted information is false, misleading or misrepresents the truth, SPR 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, SPR may be subject to criminal prosecution.

C. RESPONSIBILITY TO RESPOND TO THIS REQUEST FOR INFORMATION

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

This Request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520. SPR may, if so desire, assert a business confidentiality claim covering all or part of the information requested by this 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 Request for Information when it is received by EPA, it may be made available to the public by EPA without further notice to SPR. 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 SPR desires confidential treatment of information only until a certain date or until the occurrence of a certain event, SPR’s response should state so.

EPA encourages you and SPR personnel to become familiar with the Small Business Resource Information Sheet. This Information Sheet provides an array of resources, including workshops, training sessions, hotlines, websites and guides, 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/2017-06/documents/smallbusinessinfo.pdf>.

If you have any questions concerning this matter, please contact Mr. José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5842, or through email at rivera.jose@epa.gov.

Sincerely,

**CARMEN
GUERRERO PEREZ**

Digitally signed by CARMEN
GUERRERO PEREZ
Date: 2024.12.19 06:24:21
-04'00'

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

Enclosures

ENCLOSURE 1

INSTRUCTIONS

In responding to this Request for Information, please apply the following instructions, definitions, and information:

- a. Please use the RFI ID Number CEPD-CWA-02-IR-2025-001 when referring to this RFI.
- b. The signatory should be an officer or agent who is authorized to respond on behalf of SPR pursuant to the National Pollutant Discharge Elimination System (“NPDES”) signatory requirements regulations codified at 40 C.F.R. § 122.22 and Appendix B.11 of the 2021 MSGP.
- c. A complete separate response must be made to each individual question in this RFI. 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.
- d. 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.
- e. In preparing your 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.
- f. In answering each question, identify all contributing sources of information.
- g. 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.
- h. If anything is deleted from a document produced in response to this RFI, state the reason for and the subject matter of the deletion.
- i. For each document produced in response to this RFI, 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.
- j. For terms referred in this RFI, you will find its meaning in Section 502(5) of the Act, 33 U.S.C. § 1362, and NPDES regulations at 40 C.F.R. § 122.2.

ENCLOSURE 2

INFORMATION REQUESTED

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

NPDES Permitting and Outfalls/Point Sources

1. Provide a copy of the most recent version of the Stormwater Pollution Prevention Plan (“SWPPP”), including amendments thereto developed by SPR for the Facility.
2. Submit a legible color picture for each of the outfalls identified in the NOI that SPR submitted for coverage under the 2021 MSGP for the Facility. Indicate the date and time each picture was taken, and the name and contact information of the individual that took the pictures.
3. Submit a color picture (four by six inches) depicting the inflow and outflow direction for each of the outfalls identified in the NOI. 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 Employees¹

4. Submit the names, positions, electronic mails, and telephone numbers of the SPR management structure for the Facility, including the manager authorized to make management decisions which govern the operation of the Facility 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.
5. Submit the names, positions, electronic mails, and telephone numbers of the SPR “qualified personnel” for the Facility from July 1, 2021, to the present. In addition, for each individual, submit the following:
 - a. whether it is a SPR employee or a third-party individual;
 - b. their main responsibilities for the Facility; and
 - c. his/her qualifications.
6. Submit the names of the SPR employees and third-party individuals responsible for the implementation, maintenance, and inspections of storm water controls at the Facility.

¹ Refer to Appendix A of the 2021 MSGP for the definition of “qualified personnel.”

7. Submit the names of the SPR employees and third-party individuals responsible for conducting and documenting Quarterly Visual Assessments of Storm Water Discharges at the Facility.²
8. Submit the names of the SPR employees and third-party individuals responsible for stormwater monitoring and for stormwater monitoring data reporting at the Facility.³
9. Submit all training logs on which SPR's employees and third-party individuals received training under the 2021 MSGP for the Facility.

Facility Information, Maps, Drawings, and Descriptions

10. Submit a legible topography map (thirty by thirty-six inches drawing) depicting all parcels of land where the Facility is located.
11. Submit a legible site map (30 inches by 36 inches drawing) and/or legible aerial photography that depicts all locations where the industrial activities are conducted, as defined in 40 C.F.R. §§ 122.26(b)(14) and 122.26(b)(14)(vi).
12. Submit an as-built storm water collection, conveyance, and discharge system map (i.e., storm sewer map) for the Facility.

Rain Data

13. Submit information about the installation and operation of rain gauges at the Facility 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.
14. Submit a copy of precipitation logs retained by SPR from July 1, 2021, to the present.
15. Submit the dates when rain events occurred at the Facility from July 1, 2021, to the present.
16. For each rain event from July 1, 2021, to the present, submit the dates and duration, including beginning and end of each rain event.
17. 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 Part 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.

² 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").

³ Refer to Parts 4 and 7 of the 2021 MSGP.

Inspections

18. Submit all documentation for the “Routine Facility Inspections” prepared by SPR under the 2021 MSGP for the Facility.⁴
19. Submit all documentation for the “Quarterly Visual Assessments of Storm Water Discharges” prepared by SPR under 2021 MSGP for the Facility.⁵

Corrective Actions and Additional Implementation Measures

20. Submit all documentation for the “Corrective Actions and Additional Implementation Measures” prepared by SPR under the 2021 MSGP for the Facility.⁶

Monitoring

The following is to be submitted for each of the outfalls identified in the NOI:

21. Submit the laboratory results for Indicator Monitoring conducted by SPR under 2021 MSGP for the Facility.⁷
22. Submit the chain of custody records for Indicator Monitoring conducted by SPR under the 2021 MSGP for the Facility.
23. Submit the laboratory results for Benchmark Monitoring conducted by SPR under 2021 MSGP for the Facility
24. Submit the chain of custody records for Benchmark Monitoring conducted by SPR under the 2021 MSGP for the Facility.
25. Submit the laboratory results for Impaired Waters Monitoring conducted by SPR under 2021 MSGP for the Facility.⁸
26. Submit the chain of custody records for Impaired Waters Monitoring conducted by SPR under the 2021 MSGP for the Facility.

End of Enclosure 2

⁴Refer to Part 3.1.6 of the 2021 MSGP.

⁵ Refer to Part 3.2.3 of the 2021 MSGP.

⁶ Refer to Parts 5.1 and 5.2 of the 2021 MSGP.

⁷ Refer to Part 4.2.1 of the 2021 MSGP.

⁸ Refer to Part 4.2.5 of the 2021 MSGP.

ATTACHMENT 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)