



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

June 9, 2023

Via Electronic Mail – jvazquez@conwastepr.com

Javier J. Vázquez Bravo, Esq.
Vice President
Landfill Technologies of Arecibo, LLC.
P.O. Box 1322
Gurabo, PR 00778

Re: Information Request, Reference Number: CAA-02-2023-1414

Dear Mr. Vázquez Bravo:

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 Landfill Technologies of Arecibo, LLC (“LTA”) to submit information related to compliance with applicable CAA requirements at the Municipality of Arecibo Landfill (“MAL”) located in Arecibo, Puerto Rico.

On February 6, 2023, EPA conducted a CAA compliance inspection at MAL (the “Inspection”). During the Inspection and via email on February 9, 2023, LTA was informed about EPA’s intention to request further information and documentation to complete the necessary post-inspection process.

Pursuant to Section 114 of the Act, this Information Request requires LTA to submit all 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

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-02-2023-1414 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: 2023.06.09 12:42:03
-04'00'

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

Enclosures

cc: Cynthia B. Otero, Conwaste Environmental Compliance Division, cotero@conwastepr.com;
Hermes Camis, Operations Manager, hcamis@conwastepr.com
Ernesto González, Municipality of Arecibo, egonzalez@municipioarecibo.com;
Carlos López, Municipality of Arecibo Outside Counsel carlos@cwlegal.com
Amarilys Rosario, Department of Natural and Environmental Resources, Air Quality Area
Manager, amarilysrosario@drna.pr.gov
Donald Frankel, United States Department of Justice, Chief Environmental Enforcement Section,
donald.frankel@usdoj.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 Landfill Technologies of Arecibo LLC (“LTA”) facility Municipality of Arecibo Landfill (“MAL”) located at PR-682 Interior, Bo. Factor, Garrochales Sector, Arecibo, Puerto Rico.

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 via a cloud-based document management system.
4. Provide a table of contents for your submission 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.
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” means the Municipality of Arecibo Landfill facility located at PR-682 Interior, Bo. Factor, Garrochales Sector, Arecibo, Puerto Rico.
3. The term “Operator” means Landfill Technologies of Arecibo, LLC.
4. With respect to a corporation, partnership, business trust, association, Commonwealth, municipality, political subdivision of a Commonwealth, and any agency, department, or instrumentality of the United States, or other association or business entity (including a sole proprietorship), the term “identify” means to provide its full name, address, and affiliation with the individual and/or entity associated with the Facility to whom this request is addressed.
5. 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.
6. 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.
7. The term “you” shall include any officers, managers, employees, contractors, trustees, successors, assignees, and agents with knowledge of your Facility.
8. 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.

1. Provide copies of all documents related to the following:
 - a. Initial design capacity report and all revisions/amendments;
 - b. Non-methane organic compounds (“NMOC”) emission rate report and other calculations, including reports for all Tier 2, 3, or 4 tests;
 - c. Gas Collection and Control System (“GCCS”) Design Plan, including the initial plan and all revisions with explanations for each revision¹;
 - d. Performance test reports for the GCCS, including initial and all additional tests;
 - e. Startup, Shutdown, and Malfunction (“SSM”) Plan, including the initial plan and all revisions; and
 - f. If applicable, any closure reports.

2. Provide the following information for the GCCS:
 - a. List of all present and historical gas wells and leachate collectors, which are connected to the GCCS;
 - b. Date of installation of all the present and historical gas wells;
 - c. Indicate whether a gas well is a vertical or horizontal well; and
 - d. Indicate which cell and phase each gas well is located in.

3. According to the information shared with EPA during the February 6, 2023 CAA compliance inspection at the Facility (the “Inspection”), the Operator conducted a vertical expansion at the north portion of the Facility around the beginning of 2022. Provide the following information about such vertical expansion:
 - a. Date when the north section of the landfill vertical expansion started and concluded;
 - b. How many vertical wells were disconnected from the GCCS header;
 - c. Date when each vertical well was disconnected;
 - d. Date when each vertical well was reconnected; and
 - e. Copy of the Puerto Rico Department of Natural and Environmental Resources (“DNER”) approval communication.

4. According to the information shared with EPA during the Inspection, the Operator was conducting a vertical expansion at the south portion of the Facility. Provide the following information about such vertical expansion:

¹ The Facility TV permit PFE-TV-4953-07-1101-2475 issued on June 16, 2016 on its Section V.B.14 requires MAL to review its GCCS design plan every five (5) years to ensure the maximum landfill gas flow its covered by the existing control equipment.

- a. Date when the vertical expansion started and concluded;
 - b. How many vertical wells were disconnected from the GCCS header;
 - c. Date when each vertical well was disconnected;
 - d. Date when each vertical well was reconnected; and
 - e. Copy of documents containing the DNER approval.
5. As required by the Facility Title V Permit PFE-TV-4953-07-1101-2475, please provide the following:
 - a. Annual emissions calculations from 2020-2022 (Section III.37);
 - b. Annual compliance certifications from 2020-2022 (Section III.7);
 - c. Annual emission fees payments from 2020-2022 (Section III.38);
 - d. Monthly wells monitoring records from January 2023 through April 2023 (Section V.C.20);
 - e. Semi-annual compliance reports from 2021 and 2022 (Section III.14);
 - f. Copies of daily visible emissions observations from January 2023 through May 2023²;
 - g. Dust suppression truck records from January 2022 through May 2023²;
 - h. Enclosed flares flow meter calibration records from 2020-2022 (Section V.C.26);
 - i. Surface methane monitoring design plan (Section V.C.11); and
 - j. Enclosed flares most recent performance test report (Section V.E.1)
 6. GEM™ 5000 monitoring equipment annual calibration records from January 2021 through May 2023, including certificate of analysis of calibration gases, and pictures of calibration gases cylinders.
 7. Weighing station records (TRUX software) from January 2022 through May 2023.
 8. Authorization for using Posi-Shell® as alternate cover. Date when the Facility started using Posi-Shell® and product specifications.
 9. Enclosed flare system shutdown data sheet, inspection log and daily inspection forms corresponding to the months of November 2022 through May 2023.
 10. Enclosed flares temperature data from 2020-2022.
 11. Copy of the Facility Title V permit PFE-TV-4953-07-1101-2475 renewal application and corresponding Title V permit renewal application shield.

² The Facility TV permit PFE-TV-4953-07-1101-2475 issued on June 16, 2016 on its Section V.B.2 requires MAL to perform visible daily observations during the operation of the sanitary landfill system to determine compliance with the visible emission limit mentioned in Section V.B.1 that requires MAL not to cause or permit the discharge of visible emissions of fugitive dust beyond the boundary line of the property on which the emissions originate (Rule 404(B) of the PR Regulations for the Control of Atmospheric Pollution). This section also requires MAL to conduct dust suppression measures and record daily use of dust suppression equipment.

12. Facility wide power generating engines operating hours from January 2020 through December 2022.
13. Provide all gas sampling reports since January 2018 through May 2023. Your response should include, but not be limited to, sampling done for sulfur content and Hazardous Air Pollutant (“HAP”) content.
14. Provide a description of the daily cover used at the Facility and the procedure for placing and removing it. If available, provide a standard operating procedure for daily cover.
15. In electronic spreadsheet format, where applicable, provide all information related to the following types of monitoring activities since January 2020 through May 2023. For each, include date(s) and description(s) of all monitoring activity and corrective actions taken as a result of monitoring and also all calibration data on instrumentation:
 - a. GCCS wellhead monitoring data including gas quality (methane, oxygen, and nitrogen), temperature, and pressure;
 - b. Surface Emission Monitoring (“SEM”) data, including but not limited to all methane exceedances, follow-up monitoring from exceedances, corrective actions performed, any surface monitoring done outside of the required monthly monitoring (including follow-up and corrective actions), and any global positioning system tracks recorded, all SEM readings retained including date/time/location as applicable; and
 - c. Control device monitoring data, including but not limited to temperature or heat sensing data and gas flow rate (provide total gas flow rate and individual flow rates if more than one control device or a bypass is present).
16. Provide a detailed description of how SEM is performed at the Facility. Include in your response a description and map of the path traveled, any diversions made from that path, method(s) of transportation, the type of instrument used, sample flow rate, and how exceedances are recorded and corrected.
17. In electronic spreadsheet format, provide the monthly quantity (tons) of waste accepted at the Facility since January 2020 through May 2023. Include a breakdown by type of waste (i.e. municipal solid waste, construction and demolition, asbestos, sludge, etc.) and specify the Landfill location(s) or cell(s) in which each type of waste was placed.
18. Provide a description of the daily cover used at the Facility and the procedure for placing and removing it. If available, provide a standard operating procedure for daily cover.
19. In electronic spreadsheet format, provide a list of all gas wells that were out of compliance for wellhead monitoring standards (oxygen/nitrogen, temperature, and pressure) since January 2020 through May 2023 and what action was taken to resolve each exceedance.
20. Provide a copy or detailed description and reports for any cover integrity programs or plans implemented at the Facility as required in 40 C.F.R. § 60.755(c)(5), including date(s) and

description(s) of all cover deficiencies, repairs and other corrective actions since January 2020 through May 2023.

21. Provide all gas measurements at the gas probes located at the boundary of the Facility since January 2020 through May 2023. Include any corrective actions taken in response to landfill gas readings in the probes.
22. In electronic spreadsheet format, provide copies of any citizen complaint logs collected since January 2020 through May 2023. The log should include:
 - a. Date and time;
 - b. Location;
 - c. Description of complaint; and
 - d. Any corrective action or monitoring done as a result.

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