



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

January 12, 2024

Via Electronic Mail

Egberto Torres Cava
General Manager
Suiza Dairy Corporation
San Juan, PR 00614
egberto.torres@andina.com.ec

RE: Information Request, Reference Number: CAA-02-2024-1401

Dear Mr. Torres:

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 Suiza Dairy Corp. ("Suiza Dairy") to submit information related to compliance with applicable CAA requirements at the facility owned and operated by Suiza Dairy located in San Juan, Puerto Rico.

Pursuant to Section 114 of the Act, this Information Request requires Suiza Dairy 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 file and all materials that you assert are entitled to confidential treatment are in a separate file. 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 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:

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

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 (10) 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-02-2024-1401** in all of your response(s) to this Letter. 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 (20) calendar days after such information becomes available.

This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action

or investigation.

You may address any questions concerning this matter to Gloria Diaz-Galarza in the EPA Region 2 Multimedia Permits and Compliance Branch Air Protection Team at diaz-galarza.gloria@epa.gov or by phone at 787-977-5882, or to Cassandra Basile, Assistant Regional Counsel, at basile.cassandra@epa.gov or 212-637-3234. We appreciate and look forward to your prompt response.

Sincerely,

**HECTOR
VELEZ-CRUZ**

Digitally signed by
HECTOR VELEZ-CRUZ
Date: 2024.01.12
13:25:53 -04'00'

Héctor L. Vélez Cruz, Esq.
Acting Director

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

Pedro Nieves Pedraza, Environmental, Health, and Safety Manager, Suiza Dairy Corporation
pjnieves@suizapr.com

Janice Ramirez Vélez, Suiza Dairy Corporation, janice.ramirez@suizapr.com

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 Suiza Dairy Corporation located at San Patricio and De Diego Avenues Intersection, San Juan, PR 00921.

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 Suiza Dairy Corporation facility located at San Patricio and De Diego Avenues Intersection, San Juan, PR 00921.
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 when specifically required below, please 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. Facility air emission source construction and operating permits, including any modifications or pending applications under evaluation by the Puerto Rico Department of Natural and Environmental Resources (“DNER”).
2. Facility’s physical address.
3. Email and telephone number for the Facility’s:
 - a. Current owner and a responsible officer thereof;
 - b. Current operator and a responsible officer thereof.
4. Facility’s construction date.
5. Detailed description of the Facility operations, including its hours of operation.
6. Number of employees, including contractors and part time workers (if applicable).
7. Detailed list of the Facility’s current air emission sources and control devices (if applicable), including a description of each emission source providing relevant information such as capacity, fuel consumption, date of construction, brand, and serial and model numbers.
8. For all of the Facility’s emission control devices, provide the following:
 - a. Date of construction;
 - b. Manufacturer’s specifications;
 - c. Operational and maintenance procedures;
 - d. Evidence of required inspections of emission control equipment to corroborate operational parameters as established by the manufacturer; and
 - e. Records indicating the date of any required inspections, the parameters verified, and the operational ranges recommended by the manufacturer.
9. For all boilers used at the Facility, provide the following:
 - a. Brand, model number, series number, manufacturing date, fuel type, and heat input capacity (MMBtu/hr);
 - b. Date of construction;
 - c. Date of initial startup;
 - d. If applicable, date of modification;
 - e. Annual fuel consumption limit (gallons);
 - f. Monthly hours of operation records from 2019 through the date of this Information Request Letter.
 - g. Monthly fuel consumption records from 2019 through the date of this Information Request Letter;
 - h. Fuel flow meter calibration records from 2019 through the date of this Information Request Letter;
 - i. Monthly fuel analysis reports from 2019 through the date of this Information Request Letter;

- j. Copy of the two (2) most recent tune-ups conducted for all onsite boilers as specified in 40 C.F.R. Sections 63.11214 and 63.11223(b);
 - k. Copy and evidence of submittal to EPA of the Notification of Compliance Status as specified in 40 C.F.R. Section 63.11225(a)(4);
 - l. Evidence of submittal of the required Notification of Compliance Status through the Compliance and Emissions Data Reporting Interface under EPA's Central Data Exchange;¹
 - m. Copy of the initial compliance performance test conducted as specified in 40 C.F.R. Sections 63.11210, 63.11211, 63.11212, and 63.11213;
 - n. Copy of energy assessment as specified in 40 C.F.R. 63.11214(c);
 - o. Copy of the annual compliance certification report required under 40 C.F.R. 63.11225(b) corresponding to years 2019 through 2022;
 - p. Record of occurrences and duration of malfunction events affecting the facility boilers from 2019 through the date of this Information Request Letter; and
 - q. Records or actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in 40 C.F.R. 63.11205(a), including correcting actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation. Please provide these records from 2019 through the date of this Information Request Letter.
10. A detailed inventory of the Facility's fuel storage tanks, including type of product, type of vessel, vessel volume/capacity, and date of construction. Monthly diesel and gasoline fuel throughput from 2019 through the date of this Information Request Letter.
11. For all fuel products used at the Facility, provide quality analysis certificates and purchase receipts for 2019 through the date of this Information Request Letter.
12. For all emergency power engines and fire control pumps used at the Facility, provide the following:
- a. A detailed inventory, including engine brand, model number, series number, manufacturer's specifications, manufacturing date, engine power, fuel type, and type of operation (emergency/non-emergency). The inventory should also include the annual and monthly hours of operation and fuel consumption from 2019 through the date of this Information Request Letter.
 - b. Maximum hours of operation per year.
 - c. Copies of required annual report and evidence of submittal to DNER indicating hours of operation, monthly fuel consumption and fuel sulfur content in percent by weight for all emergency engines and fire control pumps.

¹ <https://cdx.epa.gov/>

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 _____, 2024

Notary Public