



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail To: Nestor.Rios@hppr.pr

Mr. Nestor Rios, Senior Plant Manager
Hindustan P.R. LLC
Bo. Cataño – Industrial Park
Carr #3 Km 82.0
Humacao, Puerto Rico 00791

Re: Request for Information Pursuant to Section 114 of the Clean Air Act
Reference No. CAA-02-2023-1416

Dear Mr. Rios:

The United States Environmental Protection Agency (“EPA”) is investigating compliance with Section 112(r)(7) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r)(7), and the Chemical Accident Prevention Provisions, also known as the Risk Management Program Rule, published at 40 C.F.R. Part 68. This letter seeks your cooperation in providing information and documents relating to the Hindustan P.R. LLC facility, located at Bo. Cataño – Industrial Park, Carr #3 Km. 82.0, in Humacao, Puerto Rico (the “Facility”) and whether it is subject to, and in compliance with, these requirements.

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the CAA, to establish and maintain such records, make such reports, and provide such other information as he or she may reasonably require, for the purpose of determining whether such person is in violation of any provision of the CAA. As defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), the term “person” includes an individual, corporation, partnership, 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.

While EPA seeks your cooperation in this investigation, compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign the enclosed “Certification of Answers to Request for Information,” and return that Certification to EPA along with your response.

Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under 18 U.S.C. § 1001. In addition, Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to pursue penalties for failure to comply with a Request for Information. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the enclosed Request for Information **within thirty (30) days** of your receipt of this letter. Please contact Mr. Francesco Maimone, whose contact information is provided below, if you have concerns about your ability to respond to this Request for Information in a timely manner.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting your claim for confidentiality.

Please note that if, after submitting your response, you obtain additional or different information concerning the matters addressed in this Request for Information, you must immediately turn over the additional or different information to EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

See the enclosed Instructions for information on how to respond to the enclosed questions. Your response, preferably electronic, should be emailed to Maimone.Francesco@epa.gov or mailed to:

Francesco Maimone, Physical Scientist
Air Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 21st Floor
New York, NY 10007

A copy of your response, preferably electronic, should be emailed to Jean Regna, Assistant Regional Counsel, at Regna.Jean@epa.gov or mailed to:

Jean Regna, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Francesco Maimone at 212-637-4010 or by email at his email address above. Any questions from attorneys should be directed to Ms. Jean Regna, Assistant Regional Counsel, at 212-637-3164, or by email at her email address above. We appreciate and look forward to your prompt response to this information request.

Sincerely,

Anderson, Kate Digitally signed by
Anderson, Kate
Date: 2023.06.20 15:24:00
-04'00'

For Dore F. LaPosta, Director
Enforcement & Compliance Assurance Division

Enclosures

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents who have knowledge of your Facility and whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CAA Section 114 that you supplement your response to EPA.
6. If you have reason to believe that an individual other than one employed by you may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.
9. If you cannot provide a precise answer to a question, please approximate but, in any such instance state the reason for your inability to be specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
11. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c).

If you make a claim of confidentiality for any of the information you submit to EPA, you must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all responses and any related documents you assert to be confidential. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if applicable, after which the information needs no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA review. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 114 of the CAA and EPA's pre-disclosure notification procedures. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you. EPA provides no assurances that all information that you assert as confidential business information will not be publicly disclosed. Any determination regarding public disclosure will be based on a review of the information and relevant countervailing factors.

DEFINITIONS

1. As used herein, the terms “Hindustan P.R. LLC,” “the Company,” or “your Company” refer to Hindustan P.R. LLC as it is currently named and constituted, but also to all predecessors in interest of Hindustan P.R. LLC and subsidiaries, divisions, and branches of Hindustan P.R. LLC.
2. The terms “document” and “documents” include any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term “Facility” means the Hindustan P.R. LLC facility, located in Humacao, Puerto Rico.
4. The term “identify” means, with respect to a natural person, to set forth the person’s name, present, or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known place of employment, job title, occupation, position, or business.
5. With respect to a corporation, partnership, business trust, association, State, Commonwealth, municipality, political subdivision of a State, 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.
6. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity, individual, corporation, partnership, 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.
7. The term “Regulated Substance” means any substance listed in 40 C.F.R. § 68.130, “List of substances,” Tables 1 – 4.
8. The term “Threshold Quantity” means, with respect to a Regulated Substance, the quantity specified for such substance in 40 C.F.R. § 68.130, Tables 1 – 4.
9. The term “you” shall include any officers, managers, employees, contractors, trustees, successors, assignees, and agents with knowledge of your Facility.
10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CAA or its implementing regulations, in which case the statutory or regulatory definitions shall apply.

REQUEST FOR INFORMATION

Company Information

1.
 - a. State the correct legal name and mailing address of your Company.
 - b. State the name(s) and address(es) of the President, the Chairman of the Board, and the Chief Executive Officer of your Company.
 - c. If your Company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to the Company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board, and Chief Executive Officer.
 - d. Identify the state and date of incorporation and the agent for service of process for your Company and each entity identified in your response to 1.c. above.

Facility Information

2. Please provide the following information for the Facility:
 - a. the name, address, and latitude/longitude coordinates of the Facility, and the mailing address, if different;
 - b. the correct legal names of the Facility and its owner and/or operator;
 - c. the name, title, business mailing address, and business telephone number of the Facility's supervisor, manager, or equivalent;
 - d. a brief description of the Facility's operations;
 - e. the number of employees currently employed at the Facility;
 - f. the date operations commenced at the Facility; and
 - g. the date operations ceased at the Facility, if applicable.

Anhydrous Ammonia Information

3. Is anhydrous ammonia used and/or stored at the Facility? If yes, provide the following information:
 - a. a description of the anhydrous ammonia operations at the Facility, from receipt, to storage, and use;
 - b. a map or scale drawing of the Facility showing the locations where anhydrous ammonia is stored and/or used;

- c. a list of anhydrous ammonia container types (e.g., isotainer, cylinder, storage vessel) and the capacity (in pounds) of each container type stored and/or used at the Facility;
 - d. the current amount of anhydrous ammonia present at the Facility, in pounds; for each container type;
 - e. for any mobile containers that are used to store anhydrous ammonia at the Facility (such as isotainers), describe at which stage in operations, if any, the mobile containers are removed from the motive power (i.e., truck) that delivered them onsite. Such operational stages may include receipt, transfer, and/or storage; and
 - f. provide the maximum intended amount of anhydrous ammonia (in pounds) that is present at the Facility at any time during the year.
4. Has anhydrous ammonia ever been present at the Facility in a quantity exceeding the Threshold Quantity (for anhydrous ammonia, 10,000 pounds)? If yes,
- a. state the earliest date when anhydrous ammonia was first present at the Facility in quantities above the Threshold Quantity;
 - b. if applicable, describe any changes or upgrades to the anhydrous ammonia process at the Facility that increased the amount of anhydrous ammonia above the Threshold Quantity, and when such upgrades were made.

Other Regulated Substance Information

5. Please identify any other Regulated Substances that are used, stored, manufactured, or handled at the Facility, in quantities above the threshold amount, and for any such Regulated Substances, provide the information requested in Questions 3 and 4. A list of such substances and their corresponding Threshold Quantity is set forth at 40 C.F.R. § 68.130.

General Information

6. For each question contained herein, if information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents can be obtained.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Commonwealth of: _____

I certify under penalty of perjury that I have personally examined and am familiar with the information and all documents submitted in response to EPA’s Request for Information and 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 herewith 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 I am under a continuing obligation to supplement my response to EPA’s Request for Information if any additional information relevant to the matters addressed in EPA’s Request for Information or the Facility response thereto should become known or available to the Facility.

Executed on _____, 20__

NAME (print or type)

TITLE (print or type)

SIGNATURE