UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

August 24, 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7011 0110 0001 3590 6353

Rachel Chapa, Acting Warden
FCI Three Rivers
Federal Correctional Institution
P.O. Box 4000
Three Rivers, TX 78071

Dear Ms. Chapa:

Enclosed is an Information Request (Request) issued to Federal Correctional Institution, Three Rivers (FCITR) under the authority of Section 114 of the Clean Air Act, 42 U.S.C. § 7414. The purpose of this Request is to obtain information necessary to determine FCITR's compliance with 40 C.F.R. Part 82 - Protection of Stratospheric Ozone.

Please provide the information requested within thirty (30) days of your receipt of this letter to Marie Stucky, at the above address. If you have questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Ms. Stucky, Multimedia Enforcement Officer, at (214) 665-7560.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Ricky Burns, Safety Manager

Jeff Hays, Regional Safety Administrator

ENCLOSURE A

INFORMATION REQUEST

The Environmental Protection Agency (EPA) is investigating Federal Correctional Institution's, Three Rivers, TX (FCITR) compliance with 40 C.F.R. Part 82 - Protection of Stratospheric Ozone. Pursuant to Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit this information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) days, you must submit a sworn affidavit or declaration by a responsible official within ten (10) calendar days of receipt of this Request specifying what information will be provided within the time specified, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which responsive information must be provided to it. Furthermore, EPA specifically retains the right to obtain additional information beyond what is listed in this letter.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of FCITR. An affidavit making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). Failure to fully comply with this Request may subject FCITR to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

If you consider certain information to be confidential and have concerns about submitting these materials to EPA, please contact Marie Stucky at (214) 665-7560. Information submitted to EPA may be released to the public in the future in accordance with 40 C.F.R. Part 2 (Public Information). The information qualifying as confidential business information (CBI) will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a confidentiality claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you.

All information responsive to this Request should be sent to the following:

Marie Stucky
Multimedia Enforcement Officer (6EN-HM)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue
Suite 1200
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.

2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

3. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in a logically sequenced, bound format.

4. If you wish to assert a confidentiality claim on any documents that you are providing to EPA, please contact Marie Stucky at (214) 665-7560 prior to submission of materials. You will need to be able to provide the legal basis for your claim. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

2. The term "Federal Correctional Facility, Three Rivers, TX (FCITR)" includes any officer, director, agent, or employee of FCITR.

3. The term "you" or "yours" refers to FCITR.

4. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Information Request.

5. The term "identify" means to set forth the (a) full name, address, legal form (e.g. corporation, partnership, governmental agency, etc.); and (b) a brief description of its business.

6. All terms used in the Request will have their ordinary meaning unless such terms are defined in the CAA and its implementing regulations, in which case such statutory or regulatory definitions apply.

7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

9. The terms "relate to" 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.

III. QUESTIONS

1. Identify each person(s) answering each Question or subpart of each Question.

2. For each and every Question or subpart of each Question contained herein, identify all persons consulted in the preparation of the answer.

3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.

4. Please submit the following documentation:

   a. Names of heating, ventilation and air conditioning (HVAC) supervisors for the period July 1, 2009 through July 1, 2011;

b. Copies of relevant Bureau of Prisons/Federal Correctional Institution policies pertaining to maintenance, HVAC certification, hiring and training as it relates to compliance with the Clean Air Act regulations.

c. Names, position title, and dates of employment of all current and former HVAC technicians as well as those who worked in maintenance for the period July 1, 2009 through July 1, 2011;

d. Copies of EPA approved technician certification cards for all current and former HVAC technicians for the period July 1, 2009 through July 1, 2011;

e. Copies of recovered refrigerant inventory records for the period July 1, 2009 through July 1, 2011;

f. Copies of recovery equipment certification forms submitted to the Administrator for the period July 1, 2009 through July 1, 2011;

g. Copies of recovery/recycle equipment inventory log for the period July 1, 2009 through July 1, 2011;

h. Type, number and location of all refrigerant equipment containing MORE than 50 pounds of refrigerant, and copies of maintenance records on these units for the period July 1, 2009 through July 1, 2011;

i. Type, number, and location of refrigerant equipment containing 50 pounds or LESS of refrigerant, and copies of maintenance records on these units for the period July 1, 2009 through July 1, 2011;

j. Name, address, contact information and copies of receipts from the EPA approved reclamation facility where used refrigerant was sent for disposal;

k. Copies of appliance disposal records for the period July 1, 2009 through July 1, 2011; and

l. For each item above, if the information requested is not in existence or is not available, submit a statement certifying this, along with a detailed explanation.

ENCLOSURE B

AFFIDAVIT TO CAA 114 INFORMATION REQUEST

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

STATE OF
SS.
COUNTY OF

I, the undersigned affiant, first being duly sworn, upon oath, depose and say:

1. I certify under penalty of law that the answers to the Questions in the Request, and all attachments included in our response were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

2. Attached hereto are _____ pages of photocopies of documents or records. The attached pages are true and correct copies of records which I presently have in my custody and/or control as an owner and/or employee of _____ the address of which is _____

_____.

3. I am one of the custodians of the records of which the attached pages are true and correct copies. Those records have been requested by EPA and are being produced along with this affidavit in response to that Request.

4. The records, of which the attached pages are true copies, were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in paragraph 2 above. The records are relied upon by me and others for the purpose of conducting every-day affairs.

5. I have made a diligent search and inquiry for all records which are reasonably described in the Request to which this affidavit responds. I have not found or located, and I have not been told about, and I have no knowledge of, any records coming within the descriptions set forth in the said Request which have not been copied and submitted along with this affidavit.

6. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of EPA, and that any material false statement of act herein may be a crime under 18 U.S.C. § 1001 and 42 U.S.C. § 6928(d).

SIGNED: _____ DATE: _____

PRINTED NAME: _____

OFFICE OR TITLE: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this _____ day of _____, _____.

NOTARY PUBLIC in and for the State of

_____ residing at _____ SEAL

My commission expires _____.