



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC - 3 2010

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Ms. Eureka Durr, Clerk of the Board (MC 1103B)
Environmental Appeals Board
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Notice of Withdrawal of Permit Conditions (pursuant to 40 CFR part 124.19(d))
Aguirre Power Plant Complex NPDES Permit No. PR0001660

Dear Ms. Durr:

On September 30, 2010, the U.S. Environmental Protection Agency, Region 2 ("EPA") made a final decision to issue a permit (the "Permit")¹ for the Aguirre Power Plant Complex, owned and operated by the Puerto Rico Electric Power Authority ("PREPA" or "Petitioner"). EPA specified that the Permit was to become effective on January 1, 2011.

On November 29, 2010, pursuant to 40 CFR §§124.19 and 124.20, Petitioner filed a Petition appealing certain conditions (the "Contested Conditions") included in the referenced Permit. Petitioner filed the Petition as a protective filing in order to preserve its right to appeal the issues set forth in the Petition.

Pursuant to 40 C.F.R. § 124.19(d), this letter notifies the Environmental Appeals Board and any interested parties, of EPA's determination to withdraw certain Permit conditions. The Permit conditions hereby withdrawn, included in Attachment A to this notice, include the conditions contested by the Petitioner as part of its Petition. Please refer to Attachment A to this notice for the complete description of the Permit conditions that are being withdrawn herein, pursuant to 40 C.F.R. §124.19(d).

All conditions of the Permit which are not explicitly included in Attachment A to this notice shall remain in effect under the Permit and are severable from the Permit conditions herein withdrawn. Thus, all of the other conditions not withdrawn herein will become fully enforceable obligations on the date that the Permit becomes effective, January 1, 2011.

¹ EPA issued its final Permit pursuant to 40 C.F.R. part 124.15 and provided the Permit with a permit number as follows: *Aguirre Power Plant Complex NPDES Permit No. PR0001660*.

Notice of Withdrawal of Permit Conditions (pursuant to 40 CFR part 124.19(d))
Aguirre Power Plant Complex NPDES Permit No. PR0001660

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If you have any questions regarding this correspondence, please feel free to contact Eduardo J. Gonzalez, the EPA's legal counsel in this matter, at 212-637-3223, or Michelle Josilo, Chief of the NPDES Section in our Division of Environmental Planning & Protection, at 212-637-3866.

Sincerely,

Handwritten signature of Barbara A. Finazzo in black ink.

Barbara A. Finazzo, Director
Division of Environmental Planning and Protection

Enclosure (Attachment A)

cc: Richard M. Cogen, Esq. (w/enclosure-Attachment A)

ATTACHMENT A

Permit Conditions Withdrawn from the September 30, 2010 National Pollutant Discharge Elimination System (NPDES) Permit issued to the Puerto Rico Electric Power Authority (PREPA) for the Aguirre Power Plant Complex (PR0001660)

Page Number	Part 1 Permit Section	Withdrawn Permit Condition
2	Table A-1	Effluent Limitation for Cadmium
2	Table A-1	Effluent Limitation for Copper
2	Table A-1	Effluent Limitation for Lead
3	Table A-1	Effluent Limitation for Silver
3	Table A-1	Effluent Limitation for Zinc
6	Table A-1b	Effluent Limitation for Total Chromium
9	Table A-2	Effluent Limitation for Cadmium
9	Table A-2	Effluent Limitation for Dissolved Oxygen
9	Table A-2	Effluent Limitation for Lead
9	Table A-2	Effluent Limitation for Mercury
9	Table A-2	Effluent Limitation for Silver
12	Table A-3	Effluent Limitation for Copper
12	Table A-3	Effluent Limitation for Dissolved Oxygen
12	Table A-3	Monitoring Requirement for Free Cyanide
12	Table A-3	Monitoring Requirement for Mercury
16	Table A-4	Monitoring Requirement for Free Cyanide
16	Table A-4	Effluent Limitation for Dissolved Oxygen
16	Table A-4	Effluent Limitation for Lead
16	Table A-4	Effluent Limitation for Mercury
16	Table A-4	Effluent Limitation for Silver
16	Table A-4	Effluent Limitation for Zinc
19	Table A-4a	Effluent Limitation for Free Available Chlorine
19	Table A-4a	Effluent Limitation for Total Chromium
19	Table A-4a	Effluent Limitation for Total Zinc
36	Paragraphs C.1.b.i and C.1.b.ii	First two deliverable requirements for Selection of Control Measures to Reduce Entrainment and Impingement Mortality: Plan for facility modifications (Paragraph C.1.b.i.); and Evaluation of possible changes in operation and maintenance (Paragraph C.1.b.ii).