

## **Excerpt 5**

Interested Parties Final Permit Notification  
Letters, dated June 11, 2013, AR V.7

**Interested Parties Final Permit Notification Letters**

**6/11/2013**

**ANY Interested Parties Final Permit Notification Letter**

**6/11/2013**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUN 11 2013

Re: Notice of a Final Decision to Issue a Prevention of Significant Deterioration (PSD) of Air Quality Permit for Energy Answers Arecibo Puerto Rico Renewable Energy Project

Dear Interested Party:

This letter is to inform you of the U.S. Environmental Protection Agency's (EPA) final decision regarding the approval of the Prevention of Significant Deterioration (PSD) of Air Quality permit for the Energy Answers Arecibo Puerto Rico Renewable Energy Project.

On May 9, 2012, EPA requested public comment on our proposal to issue a PSD permit authorizing the construction and operation of a new resource recovery facility (Energy Answers Arecibo Puerto Rico Renewable Energy Project), which consists of two 1,050 tons per day (each) refuse-derived fuel municipal waste combustors, a 77 megawatt steam turbine electrical-generator, and ancillary equipment, in Barrio Cambalache, Arecibo, Puerto Rico.

During the public comment period for the proposed permit, which was originally scheduled to last 30 days, but which was extended to August 31, 2012, EPA received written comments ("comment letters") and oral comments given at the six public hearings sessions held between June 25, 2012 and August 27, 2012 regarding the proposed PSD permitting action. EPA carefully reviewed all the comments, prepared responses to those comments, and made changes to the draft permit as appropriate. The responses to the comments, including reference to all changes to the permit, can be found in the Responses to Comments document. This final permit also includes EPA initiated revisions to the dioxin and furans emissions performance tests frequency and to the hydrogen chloride emissions monitoring requirements.

EPA concludes that the final permit meets all applicable requirements of the PSD regulations at 40 CFR § 52.21 and the Clean Air Act (the Act). The final permit and the Responses to Comments document are available on the EPA Region 2 website at <http://www.epa.gov/region02/air/permit/energyanswers>. Other key documents relevant to the PSD application and the preliminary determination to approve the PSD permit are on the Interamerican University-Arecibo Campus website at <http://www.arecibo.inter.edu/reserva/epa/epa.htm#>.

The complete Administrative Record for this PSD permit decision, including final permit, Responses to Comments document, comment letters, transcripts from the public hearings, and additional supporting information related to EPA's final permit decision can be viewed in person, by visiting either one of the addresses below, between 9:00 AM and 4:00 PM, Monday through Friday, excluding holidays. Please call the EPA offices at the numbers listed below to arrange a visit at least 24 hours in advance.

Electronic copies of the final permit and Responses to Comments document are also available upon request in writing or by e-mail, to either one of the addresses below:

U.S. Environmental Protection Agency  
Region 2  
Permitting Section  
Air Programs Branch  
290 Broadway  
New York, New York 10007  
Attention: Mr. Steven C. Riva  
(212) 637-4074  
riva.steven@epa.gov

U.S. Environmental Protection Agency  
Region 2  
Caribbean Environmental Protection Division  
City View Plaza III-Suite 7000  
#48 Rd. 165 km 1.2  
Guaynabo, PR 00968-8069  
Attention: Mr. Jose Font  
(787) 977-5870  
font.jose@epa.gov

This final permit decision may be challenged under the Consolidated Permit Regulations, codified at 40 CFR Part 124, that apply to EPA's processing of this permit action. Specifically, 40 CFR § 124.19 establishes the following procedures for administrative appeal of the final PSD permit decision. Any person who filed comments on the draft permit or participated in the public hearings may petition the Environmental Appeals Board (EAB) in Washington, D.C. to review any condition of the final permit. In addition, any person who failed to file comments or participate in the public hearing on the draft permit, may petition for review only to the extent of the changes from the draft permit to the final permit.

Any petition for review under this part must be made within thirty (30) days of the service of notice of the final permit decision. The petition for review shall include a statement of the reason (s) for requesting the review, including a demonstration that any issues being raised were raised during the public comment period to the extent required by the regulations at 40 CFR Part 124 and a showing that the conditions in question are based on (1) a finding of fact or conclusion of law which is erroneous, or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review.

Please see 40 CFR§ 124.19 and visit <http://www.epa.gov/eab/> for more information on the required contents of the petition and procedures for appeal of a PSD permit decision to the Environmental Appeal Board.

All persons petitioning for administrative review must file the original and one (1) copy of the petition with EAB at the following address:

For Regular Mail:  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1200 Pennsylvania Avenue, NW  
Mail Code 1103M  
Washington, DC 20460-0001

For Hand-Carrier and Federal Express Mail:

Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004  
Phone number: (202) 233-0122

Any petitions for review filed with the EAB must also be served on EPA Region 2 and the permit applicant at the following addresses pursuant to the filing and service requirements at 40 CFR § 124.19(i) (as amended January 25, 2013):

John Filippelli, Director  
Clean Air and Sustainability Division  
U.S. EPA Region 2  
290 Broadway  
New York, New York 10007

Mr. Patrick Mahoney, President  
Energy Answers, LLC  
79 North Pearl Street  
Albany, NY 12207

For purposes of judicial review under the Act, final Agency action does not occur until after administrative review procedures are exhausted and EPA Region 2 issues a final permit decision. Notice of the Agency's final action with respect to this permit will be published in the Federal Register. Judicial review of this final action is available by filing a petition for review in the United States Court of Appeals for the appropriate circuit within sixty (60) days of the date of the Federal Register notice. Only those persons who petitioned EPA under the administrative procedures of 40 CFR Part 124 may petition for review in the Court of Appeals. Under Section 307(b) of the Act, a final Agency action shall not be subject to judicial review in civil or criminal proceedings for enforcement.

Since comments requesting changes to the draft permit were received and changes were made to the draft permit, this final permit will become effective thirty (30) days after the service of notice, unless review is requested under 40 CFR §124.19. If a petition for review of the final Agency action is filed, the permit will not become effective until after the Environmental Appeals Board renders a decision on the petition.

If you have any questions regarding this letter, please call Mr. Steven C. Riva, Chief, Permitting Section, Air Programs Branch, at (212) 637-4074.

Sincerely,



John Filippelli, Director  
Clean Air and Sustainability Division

cc: Luis Sierra, Puerto Rico Environmental Quality Board  
Jose Font, EPA Region 2, Caribbean Environmental Protection Division