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As promised, I am sending in paper the Appeal Petition and the Internet Print Screens I already sent to your email.

I will be writing a more expanded explanation that I will send to your email regarding the use of the new CDX webpage.

Gratefully,



Eliza Llenza

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IN THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC

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ENVIR. APPEALS BOARD

IN RE ENERGY ANSWERS, LLC

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PSD APPEAL NO

PETITION OF APPEAL



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IN THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC

NOTICE OF APPEAL

TO THE HONORABLE BOARD MEMBERS:

1. Pursuant to 40 C.F.R. 124.19 Petitioner Eliza Llenza, hereby petition for review of the Prevention of Significant Deterioration PSD, permit authorized in favor of Energy Answers Arecibo on June 12, 2013.
2. Petitioner claims that the permit was granted based on a clearly erroneous finding of fact, and conclusion of law, because it authorizes Energy Answers Arecibo to operate ignoring that Arecibo is a nonattainment area for lead, and because EPA grand fathered Energy Answers Arecibo in violation of Petitioner's Due Process Rights guaranteed by the United States Constitution, Amendment XVI, Section 1.
3. Petitioner contends that EPA's behavior creates an unequal application of laws that render a discriminatory result. Petitioner contends that public notice did not notify adequately the scope of the determination that EPA will take granting a Permit in violation of the Clean Air Act, 42 U.S.C. 7401, et seq., allowing National Ambient Air Quality Standards, NAAQS, for Lead to be suppressed from the evaluation of the Permit, especially when Arecibo is a nonattainment area for lead. EPA granted the PSD in open violation of NAAQS and illegally

grandfathering Energy Answers Arecibo, LLP in such way as to interfere with her Right of Speech under The Bill of Rights, Amendment 1, of the Constitution of the United States of America.

4. Petitioner complies with 40 CFR 124.19; participation in public hearings.
5. Petitioner certifies that this Appeal does not exceeds the amount of 14,000 words according with this Board's Rules, and that a true copy of the Appeal is being sent to Mr. Patrick Mahoney, , President of Energy Answers International, 79 North Pearl Street, Albany, New York, 12207; to John Phillipelli, Clean Air and Sustainability Division, US EPA Region 2, 290 Broadway, New York, New York 10007.

This 15, day of July,



ELIZA LLENZA
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC**

In re Energy Answers Arcibo, LLC

PSD Appeal No.

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A recipient [of EPA financial assistance] shall not use criteria or methods of administering its program which have the effect of subjecting individuals to discrimination because of their race, color, **national origin**, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, national origin, or sex.

4.

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
ENVIRONMENTAL PROTECTION AGENCY**

BRIEF OF APPEAL

INTRODUCTION

Petitioner Eliza Llenza, requests the review of the decision to issue a Prevention of Significant Deterioration (PSD) of Air Quality Permit for Energy Answers Arecibo, LLP Renewable Energy Project on June 11, 2013 in Arecibo, Puerto Rico under 40 C.F.R. § 124.19(a); and Consolidated Permit Regulations, 45 Fed. Reg. 33,290, 33,412 (May 19, 1980). The permit under 40 C.F.R. 52.21 was granted based on a clearly erroneous finding of fact, and conclusion of law, because it authorizes Energy Answers Arecibo to operate ignoring (despite the fact) that Arecibo is a nonattainment area for lead, and because EPA grandfathered Energy Answers Arecibo in violation of Petitioner's Due Process Rights guaranteed by the United States Constitution, Amendment XVI, Section 1, that guarantees due process. Petitioner contends that this behavior creates the unequal application of laws rendering discriminatory results. Petitioner contends that public notice did not notify adequately the scope of the determination that EPA will take granting a Permit in violation of the Clean Air Act, 42 U.S.C. 7401, et seq., allowing National Ambient Air Quality Standards, NAAQS, for Lead to be suppressed from the evaluation of the Permit, especially when Arecibo is a nonattainment area for lead. EPA granted the PSD in open violation of NAAQS, and illegally grandfathering Energy Answers Arecibo, LLP in such way as to interfere with her Right of Speech under The Bill of Rights, Amendment 1, of the



Constitution of the United States of America. Petitioner complies with 40 CFR 124.19; participation in public hearings.

ERROR: EPA never disclosed the elimination of the National Ambient Air Quality Standards for Lead in Arecibo's Hearings, and created illegal grounds for grand fathering Energy Answers Arecibo, LLP.

The Clean Air Act, section 165(a) imposes that EPA cannot authorize construction of major emitting facilities that do not comply with the applicable permitting requirements where "construction is commenced after the date of the enactment of this part". The Constitution of the United States of America, Section 1 of Amendment XIV states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Puerto Ricans were granted the United States Citizenship by Public Law 81-600, later adopted by the Foraker Act, 56-191, section 34, 56 Statutes 84.

Petitioner claims that Energy Answers Arecibo, LLP, EAA, does not comply with requirements under the National Ambient Air Quality Standards, NAAQS, (Clean Air Act 165(a)(3)-(4)), because Arecibo is a nonattainment area for Lead(Pb), according to the publication of 76 Federal Register 225, November 22nd, 2011. In the document "*Energy Answers International, Inc, Arecibo, Puerto Rico, PSD Preconstruction Monitoring Waiver Request*" a letter on page 2, directed to Mr. Steven C. Rivas. informs that it will emit the amount of .31 tons per year of lead. The limit is .50 TPY, but there are four other industries in Arecibo that emit Lead:

Battery Recycling, PREPA Cambalache, Cutler Hammer, and Safetech Corporation Carolina (Which is an incinerator and is not reporting emissions, but burns biomedical, law enforcement, pharmaceutical and biogenetic wastes).

EPA has determined that Arecibo is in nonattainment for Lead and also Antimony. At the same time, in open contradiction with the levels of Lead certified to exist in Arecibo, EPA determined that EAA will not contribute to elevating those existing levels of lead in Arecibo, despite the fact that it will be emitting lead in a nonattainment area for lead. EPA's behavior is equal to illegally grandfathering EAA. In Arecibo, any new source capable of emitting lead, as an incinerator is, will contribute to exceed permitted lead emission levels established by regulations. EPA does not have the legal authority to waive the requirements for the NAAQS for lead (Pb) in the evaluation of this permit. On the contrary, 75 Federal Register 247, December 27th, 2010, confirms Section 160 of the Clean Air Act with the duty to impose air emission limits for Lead.

To insure that the NAAQS are complied with, Congress enacted section 160 of the Clean Air Act which establishes the Permit for Significant Deterioration of Air Ambient Air Quality Standards, NAAQS. It establishes that in the request for a PSD, public participation is a landmark to assure that any decision to permit increased air pollution is made only after adequate procedural opportunities for informed public participation in the decision-making process is granted.

EPA announced the applicability of Section 160, and of Section 165(a)(3)-(4) of the Clean Air Act for this permit. Petitioner, in good faith, participated in Hearings celebrated in August 2012. For those hearings, EPA never informed that the



permit would be waiving requirements for lead (Pb), and that the permit process would annul the requirements ordered in Section 160. Public participation was misguided because the process lacked notification informing Arecibo citizens that NAAQS for Lead would not be enforced for the incinerator project. According to law, 40 CFR Ch.1 section 25.5 requires that ...“the notice shall identify the matters to be discussed at the hearing and shall include, or be accompanied, by a discussion of the agency’s tentative determination on major issues, (if any), information on the availability of a bibliography of relevant materials (if deemed appropriate), and procedures for obtaining further information”. Exempting the application of NAAQS for lead is a major issue, not informed for discussion during public participation, therefore misguiding the Hearings.

In this permit Petitioner is directed to challenge the rationale of granting a Permit. The aspects of eliminating the NAAQS on lead were not addressed in the hearings, neither that Energy Answers Arecibo will be exempted from them. That is an arbitrary, capricious determination of EPA and is an error that warrants review. EPA is bound and obliged to comply with the NAAQS. There is no statutory construction to waive EPA from its own legal system, the public policy and the duty to protect life and property. Moreover, EEA admits at page 13, under *Municipal Waste Combustor, (MWC) Metals, of Fact Sheet for a Clean Air Act, Prevention of Significant Deterioration of Air Quality Draft Permit*, that it will generate 20.3 tons per year of metals, including lead.

Petitioner denounces that EPA's behavior is quite unusual, against the public interest, and public policy, established by Presidential Order number 12898 of

September 2011 and Order of EPA-175-N-94-001, March 1994; being so arbitrary that it raises an issue of abuse of discretion.

EPA published the document titled "*Waste to Energy, A Possibility for Puerto Rico*" in May, 2007. The document outlines how EPA will convince communities to adopt incineration of wastes as a management tool for dealing with its wastes. This is an unprecedented act of EPA. It implicitly derogates EPA's functions to protect health and welfare from any potential adverse effect which may be reasonably anticipated to occur from air pollution, maintain compliance of NAAQS, protect and enhance air quality of national parks, insure economic growth, and evaluate all consequences in the decision making process. This behavior affects upon the Constitutional Rights of Free Speech of Petitioner because EPA intentionally hides the information needed to participate in a meaningful manner. For example, the United States government filed suit, in representation of EPA against the City of Jacksonville, Florida, case number 308-CV-257(J-20TEM), Consent Decree published at 73 Federal Register 53, March 18, 2008, in which EPA admitted that incineration ash contaminated soils from homes, parks, and schools, of the city of Jacksonville in Florida, and remediation measures were taken under CERCLA 42 U.S.C. § 9622(b)(3)to:

"The plans require soil excavation at residential properties, schools and parks, and the installation of a two-foot layer of clean soil. Excavated soil will be solidified and stabilized in accordance with federal regulations, as needed, prior to off-site disposal at an appropriate landfill. The plans will provide for various measures to protect human health and the environment. Remediation will also be conducted at streams and creeks, and groundwater will be monitored to ensure protection of public health and the environment. In addition, the Consent Decree requires the City to reimburse the United States for costs incurred in connection with the Sites".



That information is not in the "*Waste to Energy, A Possibility for Puerto Rico*" document, and all the behavior of EPA was tailored to evade the issue of toxicity of incineration ash from the incinerator. EPA's responsibility is to be impartial, not to grandparent a particular form of waste management. This is so, and more important when there are other ways to handle waste, precisely Obama's Administration Public Policy which EPA should be promoting, facilitating and educating communities towards 3R's and C. EPA was heavily in favor of incineration in Arecibo disregarding the evidence on its own files that incineration ash is toxic.

At the May 23rd, 2012 meeting, sponsored by EPA, Mr. Steven C. Riva, (the person in charge of approval of this permit), Presided an Educational Meeting on Waste to Energy, in Arecibo. There he consistently denied that incineration ash is toxic. Confronted with his attitude, claimed that the substances in the ash that Energy Answers Arecibo will produce are not significant. In 2012, Mr. Riva should have known that EPA agreed to manage incineration ash under CERCLA in the case of Jacksonville. As a press member, Petitioner taped Mr. Riva's speech to public. It was nonprofessional, nonscientific, and never addressed concerns of the public. He gave selective and incomplete information. He acted as the proponent of the project would act, selling the incinerator as the only alternative. On August 3, 2012, a Complaint for Riva's behavior was sent to Ms. Lisa Jackson, including a portion of the tapes where he refers to the Energy Answers Arecibo facility in terms of personal property with the phrase "We

have".¹ Mr. Riva went too far in evidencing personal participation in the interests of the proponent and his grand parenting of the facility. He admitted that people in the area were identified as environmental justice communities, but never established the procedures to make available to the community the resources it needs to participate in a meaningful way. He also declared that if there is a nonattainment area, the proposed facility cannot be authorized. Afterwards, it was himself, Mr. Riva, who approved the Permit. EPA can delegate the review of the Permit, but cannot render its functions to an interested part. This permit had been grand parented by an interested part, all the way until its approval. Garcetti v Ceballos, 547 U.S. 410 (2006), establishes that statements by public employees, made pursuant to their employment, have no First Amendment protection. This means that EPA is responsible for Riva's behavior.

As part of the campaign to mislead public opinion, Energy Answers Arecibo's consultants and representatives, Mr Alexis Molinares, Mr. Javier Velez Arocho, former director for the Natural Resources Department of Puerto Rico, and attorney Rafael Toro, gained access to public schools within the Arecibo Region to sell its incinerator. Annex 2

Energy Answers Arecibo was given ample opportunity to collect information and to analyze documents. On the contrary, the community was forbidden of assessing meaningful data, the process was tailored to impose illegally another 'source of lead emissions discriminating Arecibo and applying law in an

¹ http://www.youtube.com/watch?v=tcBaXfNEcVI&feature=em-share_video_user&noredirect=1 , or <http://youtu.be/tcBaXfNEcVI>

unprecedented discriminatory way. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and 40 C.F.R. Part 7. 40 C.F.R. § 7.35(b) provides:

A recipient [of EPA financial assistance] shall not use criteria or methods of administering its program which have the effect of subjecting individuals to discrimination because of their race, color, **national origin**, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, national origin, or sex.

Petitioner claims that imposing a structure that suppresses the application of NAAQS for lead, and diverting the ash throughout the island, is discriminatory against Puerto Ricans because of their national origin, as a class, ethnic and poverty ridden group. The goal of Title VI is to prevent discrimination. One of the measures to comply with is to enable overburdened communities to have full and meaningful access to the permitting process, and to develop permits that address environmental justice issues to the greatest extent practicable under existing environmental laws, to comply with laws and support communities.

EPA has to explain why is not including NAAQS for lead and adequately justify its behavior. A justification offered will not be considered acceptable if it is shown that a less discriminatory alternative exists. If a less discriminatory alternative is practicable, then the recipient must implement it to avoid a finding of noncompliance with the regulations." *New York City Env'tl. Justice Alliance v. Giuliani*, 214 F.3d 65, 69 (2nd Cir. 2000)). Petitioner claims that less discriminatory alternatives are available such as implementing an aggressive campaign in favor of recycling, reusing, reducing and composting.

In the hearings for the PSD, EPA stated that all the statements from the public would be public and available. This statement was made when EPA justified itself for only granting three (3) minutes to petitioners to depose at the Hearings of the PSD. EPA never made a file with the statements from the community experts available to the public. There has never been the possibility to public in general to know the full content of the statements to EPA regarding this permit. There's no transparency, nor recognition of another challenging positions to this permit. This is another way of grand parenting Energy Answers Arecibo.

The Energy Answers Arecibo files posted at EPA, and at the Inter American University are incomplete. Annex 1 is an evidence of a document of Energy Answers not posted in the internet files². That document contains misleading information, does not comply with the required modeling, and intentionally omits the existence of lead in the ambient air in Arecibo, omits other incinerator, Safetech Corporation Carolina, meters away from Battery Recycling. That document was posted at the Library of the Superior Court in Arecibo. It is not available at the Inter American University website or the EPA's link provided. This is a deviation to misinform the public, and EPA did not supervise the information posted. On the contrary, in the Announcement of the Permit dated June 11th, 2013, EPA admits that "a selection" of documents are in file at EPA and the Inter American University. None of the information presented to public was revised to determine if it was accurate. For example, in this document, who, when, where and who legalized the air modeling? Is a fabric filtering the Best

² Analisis de Localizacion Para el Proyecto de Energia Renovable de Energy Answers Arecibo.
Translation Analisis of the Location for the Renewable Energy of Energy Answers Arecibo Project

Available Control Technology? Do this information grant Energy Answers Arecibo any right to contest in a later procedure, or this procedure, that all the information was in file? There's no determination of EPA summarizing the information in record and publishing a statement closing the amount of files in record. The documents evaluated are at New York. Petitioner is in Puerto Rico. In Puerto Rico EPA admits that "a selection" of documents is posted. That behavior violates the Constitutional Right of Petitioner of Free Speech because it gives selective information, and also is controlled by a person, Mr. Steve C. Riva, who assumed a partial position in favor of Energy Answers Arecibo. The case Legal Services Corp. v. Velazquez, 531 U.S. 533 (2001), states that when the government provides funds to an entity, and the funding's purpose was to encourage a diversity of private views, it must act in a viewpoint-neutral way. See also Volokh, Eugene (2008). *First Amendment and Related Statutes: Problems, Cases and Policy Arguments* (3rd ed.). Foundation Press (published 12 May 2008). In any case, EPA's duties are to protect life and environment. It is expected that its decisions are tailored to support its duties and to protect the overburden community overwhelmed by contamination, such as Arecibo.

On the other hand, the information gathered by the community via its experts, was not posted at an official government website. This disparity, allowing inaccurate information to be in file, and not allowing the community resources to gain public access, is illegally grand parenting. In Petitioner's investigation for information regarding Quality Assurance verification, only staff from New York's Regional Office appeared in charge of evaluation of the permit, but has not found

evaluations performed by technicians at the Edison, New Jersey, Monitoring Management Branch, or Quality Assurance Officers, who to the best of Petitioners knowledge do not belong to New York Region 2 Office. Petitioner contends that the information is not complete, is not accurate, is not easily available by more than one means of access, and that the staff that could technically evaluate, or give insight in areas of expertise was omitted and possibly suppressed from participating. Petitioner seeks from this Board to review whether the permit duly considered the issues raised in the comments. One example: NAAQS such as lead in a nonattainment area for lead.

The same problem arises with this Appeal procedure. Energy Answers Arecibo was given plenty of room to file documents, with no size restrictions, without time deadlines; appellants are given 14,000 words, in the period of 30 days. The comments to the statements of the public were posted by EPA in June 2013, together with the permit. Community members had to travel to get the statements. All documents sum a total of 693 pages. Not to mention that there is need to study of Rules, laws, learning how to file an Appeal, etc. The burden on communities to participate is overwhelming.

PLEA

For all the aforementioned reasons the Permit should be warranted and remanded to EPA for further revision.

On this 15 day of July, 2013.

CERTIFICATION: I hereby certify that I sent Mr. Patrick Mahoney, , President of Energy Answers International, 79 North Pearl Street, Albany, New York, 12207; and to John Fillipelli, Clean Air and Sustainability Division, US EPA Region 2,

290 Broadway, New York, New York 10007. I certify that for electronic filing I have reviewed that this document does not exceeds of 14,000 words.



MS. ELIZA LLENZA

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC**

In re Energy Answers Arecibo, LLC

PSD Appeal No.

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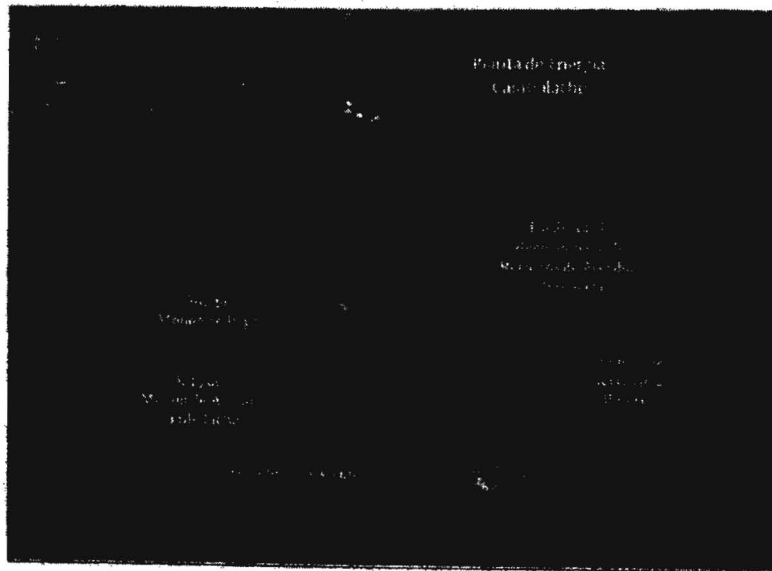
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ANÁLISIS DE LOCALIZACIÓN PARA EL PROYECTO DE ENERGÍA RENOVABLE DE ENERGY ANSWERS ARECIBO

Energy Answers Arecibo, LLC (Energy Answers) está proponiendo la construcción y operación de una facilidad de energía renovable y de recuperación de recursos de aproximadamente 80 mega watts (MW) en el antiguo sitio del Molino de papel de Global Fibers en el Barrio Cambalache de Arecibo, Puerto Rico, referida de aquí en adelante como el Proyecto de Energía Renovable de Arecibo (PERA). La facilidad propuesta consistirá de dos calderas "spreader-stoker", cada una con una tasa de aportación de calor de 500 MMBTU por hora. El combustible primordial de la planta será Combustible Inservible Procesado (PRF, por sus siglas en inglés), el cual se deriva de desperdicios sólidos municipales (MSW, por sus siglas en inglés) luego de pasar por un proceso de trituración del material y luego remover la mayoría del metal para reciclaje. Las calderas estarán consumiendo aproximadamente 2,000 toneladas por día de PRF. El MSW será procesado para producir PRF y luego el PRF entrará en un proceso de combustión para producir vapor y generar electricidad. La facilidad será construida para que el recibo de desperdicios, procesamiento de desperdicios y las operaciones de recuperación de energía sean conducidas dentro de los límites del local. La facilidad es capaz de suplementar el PRF con desperdicios urbanos de madera procesada (PUWW), combustible derivado de gomas (TDF, por sus siglas en inglés) y residuo de triturado de automóviles (ASR, por sus siglas en inglés) en cantidades limitadas a 50%, 20% y 20% por peso del total de combustible de entrada, respectivamente. El pre-procesado de estos combustibles suplementarios sería conducido fuera del sitio propuesto.

La facilidad propuesta será localizada en el Barrio Cambalache en el Municipio de Arecibo, Puerto Rico. La Figura 1 demuestra la localización del sitio.

Figura 1: Localización Propuesta



ANÁLISIS DE LOCALIZACIÓN PARA EL PROYECTO DE ENERGÍA RENOVABLE DE ENERGY ANSWERS ARECIBO

Energy Answers está requerido a obtener un Permiso de Construcción de la Agencia de Protección Ambiental (EPA, por sus siglas en inglés) y la Junta de Calidad Ambiental (JCA) previo al inicio de la construcción. Basado en la razón procesamiento que fue diseñada y en la calidad de aire actual en el área de Arecibo, esta facilidad está sujeta a los requisitos dentro de las regulaciones de Prevención de Deterioro Significativo (PSD, por sus siglas en inglés) que se encuentran en el 40 CFR Parte 52.21. Las regulaciones del PSD requieren que Energy Answers implemente un sistema de control de emisiones que cualifica como una Tecnología del Mejor Control Disponible (BACT, por sus siglas en inglés), la cual se define en las regulaciones del PSD (40 CFR 52.21(b)(12)) como sigue:

Una limitación de emisiones (incluyendo un estándar visible de emisión) basada en el grado máximo de reducción de cada contaminante que está sujeto a la regulación dentro del Acta que pueda ser emitido por cualquier fuente mayor estacionaria o una modificación mayor por el Administrador, en una base de caso por caso, tomando en consideración los impactos de energía, ambientales y económicos y otros costos, determine si pueda cumplirse para dicha fuente o modificación a través de la aplicación de procesos de producción o métodos disponibles, sistemas y técnicas, incluyendo la limpieza o tratamiento de combustibles o técnicas de combustión innovadoras para el control de dicho contaminante. En ningún evento la aplicación de BACT resultará en emisiones de cualquier contaminante que pueda exceder las emisiones permitidas por cualquier estándar aplicable dentro del 40 CFR Partes 60 y 61.

Energy Answers ha completado un análisis detallado del equipo de control de contaminación de aire utilizando el proceso "Top-Down". La evaluación "top-down" requiere documentación y evaluación de la tecnología técnicamente viable que aplique a la facilidad. El análisis comienza con la evaluación de todas las potenciales tecnologías de control que están disponibles para reducir emisiones, desde las mejores prácticas como buenas prácticas de combustión hasta equipo de control adicional o una combinación de las mismas. Luego, para cada contaminante, las tecnologías son evaluadas y la de mayor nivel de control es evaluada aun más para determinar si es técnicamente y económicamente viable para el proyecto. Si no lo es, luego el próximo nivel de control es evaluado hasta que la tecnología BACT sea determinada. Las próximas fuentes de datos fueron analizadas para establecer las tecnologías BACT.

- El centro de información de tecnologías de la EPA para RACT/BACT/LAER que fueron determinadas a ser BACT/LAER por la EPA y varios estados en permisos previos;
- Requisitos actuales para plantas que utilizan PRF que fueron codificadas en los Estándares de Rendimiento de Fuentes Nuevas dentro del 40 CFR 60 Subparte Da y Eb; y
- Suplidores de equipo de control de calidad de aire.

Las fuentes de emisión primarias en el PERA son el área de recibo de PRF, las dos (2) calderas, una (1) torre de enfriamiento (con 4 celdas), dos (2) bombas de emergencia en caso de incendio y un (1) generador de emergencia. El análisis BACT resultó en las tecnologías de control propuestas en la Tabla 1.

ANÁLISIS DE LOCALIZACIÓN PARA EL PROYECTO DE ENERGÍA RENOVABLE DE ENERGY ANSWERS ARECIBO

Tabla 1: Tecnologías BACT y Límites de Emisión

Contaminante	Límite de Emisión	Tecnología BACT
Material Particulado (PM) ^(a)	24 mg/DSCM	Filtro de Fabrica
Material Particulado < 10 micrones (PM ₁₀) ^(a)	24 mg/DSCM	Filtro de Fabrica
Material Particulado < 2.5 micrones (PM _{2.5}) ^(a)	17 mg/DSCM	Filtro de Fabrica
Óxidos de Nitrógeno (NO _x)	46 ppmvd	RSCR o Equivalente
Dióxido de Azufre (SO ₂)	24 ppmvd	Turbosorp
Monóxido de Carbono (CO)	75 ppmvd	Buenas Prácticas de Combustión/ Catalítico de Oxidación
Compuestos Orgánicos Volátiles (VOC como propano)	8 ppmvd	Turbosorp / Catalítico de Oxidación
Cloruro de Hidrogeno (HCl)	20 ppmvd	Turbosorp
Mercurio (Hg)	17 ug/DSCM	Turbosorp/Inyección de Carbón
Plomo (Pb)	75 ug/DSCM	Filtro de Fabrica
Orgánicos MWC (dioxinas/furanos)	10 ng/DSCM	Turbosorp/Inyección de Carbón
Bentilo	7.3E-7 lb/MMBTU	Filtro de Fabrica
Fluoruros (como HF)	3.2E-03 lb/MMBTU	Turbosorp
Acido Sulfúrico (H ₂ SO ₄)	1.4 E-2 lb/MMBTU	Turbosorp
Metales MWC (medidos como material particulado)	24 mg/DSCM	Filtro de Fabrica
Gases de Invernadero (GHG)	NA	Uso de Combustible de Biomasa

Notas:

- (a) Incluye las fracciones de material particulado de filtrables y condensable
- (b) dscm = metro cubico seco estándar
- ppmvd = partes por millón por volumen seco
- mmbtu = millón de Unidades Termias Británicas
- PRF = combustible inservible procesado
- ng = nanogramos

Un análisis de calidad de aire fue realizado basado en un modelaje de dispersión atmosférica aprobado por las regulaciones para evaluar las emisiones asociadas con la operación del proyecto. El análisis del modelaje representa las peores condiciones de operación en la planta. Los resultados del análisis indican que los impactos del PERA serán menos que los establecidos en los

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niveles de impacto significativo (SILs) del PSD para todos los contaminantes y periodos de tiempo promedio (Tabla 2) excepto por el provisional de 1 hora de SIL para NO₂ y SO₂.

Tabla 2: Resultados del Modelo – Evaluación de Niveles de Impacto Significativo

Contaminante	Periodo	Emisión (lb/día)	Concentración (µg/m ³)	Impacto
CO	1	2000	116.5	No
	8	500	34.5	No
PM ₁₀	24	5	1.56	No
	Anual	1	0.18	No
PM _{2.5}	24	1.2	1.12	No
	Anual	0.3	0.18	No
SO ₂	1	7.6 ^(a)	42.65	Si
	3	25	23.24	No
	24	5	4.11	No
	Anual	1	0.31	No
NO ₂ *	1	7.5 ^(b)	57.38	Si
	Anual	1	0.881	No

Notas:

- (a) EPA recomienda un provisional "non-binding" de SIL de 3 ppb para la 1-hora de SO₂ NAAQS en Agosto 2010 (USEPA, 2010d). Asumiendo una conversión basada en los estándares secundarios de 3-horas para SO₂, el SIL sería de 7,8 µg/m³.
- (b) EPA proveyó un provisional "non-binding" de SIL de 4 ppb para la 1-hora de NO₂ NAAQS en Junio 2010 (USEPA, 2010c). Convirtiendo en un valor basado en masa y redondeando a un número entero resulta en un 1-hora NO₂ SIL de 7.5 µg/m³.

Para emisiones mostradas debajo del SIL, el PERA propuesto no es considerado a causar o contribuir a una excedencia del estándar de calidad del aire del ambiente o incremento PSD y un análisis completo, cumulativo y de múltiples fuentes no es requerido. Un análisis de impacto completo incluyendo otras facilidades en el área fue requerido para solamente el 1-hora de NO₂ y SO₂. Los resultados del análisis de modelaje de impacto completo para NO₂ y SO₂ se encuentran en las Tablas 3 y 4 para el Área de Impacto Significativo (SIA) del sitio.

Tabla 3: Resultados Cumulativos del Modelo - 1-hora NO₂ NAAQS

105.4	84.3	65.2	149.5	188
-------	------	------	-------	-----

- a) Los impactos máximos de fuentes combinadas reportadas (localizadas en el área del PERA son estimados a ser significantes (mayor que el 1-hora NO₂ SIL propuesto.)
- b) Concentraciones en el ambiente de NO₂ reportada es el promedio de 3 años de los valores máximos de 1-hora del 2005-2007 que fueron grabados en la estación de monitoreo de Cataño.

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Tabla 4. Resultados del Modelo Cumulativo - 1-hora SO₂ NAAQS

103.1	60.58	183.7	195
-------	-------	-------	-----

Notas:

- a) Los impactos máximos de fuentes combinadas reportadas localizadas en el área del PERA son estimados a ser significantes. (mayor que el 1-hora SO₂ SIL propuesto.)
- b) Concentraciones en el ambiente de SO₂ es el promedio de 3 años promedio de la percentila 99 de los valores máximos diarios grabados en la estación de monitoreo de Barceloneta para el 2003-2005.

Los NAAQS primario han sido establecidos para proteger la salud del público, mientras que los NAAQS secundarios han sido establecidos para proteger el bien público, propiedades, vegetación y otros sistemas ecológicos de cualquier efecto conocido o anticipado en detrimento.

La Tabla 5 provee las concentraciones recientes del ambiente y los NAAQS primarios y secundarios para estos químicos.

Tabla 5: Estándares de Calidad de Aire del Ambiente Nacional (NAAQS)

Monóxido de Carbono (CO)	Primario	8-hora ⁽¹⁾	10,000	34.5
	Primario	1-hora ⁽¹⁾	40,000	116.5
Dióxido de Nitrógeno (NO ₂)	Primario y Secundario	Promedio Aritmético Anual	100	0.801
	Primario	1-hora ⁽²⁾	188	57.4
Ozono (O ₃)	Primario y Secundario	1-hora ⁽³⁾	235	NM
		8-horas (1997 std) ⁽⁴⁾	156	NM
		8-horas (2008 std) ⁽⁴⁾	147	NM
Materia Particulada (PM ₁₀)	Primario y Secundario	24-horas ⁽⁵⁾	150	1.56
Materia Particulada	Primario y Secundario	Promedio Aritmético Anual	15.0 ⁽²⁾	0.18

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(PM _{2.5})	Primario y Secundario	24 horas	35 ⁽³⁾	1.12
Dióxido de Azufre (SO ₂)	Primario	Promedio Aritmético Anual	80	0.29
	Primario	24-horas ⁽¹⁾	365	4.11
	Primario	1-hora ⁽²⁾	195	42.7
	Secundario	3-horas	1,300	23.2
Plomo (Pb)	Primario y Secundario	Promedio trimestral	1.5	0.00084
	Primario y Secundario	Promedio de 3 meses	0.15	0.00033

Notas:

µg/m³ microgramos por metro cubico

ppm partes por millón

NM No modelado. Ozono no es emitido de la chimenea, pero se forma como resultado de unas reacciones atmosféricas complejas y luz solar.

NA No Disponible

- (1) No debe excederse más de una vez por año
- (2) Promedio de 3- años de la percentila 98 del máximo diario promedio de 1-hora
- (3) Aplica solo en "Esufy Action Compact Areas"
- (4) Promedio de 3- años del buarto promedio diario máximo de 8-horas
- (5) No debe excederse más de una vez por año en promedio de sobre 3- años
- (6) Promedio de 3- años de la percentila 90 del promedio diario máximo de 1-hora

Las concentraciones máximas predichas como resultado de la operación de la facilidad propuesta, incluyendo los niveles en el ambiente, están bien por debajo de los NAAQS; por lo tanto, no se esperan impactos adversos a la salud humana.

Según los requerimientos del 40 CFR Parte 52.21(o), Energy Answers completó un análisis del impacto potencial a la visibilidad, suelos y vegetación que pueda ocurrir como resultado de la fuente propuesta. Energy Answers también evaluó el impacto potencial de calidad de aire como resultado de crecimiento general comercial, residencial, industrial y otros asociados con la facilidad propuesta. Esta evaluación fue conducida según el "1990 Draft USEPA NSR Workshop Manual Guidance".

Ningún tipo de impedimento de visibilidad a nivel local se espera debido a los tipos y cantidades de las emisiones proyectadas de las fuentes de la facilidad. La opacidad de las emisiones de combustión de la Facilidad será baja y típicamente estará acercándose a cero. Las emisiones de particulado primario y óxidos de azufre debido a la combustión también estarán bajas debido a la instalación de controles avanzados. Emisiones de NO_x serán controladas utilizando una tecnología

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moderna de control para que cualquier potencial impedimento a la visibilidad asociado con NO_x sea minimizado. La contribución de emisiones de VOC para el potencial de formación de nublada en el área será mínima dado el nivel bajo razón de emisión de VOC de la planta.

Un análisis de visibilidad de la emisión potencial de las chimeneas de las calderas fue realizada utilizando VISCREEN, un modelo de visibilidad de emisión atmosférica aprobado por la EPA. El análisis fue conducido para evaluar si la emisión sería visible especialmente de áreas cercanas protegidas, incluyendo el Bosque Cambalache y el Bosque Río Abajo. Los resultados de este análisis indican que la emisión del PERA propuesto estará por debajo de los criterios de visibilidad para estas áreas.

El impacto potencial de la facilidad propuesta en los suelos del área, vegetación y vida silvestre es considerado dentro de los niveles aceptables basado en varios estudios y análisis específicos del sitio conducidos para el proyecto. Estos incluyen a los siguientes:

- El Departamento de Recursos Naturales y Ambientales (DRNA) reconoció la suficiencia del Estudio de Indicadores Ambientales (EIA) completado para el PERA propuesto por Energy Answers que fue sometido al DRNA en Diciembre de 2010 (CSA 2010). El EIA concluyó que no especies en peligro de extinción en o cerca de la facilidad propuesta y que las emisiones de la facilidad no se esperan que impacten adversamente la flora local, fauna o el ambiente. Los siguientes estudios fueron incluidos en el EIA y apoyan esta conclusión.
 - Un Estudio de Flora y Fauna Terrestre, completado por CSA (2010), está incluido en el EIA aprobado. No se identificaron especies de preocupación especial para el DRNA y el U.S. Fish and Wildlife Service.
 - Un "Screening Level Ecological Risk Assessment" (SLERA) que completó ARCADIS estimó las concentraciones de constituyentes en el suelo, agua superficial y sedimentos y luego compararon estos niveles a los niveles de monitoreo conservadores. Concentraciones estimadas estaban en órdenes de magnitud por debajo de los niveles de monitoreo usados como base para el estudio. El SLERA concluyó que había un bajo potencial para riesgo ecológico en áreas de hábitat dentro de 10 km del Sitio.
- Una Aplicación de Permiso Conjunto para atender los impactos en áreas jurisdiccionales (limitadas a canales existentes de drenaje y pequeñas áreas de desborde) en el sitio de Energy Answers fue radicada el diciembre pasado en el DRNA, el Cuerpo de Ingenieros, Fish and Wildlife Service y otras agencias. La aplicación se encuentra bajo revisión del Cuerpo de Ingenieros.

Energy Answers preparó un "Screening Level Ecological Risk Assessment" (SLERA) para evaluar los riesgos potenciales ecológicos asociados con las emisiones de la facilidad propuesta. El SLERA se enfocó en la evaluación de los efectos potenciales de los receptores ecológicos (vida silvestre) dentro de un radio de 10 km de la facilidad propuesta. Un modelaje de aire y destino y transporte fueron completados para estimar concentraciones en el suelo, agua superficial y sedimento como resultado de las emisiones de aire de la facilidad. Las concentraciones estimadas en el suelo, agua superficial y sedimento estaban

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significativamente por debajo de los niveles de monitoreo ecológicos conservadores identificados para el área indicando un potencial bajo para efectos adversos al hábitat local y a los receptores. La evaluación del SLERA es considerada como conservadora y los riesgos potenciales a los receptores ecológicos son menores que los presentados en la evaluación. Basado en los resultados del SLERA, la facilidad propuesta no se espera que impacte adversamente los receptores ecológicos locales.

Energy Answers completó un Estudio de Flora y Fauna Terrestre para la facilidad propuesta. El estudio incluyó detalles discutidos con respecto a los recursos naturales en el área de la facilidad propuesta y evaluó la flora y fauna general en los diferentes medios ecológicos presentes cerca o en la facilidad propuesta. Atención especial se le dio a las especies determinadas como críticas, amenazadas o en peligro de extinción. Ninguna de estas especies identificadas son de ninguna preocupación para el DRNA y el U.S. Fish and Wildlife Service. Por lo tanto, la facilidad propuesta no se espera que impacte adversamente a especies amenazadas o en peligro de extinción.

Energy Answers también completó un "Human Health Risk Assessment" (HHRA) para la facilidad propuesta que estimaba el riesgo de cáncer potencial en exceso (ELCRs) y los peligros no-carcinógenos asociados con los constituyentes de preocupación potencial (COPCs) emitidos potencialmente de la facilidad propuesta. El HHRA evaluó las poblaciones (receptoras) viviendo en las áreas circundantes incluyendo a los adultos, niños e infantes que lactan para residentes urbanos, residentes suburbanos, granjeros locales y pescadores (receptores asumidos a consumir peces pescados en las aguas cercanas). Los riesgos y los peligros fueron evaluados basados en los impactos dentro de los usos de terrenos relevantes (agrícola, urbano, suburbano) para cada receptor y fueron determinados a ser aceptables basado en la comparación con las bases establecidas por la EPA.

Los índices de peligro estaban todos bien por debajo de la base establecida por la EPA de 1. Los ELCRs estuvieron dentro o por debajo del rango que generalmente acepta la EPA de uno-en-un-millón (1×10^{-6}) y uno-en-diez mil (1×10^{-4}). Basado en los resultados del HHRA, la facilidad propuesta no se espera que presente una preocupación para la salud humana.

Impactos potenciales durante la construcción de movimiento de tierra, remoción de árboles y pérdida de áreas vegetadas son pequeñas e insignificante en el sitio propuesto debido a que es la localización de una facilidad industrial previa.

En resumen, basado en los tipos de suelos, vegetación y vida silvestre en el sitio y en la vecindad, también como los niveles de emisión controlados asociados a la operación de la planta, no impactos a los suelos, vegetación o vida silvestre en la vecindad de la facilidad propuesta son anticipados.

La facilidad tendrá torres de enfriamiento de tiro mecánico húmedo que transferirán el calor a la atmósfera a través de la evaporación y dispersión del agua de enfriamiento. Es extremadamente improbable que la torre de enfriamiento vaya a producir un plumacho visible debido a la condiciones de temperatura y humedad relativa en Puerto Rico.



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19 de agosto de 2013

Directoras de Escuelas, Facilitadores Docentes
Distrito Escolar de Arecibo

José A. Alberti Rosado, Ed. D.
Superintendente de Escuelas
Ayudante Especial

CHARLAS EDUCATIVAS SOBRE EL MANEJO DE LOS DESPERDICIOS SÓLIDOS EN PUERTO RICO

El Distrito Escolar de Arecibo está colaborando entre las escuelas una serie de charlas educativas sobre el tema del Manejo de los desperdicios sólidos en Puerto Rico. Estas charlas forman parte de las iniciativas del Programa de Ciencias estricto a nuestro distrito, con el propósito de fortalecer y enriquecer las experiencias educativas de nuestros estudiantes.

Como distrito escolar entendemos, que este tipo de actividad les ofrece nuevas oportunidades a nuestros estudiantes de conocer de cerca aquellos problemas que afectan nuestra sociedad y como ellos pueden participar activamente en la búsqueda de soluciones para los mismos. El manejo efectivo de los desperdicios sólidos es un tema que se observa en lo que conocemos como Educación Ambiental, un tema transversal al currículo que se integra a las disciplinas académicas, desde las áreas del conocimiento interactuando en todas las áreas del currículo escolar.

Para lograr el objetivo de nuestra iniciativa, estas charlas educativas contarán con excelentes recursos con un amplio conocimiento en el manejo de los desperdicios sólidos. Entre ellos se encuentran:

- ✓ Sr. Alexis Molinaris – Ecólogo y especialista en temas ambientales
- ✓ Lcda. Rafael Toro – Abogado y especialista en práctica ambiental
- ✓ Sr. Javier Velaz Arocho – Biólogo y Consultor Ambiental

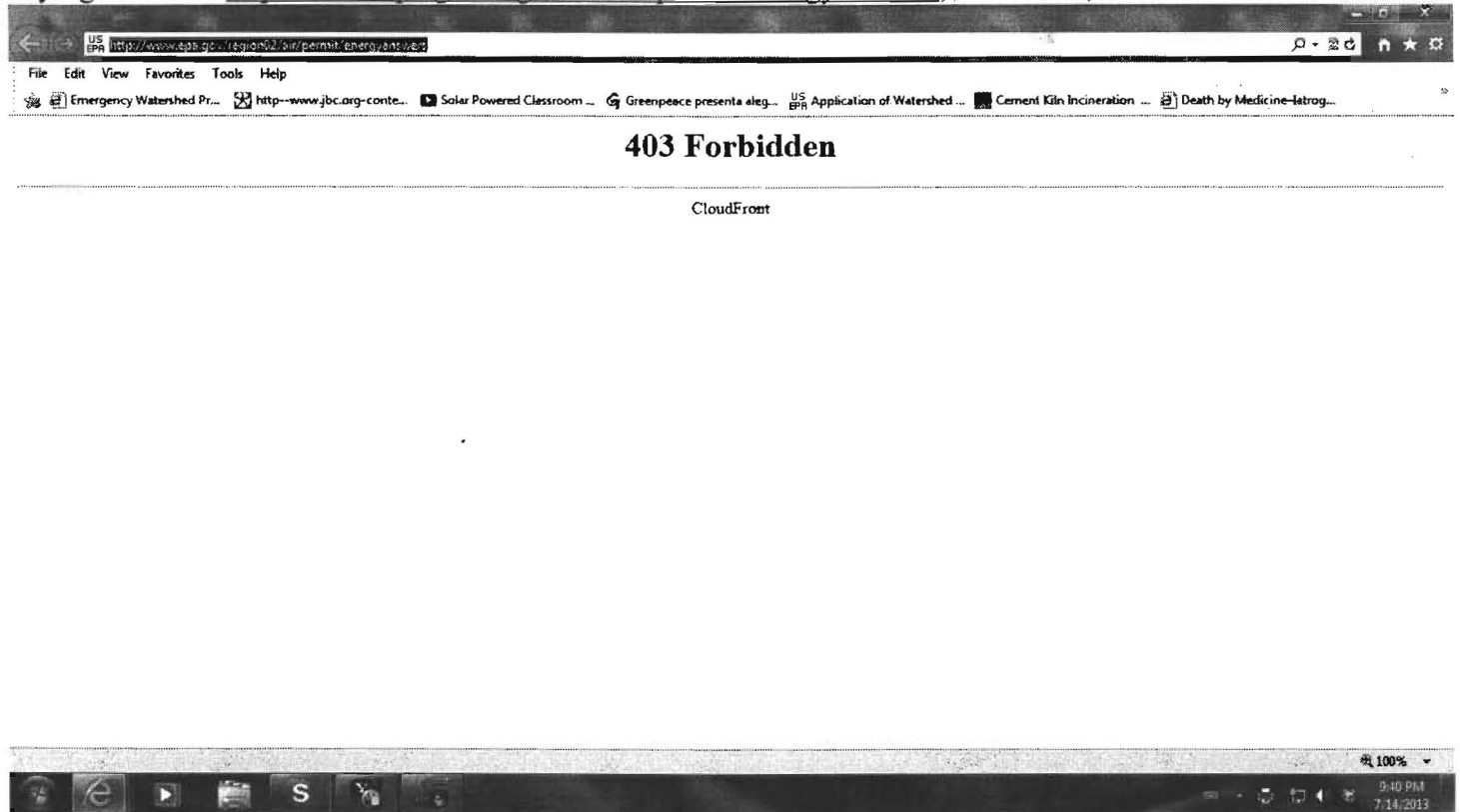
En nuestro intento, que estas charlas educativas comiencen durante esta primer semana escolar y se entiendan durante todo el año en todas las escuelas. Para coordinar las charlas en sus escuelas, podrán comunicarse con los siguientes funcionarios de nuestra distrito escolar: Dr. José A. Alberti Rosado, Superintendente de Escuelas / Ayudante Especial (jalbert@deae.prr.edu); Profesores Beatriz Hernández, y Carlos Soterra, Facilitadores Docentes del Programa de Ciencias, al número de teléfono (787) 878-1324. También le ofrece que agregue a los conductores antes mencionados estas mismas comunicándose con ustedes para coordinar las charlas.

Les exhortamos a aprovechar esta excelente oportunidad.

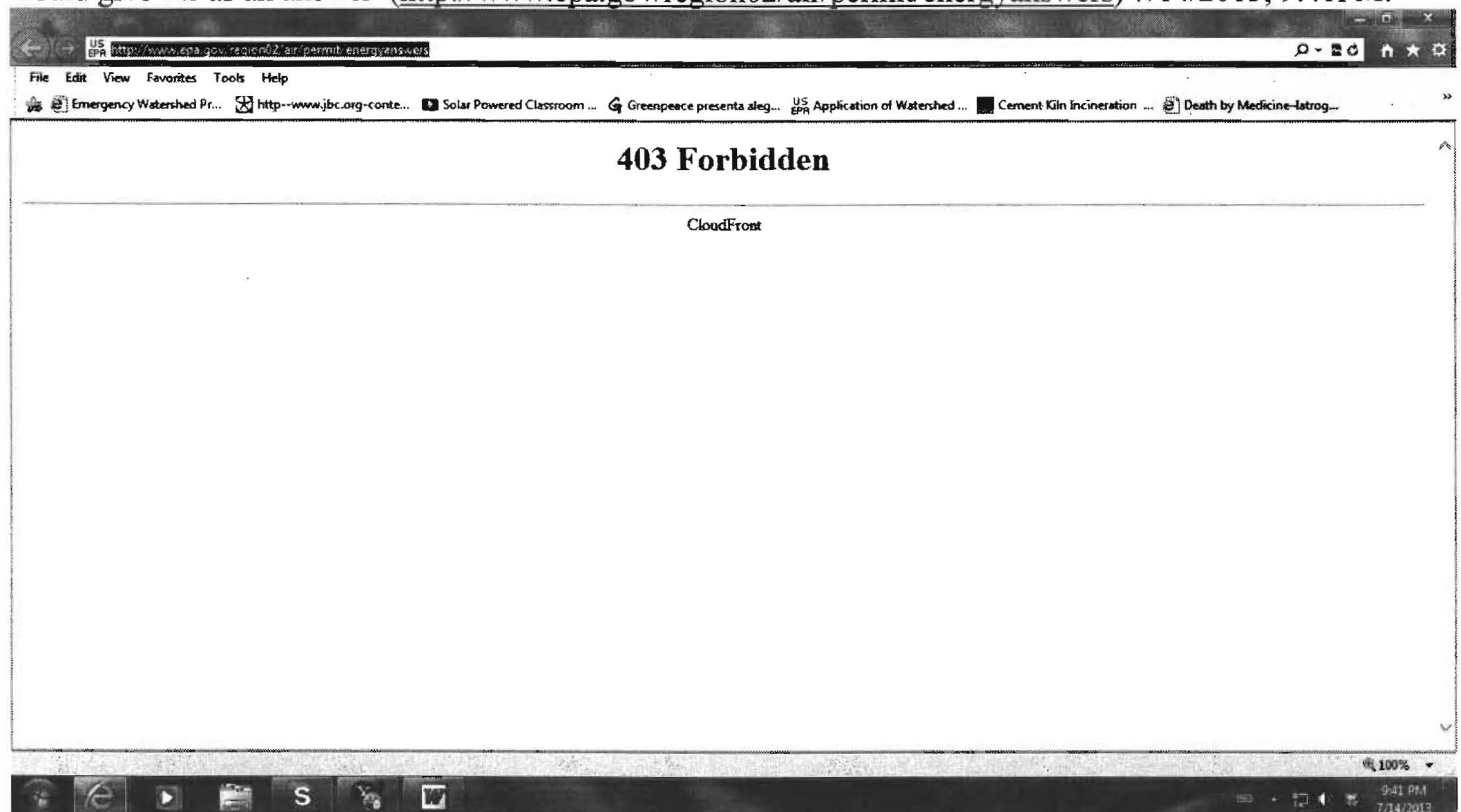
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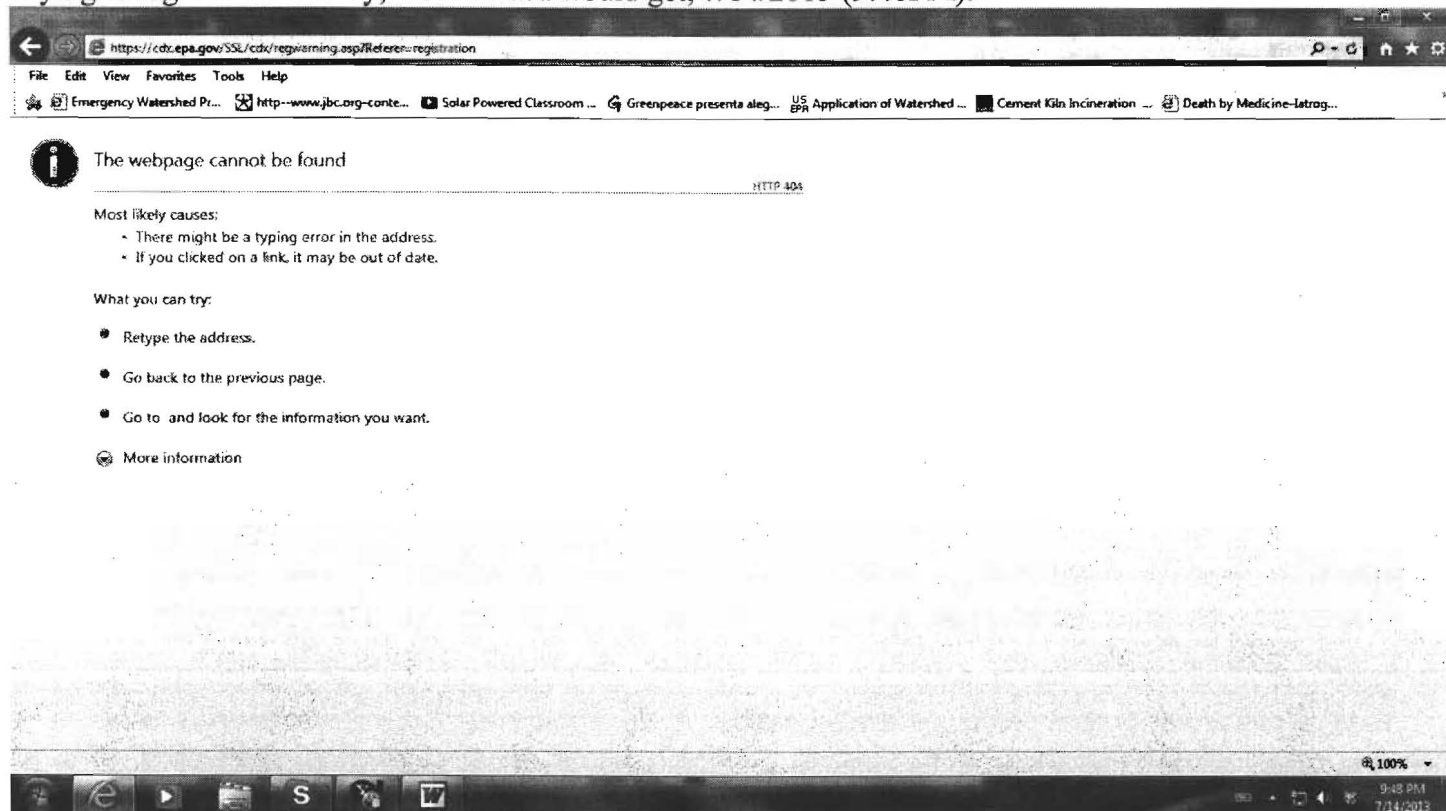
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business confidentiality claim is asserted must be submitted in the manner specified in the regulations applicable to the appeal. See, e.g., 40 C.F.R. § 22.5(d) for those appeals governed by 40 C.F.R. part 22.

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Documents filed electronically must be received by 11:59 pm Eastern Time on the day the document is required to be filed with the Board to be considered timely filed.

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The Environmental Protection Agency has created the Central Data Exchange (CDX), a single portal that allows users to register and then submit information electronically to a number of Agency programs. The EAB is using this portal to receive official filings electronically in lieu of paper filings. Sending a document directly to the Board via e-mail, rather than through the CDX portal, does not constitute electronic filing unless otherwise specified by the Board.

All documents filed electronically must be submitted in portable document format (PDF). A motion and associated brief may be electronically filed together, but exhibits or attachments filed in support of a brief, motion, or other document should be submitted separately from the brief or motion. Where there are multiple exhibits or attachments, they should be filed together in a single electronic file to the extent technically practicable. Litigants filing exhibits that they want to be viewed in color should either provide the Board with a hard copy of the color exhibit or electronically file a scanned color copy.

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Any paper copy submitted subsequent to an electronic filing must be accompanied by a signed certification stating that it is identical to the filed electronic copy. The signature should be in blue ink.

Sample certification language:

I certify that the foregoing Notice of Appeal and Appeal Brief are identical copies of the Notice of Appeal and Appeal Brief electronically filed in this case with the Environmental Appeals Board on February 3, 2010.

Technical Assistance and Assumption of Risk

If you are experiencing problems with the CDX system, you may call the CDX Help Desk before 6 p.m. Eastern Time to obtain filing assistance. Contact information for the CDX Help Desk is available at <http://www.epa.gov/cdx>. If the problem is caused by a CDX equipment or system malfunction and CDX is unable to resolve the problem, the filer should promptly notify the Clerk of the Board and make alternative filing arrangements. If the filer is experiencing problems with CDX after 4:30 p.m. Eastern Time, when the Clerk's office closes, the filer should notify the Clerk on the next business day and provide any supporting evidence of the problem, such as a copy of an error message or screen print of an error page. The Board will verify reported outages with CDX. The Clerk may be reached at (202) 233-0122.

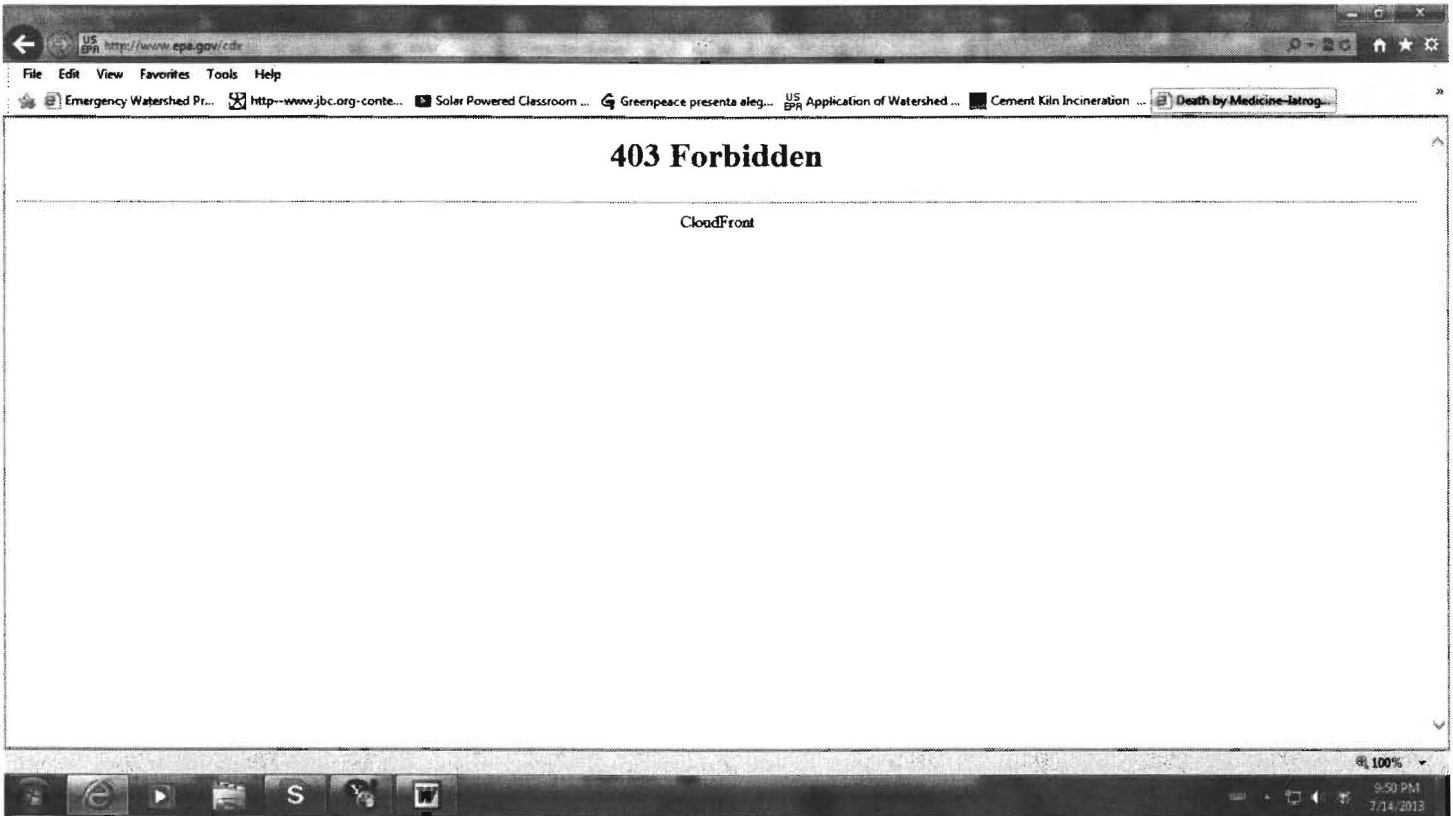
At all times, a filer filing electronically assumes the risk of all errors not solely attributable to a CDX malfunction that may result in the inability to complete an electronic transmission.

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http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Electronic+Submission?OpenDocument
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Last updated on Friday, July 12, 2013

100% 9:50 PM 7/14/2013

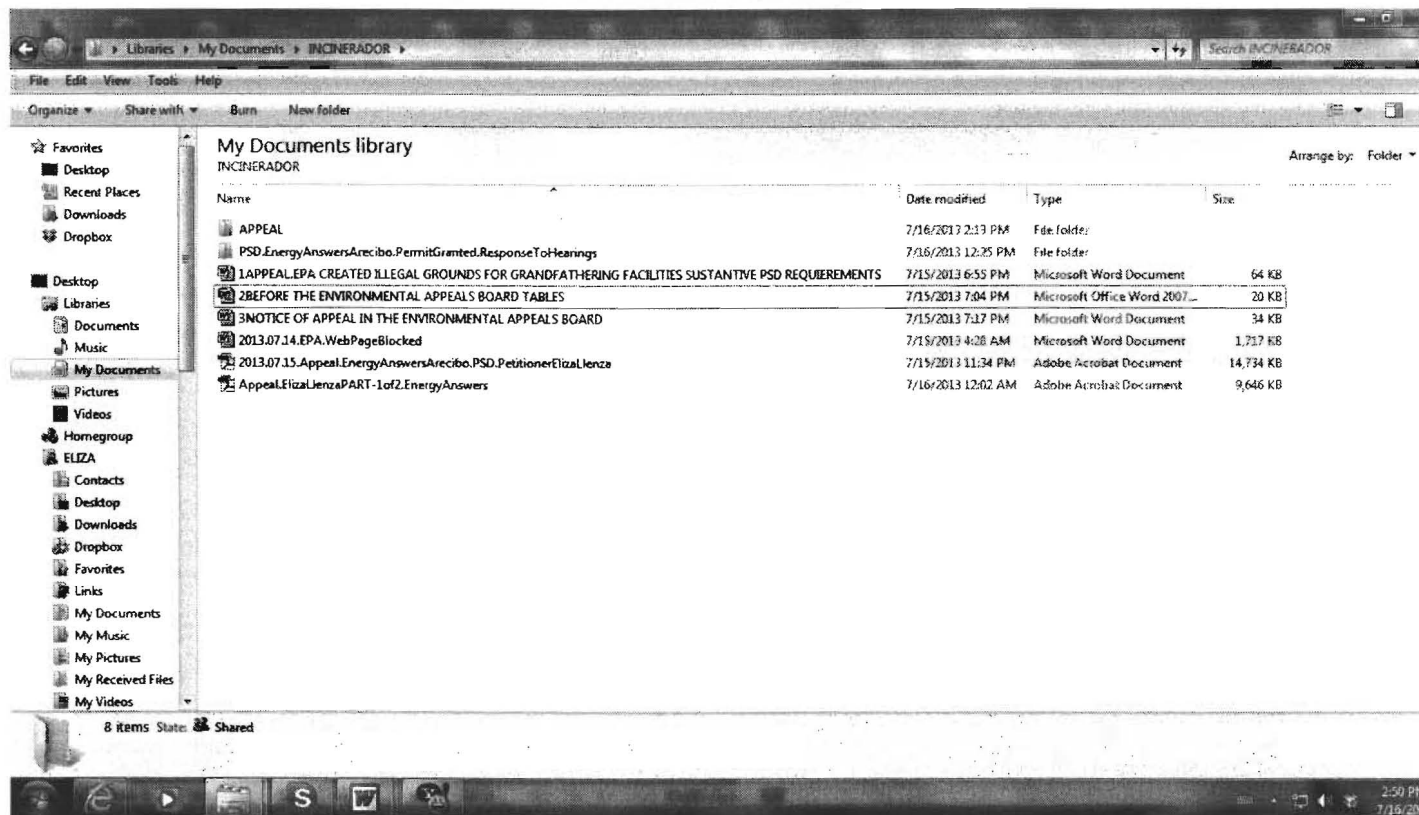


<http://www.epa.gov/region02/air/permit/energyanswers>

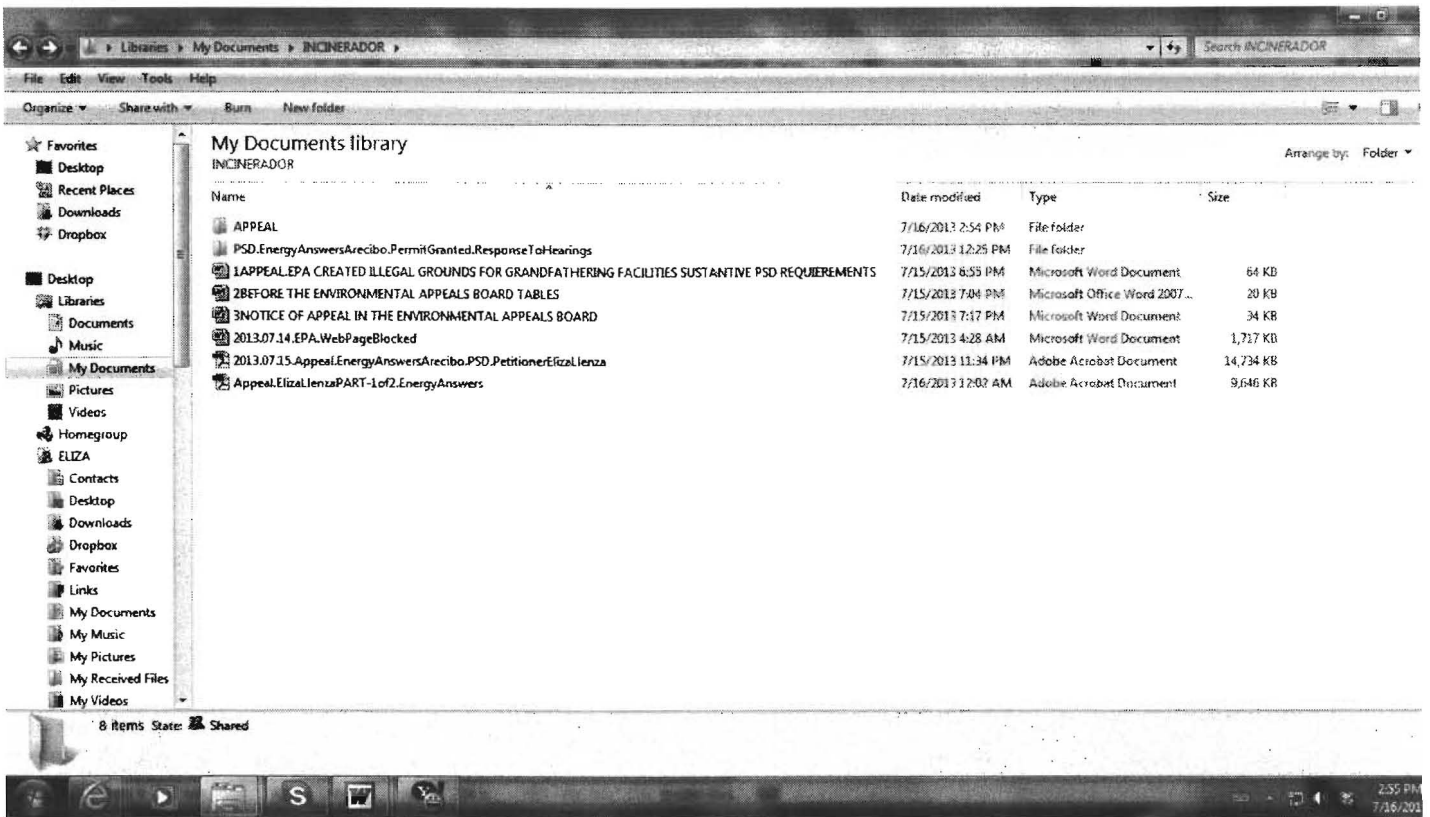
2013.07.16 Evidence of Transactions done in relation to the Appeal Petition regarding PSD Permit issued to Energy Answers Arcicibo on June 11, 2013.

Please not by date and time entry that before 8PM the 3 parts of the Appeals Petition documents were entered. Following this, I printed 2 copies, and went to the Post Office to send them to Mr. Mahoney and Mr. Filippelli , Certified Mail with Return Receipt.

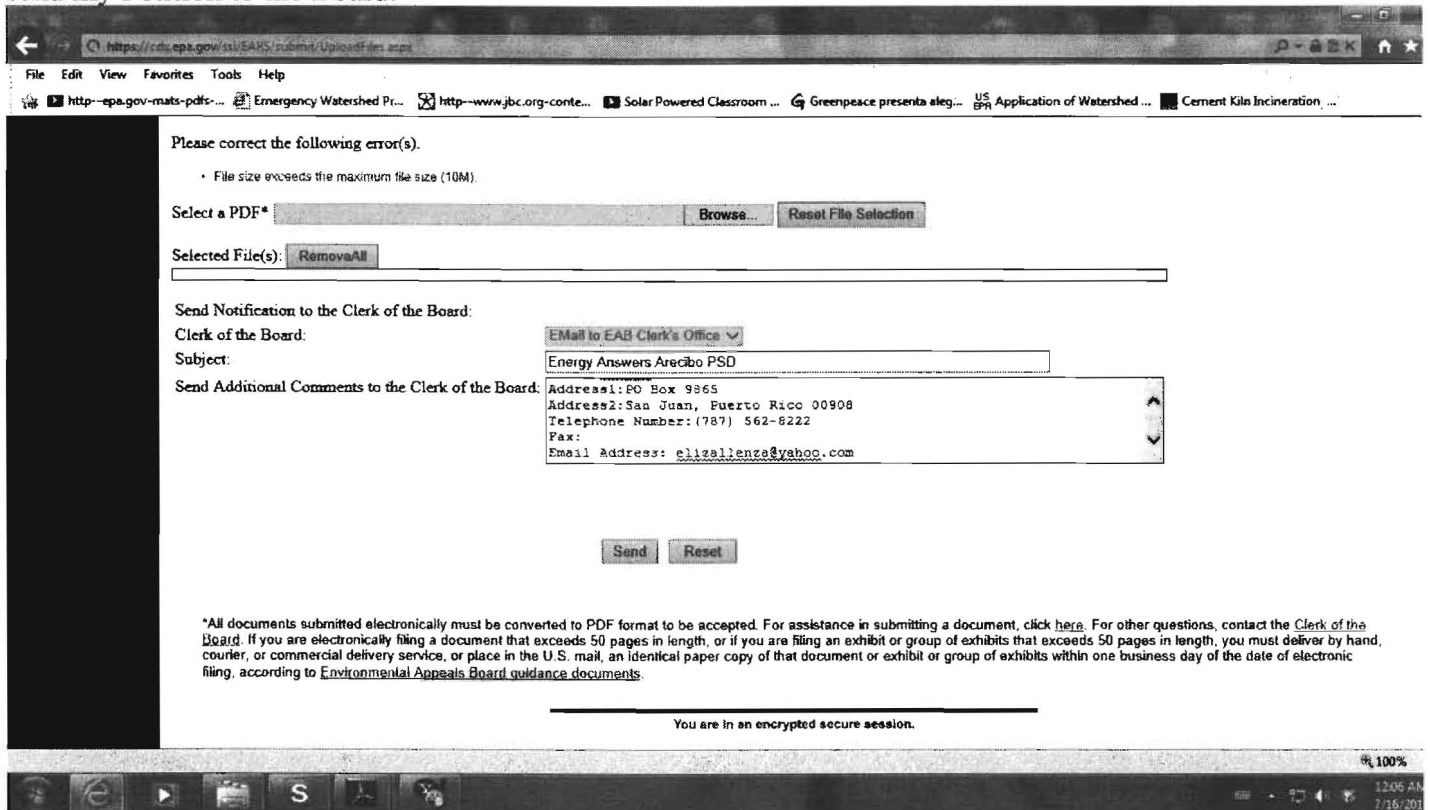
By 9:30PM I was home again and started the process of entering CDX to Register and then transmit my presentation in PDF format.



I tried to submit the Appeal again after Re-scanning the first part to make it smaller than 10M, but the system even so continued to say the file was too large. You can see the smaller file saved on my computer ar 12:02AM.



Here are some of the messages I started to save when I saw the system would not send my Petition to the Board.





6. Each successful submission will be followed by an email titled: Confirmation of Electronic Submission to CDX. Please retain this email for your records. At any time after you have submitted files you may review the submissions and their submission status by using the Transaction History hyperlink to the left of your screen. If you experience failures or believe there is a system problem, please contact the Help Desk at the toll-free number listed below.

Please correct the following error(s):

- File name exceeds the maximum number of characters (75).

Select a PDF* Browse

Selected File(s):

C:/fakepath/2013.07.15.Appeal.PART-1of2.EnergyAnswersArecibo.PSD.PetitionerElizaLlenza.pdf

Send Notification to the Clerk of the Board:

Clerk of the Board:

Subject:

Send Additional Comments to the Clerk of the Board:

*All documents submitted electronically must be converted to PDF format to be accepted. For assistance in submitting a document, click here. For other questions, contact the Clerk of the Board.

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Please correct the following error(s):

- File name exceeds the maximum number of characters (75).

Select a PDF* Browse

Selected File(s):

C:/fakepath/Appeal.ElizaLlenzaPART-1of2.EnergyAnswers.pdf

Send Notification to the Clerk of the Board:

Clerk of the Board:

Subject:

Send Additional Comments to the Clerk of the Board:

*All documents submitted electronically must be converted to PDF format to be accepted. For assistance in submitting a document, click here. For other questions, contact the Clerk of the Board.



CAUsers\ELIZA\Documents\INCINERADOR\APPEAL\Central Data Exchange US EPA.htm

File Edit View Favorites Tools Help

http://epa.gov/mats-pdfs... Emergency Watershed Pr... http://www.jbc.org-conte... Solar Powered Classroom ... Greenpeace presenta aleg... US EPA Application of Watershed ... Cement Kiln Incineration ...

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The Central Data Exchange (CDX) enables fast, efficient and more accurate environmental data submissions from state and local governments, industry and tribes to the Environmental Protection Agency (EPA) and participating program offices.

EPA's CDX is the point of entry on the Environmental Information Exchange Network (Exchange Network) for environmental data submissions to the Agency. CDX works with both EPA program offices looking for a way to better manage incoming data, and stakeholders looking for a way to reduce time and money spent to meet EPA reporting requirements. CDX provides stakeholders with the ability to:

- Submit data through one centralized point of access
- Fill out a single electronic form which can be submitted instantaneously instead of mailing multiple paper forms
- Receive Agency confirmation when submissions are received
- Submit data in a variety of formats including Webs Forms, XML, binary, or flat-file
- Exchange data with target systems using web services
- Reduce costs associated with submitting and processing data submissions
- Utilize publishing services to share information collected by EPA with other stakeholders, including states and tribes

Have a question about CDX?
The **CDX Help Desk** is available for data submission technical support between the hours of 8:00 am and 6:00 pm (EST) at 1-888-890-1995 or helpdesk@epacdx.net. The CDX Help Desk can also be reached at 970-494-5500.

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3:02 AM
7/16/2013

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File Edit View Favorites Tools Help

http://epa.gov/mats-pdfs... Emergency Watershed Pr... http://www.jbc.org-conte... Solar Powered Classroom ... Greenpeace presenta aleg... US EPA Application of Watershed ... Cement Kiln Incineration ...

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7/16/2013

Current Snapshot

- 296,090 CDX User Registrations
- 63 systems in production
- 10 systems in test or development
- Visit CDX Projects

Related Programs

- Cross-Media Electronic Reporting Rule
- Exchange Network
- Network Grants Program



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