

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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ENVIR. APPEALS BOARD

PETITION FOR REVIEW

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PSD Appeal No.

**NOTICE OF APPEAL**

To The Honorable Board:

1. This Pursuant to 40 C.F.R. § 124.19(a), petitioners Waldemar Natalio Flores Flores and Aleida Centeno Rodriguez, hereby petition for review of the Prevention of Significant Deterioration ("PSD"), authorized on June 12, 2013 in favor of Energy Answers Arecibo, to emit 1,200 tons per day of Municipal Solid Waste which can combine Automotive Shredder Residue, ASR, Tire Derived Fuel, TDF, processed urban wood, PUWW without limitation in the overall Waste Derived Fuel, WDF.
2. Petitioners claim that Law, Rules, Regulations, including EPA's determination that Puerto Rico lacks the infrastructure to monitor air, compile data, and does not have a State Implementation Plan, 42 USC 85, Sc I § 7410, in place to enforce environmental actions warrants review of the permit.
3. Petitioners claim that among the defective infrastructure is the reality that Puerto Rico does not operate a Quality System, Quality Assurance System and Quality Management Tools according to *EPA Quality Manual for Environmental Programs*, CIO 2105-P-01-0, formerly Order 5360.1, and that there is a contradictory statutory construction between Law 416, 2004 Commonwealth of Puerto Rico Environmental Public Policy Law, 12 L.P.R.A. 8001 at section 12 which only imports from the Clean Air Act, 42 U.S.C. 7401, P.L. 88-206, amended, the test for opacity.

4. Petitioners contend that the failure of the Puerto Rico Environmental Quality Board, PREQB, to comply with laws has created a mass contamination in Arecibo that is not notified to the public, which has contaminated air and water with toxics and in violation of National Ambient Quality Standards, NAAQS. Aldo contend that this contamination should produce a determination that Arecibo is too contaminated and poisoned and cannot be the place for the construction of Energy Answer Arecibo, LLP Incinerator. Permit should be denied.
5. Petitioners submit with this notice a Brief of Appeal, in accordance with the Clean Air Act section 165, in which present their arguments and solicit warrant review of permit.
6. Petitioners participated in hearings according to 40 CFR Part 124.13.
7. Petitioners submit various Annexes to support allegations that are contained and certified and certified to be Notified according with rules in the documents that follow this Notification.
8. Petitioners claim that did not have enough opportunity to complete this Appeal, and that by any reason there is more time granted to other Petitioners, respectfully request to let us file an Amended Petition for Review in the same time and under the same circumstances granted to any other part in this case.

In Arecibo, Puerto Rico to the Environmental Board of Appeals in Washington, this 11<sup>th</sup>, day of July, 2013.

Certification: A True copy of this Notice of Appeal is sent by mail to Mr. Patrick Mahoney, President Energy Answers LLC, 79 North Pearl Street, Albany, NY 12207 and Mr. John Filippelli, Director, Clean Air and Sustainability Division, U.> EPA Region 2, 290 Broadway, New York, New York 10007.

  
WALDEMAR N. FLORES FLORES

  
ALEIDA CENTENO RODRIGUEZ

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
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**TABLE OF CONTENTS**

	Pages
1. Table of Authorities.....	ii
Cases .....	ii
Constitutional Law.....	ii
Statutes.....	ii
Federal Regulations.....	ii
Federal Regulation Notices.....	ii
Puerto Rico Statutes.....	ii
Puerto Rico Rules.....	iii
Manuals.....	iii
Orders.....	iii
Permits.....	iii
2. Introduction.....	1
3. Compliance with Threshold 40 CFR Part 124.13.....	1
4. EPA’s failure to require an adequate legal structure.....	1
5. EPA erred when determined that all sources of emissions were in the file of permit.....	4
6. EPA erred when ignored contamination in water.....	6
7. EPA revision of Air Permit is incorrect.....	8
8. EPA erred when it does not impose a limit to SF in WDF.....	10
9. EPA erred not requiring that documents submitted by EA comply with the requirements of a QS, QAPP, and QMT, and to confound a “protocol” with a QAPP.....	11
10. EPA erred not including Toxic Release Inventory.....	13
11. EPA erred not including other operating incinerators.....	17
12. EPA erred to determine that there are not excessive emissions.....	18
13. Conclusion.....	19
14. Plea.....	20-21
15. Certification of Mail Notification.....	21

16. Certification of electronic filing.....	21
---	----

**TABLE OF AUTHORITIES**

**CASES**

	Pages
1. Chevron v U.S.A. 820 F2d, 934(8 Cir, 1987).....	4
2. EPA v. The Battery Recycling Co. Arecibo, EPCRA-02-2011-4301.....	14, 17
3. Teresa Velez Rolon v Commonwealth of Puerto Rico, KPE 2012-4150.....	18
4. United States of America v. City of Jacksonville, Civil 3:08-cv-257 .....	11, 12, 13,

**CONSTITUTIONAL LAW**

1. U.S. Const. art. III, § 1 .....	1, 2,
------------------------------------	-------

**STATUTES**

1. CERCLA, 42 U.S.C. § 9622(b)(3).....	12
2. Clean Air Act, 42 U.S.C. 7401, P.L. 88-206, amended, .....	1
3. Clean Air Act, 42 U.S.C. 7410.....	1, 2, 19
4. Clean Water Act, P. L. 92-500, amended, 33 U.S.C. 1251, et seq.....	6

**FEDERAL REGULATIONS**

1. 40 CFR, Part 60 .....	19, 20
2. 40 CFR, Part 124.13 .....	1
3. 42, CFR 52.21.....	4, 5

**FEDERAL REGULATION NOTICES**

1. FRL- 9769-4, January 4 <sup>th</sup> , 2013, EPA-HQ-OAR-2012-0943.....	1
2. Federal Register Vol. 76, no 225, November 22 <sup>nd</sup> 2011, Rules and Regulations 72097, .....	3

**PUERTO RICO STATUTES**

1. Law 416, 2004, Commonwealth of Puerto Rico, Environmental Public Policy Law 12 L.P.R.A, 8001, et seq.....	4, 12,
--	--------

## PUERTO RICO RULES

1. Regulation for the Control of Atmospheric Pollution, Regulation 6630, Rules 102 and 405 ( c), June 4, 2003.....5

## MANUALS

1. *EPA Quality Manual for Environmental Programs*, CIO 2105-P-01-0.....2, 3,
2. *Estimating the Air Quality Impact of Stationary Sources*, EPA-454/R-92-019.....15

## ORDERS

1. Order 5360.1.....2

## PERMITS

1. Puerto Rico- PFE-TV-4953-07-1003-0001.....4
2. Puerto Rico PFE-TV-3341-07-1005-1692.....5

## TOXIC RELEASE INVENTORY

1. Toxic Release Inventory, TRI Net. 634631668205743311.....13, 15, 16,17

## BRIEF OF APPEAL

TO THE ENVIRONMENTAL APPEALS BOARD:

### INTRODUCTION

Petitioners seek warrant review of PSD approved to Energy Answers Arecibo, on June 12, 2013, under Clean Air Act section 165, because EPA determined that there is no compliance with the requisites of a State Implementation Plan, the infrastructure for administering environmental determinations and decisions, which includes a Quality System, a Quality Assurance Management Plan that had to be in operation, with its management tools, QMT, previous to the initiation of the evaluation of this permit. According to the Rules of EAB, legal issues can be raised in appeal. Therefore, we're presenting legal issues, as well as a request to attend the failure to incorporate documents argued at the hearing, that are in the strict control, and possession, of the Environmental Protection Agency, EPA, the failure of EPA to revise the determinations of the Commonwealth of Puerto Rico, via its Puerto Rico Environmental Quality Board, PREQB, to install minor and major sources of emissions, in compliance with the Clean Air Act, and a case of violations of most, if not all NAAQS limits, lack of due process, and the right to know, and to have meaningful knowledge to participate in hearings. Both comply with 40 C.F.R. Part 124.13

ERROR- EPA's failure to require and adequate legal structure

PREQB, has the obligation under 110(a)(2)(A)7410,- 42 USC 85, Sc I § 7410 to implant an State Implementation Plan, (SIP) previous to initiate a review of a Permit to Prevent Significant Deterioration of Air Quality, or previous to operate any source of emissions. PREQB held hearings in the adequacy of the site proposed on November 28, 2010.

We respectfully request to this board to take administrative knowledge that EPA, issued and published on January 4<sup>th</sup> 2013, a determination at the Federal Register, EPA-HQ-OAR-2012-0943, FRL 9769-4, stating that PREQB fails to have a SIP duly authorized **to assert the tasks of enforcement and implementing**

the functions to authorize a PSD permit, and a determination of non compliance for Section 110(a)(2)(B) Ambient Air Quality monitoring/data system which means that at the time of the hearings, no actions to collect data, as required by law, were duly taken, and no data was available to the public to participate in a meaningful way, and exercising Constitutional Rights to due process and a meaningful participation. See [http://www.epa.gov/airquality/urbanair/sipstatus/reports/pr\\_infrabypoll.html](http://www.epa.gov/airquality/urbanair/sipstatus/reports/pr_infrabypoll.html); [www.epa.gov/srf-rd2-rev-pr.pdf](http://www.epa.gov/srf-rd2-rev-pr.pdf) These determinations confirms the allegations of Petitioner Flores regarding the lack of implementation of a legal system, a Quality System, before known as Quality Assurance Program, QAP, applied to the generation and processing of environmental data; lack of a Quality Control and Quality Assurance to support the quality system to defend the legality of the environmental data, environmental technology, and environmental scientific, technical and legal decisions. EPA's QS, is the means by which the agency implements the Quality Management process. Includes a variety of elements such as organizational structure, policies and procedures, responsibilities, authorities, resources, requirements documents, and guidance documents. The QS applies to management systems in the collection, evaluation and use of environmental data. PREQB fails to implement *EPA Quality Manual for Environmental Programs*, CIO 2105-P-01-0, formerly Order 5360.1, despite that it is an agency working on behalf of EPA. PREQB lack of diligence, lack of procedures, lack of implementation of Rules, lack of developing methods to measure emissions other than opacity<sup>1</sup>, lack of compiling data, and lack of publication of data gave rise to the determination on January 4<sup>th</sup>, 2013, which in itself gives rise to a legal question to the acts taken to authorize this permit. The determination to ignore the requests to apply to the evaluation of this permit the requirements of the Manual is an error. The Manual states:

“The *EPA Quality Manual for Environmental Programs* provides program requirements for implementing the mandatory Quality System defined in EPA Order 5360.1 CHG.

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<sup>1</sup> It is authorized at 20%, in violation of the standard of 10%, and not using Method 9 from Appendix A of 40 CFR Part 60.



All EPA organizational units conducting environmental programs shall comply with EPA Order 5360.1 CHG 2. Work performed on behalf of EPA through appropriate extramural agreements shall comply with the quality system requirements defined by EPA Order 5360.1 CHG 2 or applicable regulations, unilateral orders, and negotiated agreements. Environmental data are any measurements or information that describes environmental processes or conditions, or the performance of environmental technology. For EPA, environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as data bases or the literature. Environmental technology includes treatment systems, pollution control systems and devices, and waste remediation and storage methods.

In accordance with EPA Order 5360.1 CHG 2, EPA requires that environmental programs be supported by a quality system that complies with the American National Standard ANSI/ASQC E4-1994, Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs, incorporated herein by reference. ANSI/ASQC E4-1994 is a national consensus standard authorized by the American National Standards Institute (ANSI) and developed by the American Society for Quality (ASQ) that provides a basis for planning, implementing, documenting, and assessing an effective quality system for collecting and evaluating environmental data for decisions and for use in the design, construction, and operation of environmental technologies....”.

EPA erred when it determines that PREQB has no SIP, but sustains the decisions taken under that vacuum, such as the hearings to address the adequacy of the proposed site. EPA is not accepting its own determination that there was no compliance to accrue an administrative file on emissions at the proposed site before the hearings for the proposed site, and erred when the determination is to continue with the air permit, as if the original procedure was correct and provided legal defensible data. EPA's decisions render the hearings for the proposed site warranted. Energy Answers Arcibo never appealed the decision that PREQB did not comply with Section 110(a)(2)(B) for the Ambient Air Quality monitoring/data system. On the other hand, EPA, in its own files has the pertinent information to determine that the hearings did not include real emissions. We request from this Board to take administrative knowledge of the EPA determinations mentioned and, of following additional EPA's determinations:

EPA issued a non attainment for Lead in Arcibo, Federal Register, Vol. 76, no. 225, November 22nd, 2011, at *Rules and Regulations* 72097. See also: <http://yosemite.epa.gov/opa/advpress.nsf/0/625C8CB0D35315FB852578E80063D49F>

PREQB notified EPA in November 16, 2010, that it has issued a permit to contaminate the air to Safetech Corporation Carolina, SCC, permit number, PFE-TV-4953-071003-0001, EPA's number 110012630331, that operates in the Santana Industrial Park in Arecibo. PREQB emitted this permit without public hearings, and without a SIP to manage the requirements of 40 CFR 52.21. See: EPA's portal <http://www.epa.gov/ttn/atw/129/ciwi/fr23de11.pdf>

The Commonwealth of Puerto Rico by Law 416, of 2004, Environmental Public Policy Law, only incorporates from the Clean Air Act the test for opacity, at section 12 of the Law. For all these years that's the only test made, at a 20% opacity level and NOT using 40 CFR Part 60, Method 9. Only, rudimentary visual opacity measures.

EPA has determined to pursue the authorization of the air permit in full knowledge that there is a conflict of statutory construction in Law 416, in the inexistent SIP, and in its own decisions. A conflicting tool of statutory construction cannot compel an odd result. *Chevron v. U.S.A.* 820 F 2d, 934, 948-49 (8<sup>th</sup> Cir, 1987). EPA's decision to authorize the permit without the required legal frame, technical work, and monitoring data is, an abuse of discretion and the Congressional intent and design of the Clean Air Act is the route it should have taken in the application of its own determination to the air permit. EPA has in its own files the evidence that PREQB does not comply with any law at all.

#### **EPA ERRED WHEN DETERMINED THAT ALL SOURCES WERE IN THE FILE OF THIS PERMIT**

SCC operates since 1996, without any permit, burns biomedical, pharmaceutical, illegal drugs from enforcement agencies, and biogenetic materials that by definition of law are hazardous materials. See Annex 2<sup>2</sup>. Was legalized as Title V emission sources in 2010, after the hearings for the proposed site, and in noncompliance of 42.CFR 52.21 which require public hearings. Since its "authorization" in 2010 SCC

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<sup>2</sup> Caribbean Business, November 20, 2011, Note in which SCC identifies itself as burning biomedical, pharmaceutical, biogenetic and law enforcement wastes. Safetech's non compliance of requirements is in EPA's portal at <http://epa-sites.findthedata.org/1/498929/Safetech-Corp>. Non compliance since 04/09 EPA's identity number 110012630331

has NOT complied with any report despite that Rule 405(c) requires submitting quarterly reports<sup>3</sup>. SCC is at a distance less than a mile from the proposed site for Energy Answers Incinerator.

SCC, is NOT the only dedicated to emit pollutants, or hazardous materials is Arecibo. A second permit was issued, in favor of Battery Recycling, permit number PFE-TV-3341-07-1005-1692, on November 30, 2010, **after the hearing**, to manage lead, a hazardous material. Battery Recycling is at a distance of 500 meters from the proposed site to build a major source of emissions by Energy Answers. There was no compliance of 40 CFR 52.21 to authorize Battery Recycling, or as a major source of hazardous materials, there were no hearings, and no public notification in Arecibo. Accordingly, there was no notification of emissions to the public afterwards, or in the records. Petitioners claim that were induced to participate in a hearing in violation of the constitutional right to know the real emissions, and the real sources of emissions. Also it is a violation of the constitutional right to speech (non disclosing relevant information), and constitutional right to due process (not notifying real situation), that renders the people of the community as victims of environmental discrimination.

We request this Board to order EPA to include in its review of the permit the determination of case EPCRA-02-2011-4301, that determined that in Arecibo, Battery Recycling emitted 13,000,000 pounds of lead in 2007; 16,000,000 pounds of lead in 2008; 19,000,000 pounds of lead in 2009; and that during these years there were also emissions of antimony in the amount of 605,000.

Any source that emits more than 100 TPY of any regulated pollutant is a mayor source. Any source that emits a hazardous in more than 25 tons a year has to be included in the review of the permit. In this case the amounts for lead equal 9500 TPY in 2009; 8,000 TPY in 2008; and 6,500 in 2007. All these years are part of the previous 5 years emissions that have to be computed in the permit review according to 40 CFR

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<sup>3</sup> Id at 1

52-21, and not including it is an error because it is a fact known by EPA. That error produces that EPA uses a wrong standard to evaluate the different sources of emissions. 40 CFR 52.21(f) states:

*(f) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(2)(iv)(c) through (d) of this section as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).*

## **EPA ERRED WHEN IT IGNORED CONTAMINATION IN WATER**

To proof all these violations we submit the literature available to EPA in its own files. We denounce that the Clean Water Act was violated by emissions. As Annex 3, find the Report from the Commonwealths' AAA Water Authority, for 2011, that informs that the level of lead in water is 5.1; Cyanide is 1.4 (precisely the maximum limit); Fluor is 0.48 (precisely the maximum limit); Nitrates are 1.76 (precisely the maximum limit); Chlorine is 1.72; Volatile Organic Compounds, (it states is a violation but not the amount, or the limit), copper 0.444; Sulfur is 21.253(precisely the maximum limit); Dichlorobenzene 0.2; Trihalomethane (TTHM) 17.8; (poisonous); Acetic Acid (Corrosive); 16.3; Carbon (TOC) 1.74(precisely the maximum limit). These measures, according to the CWA, Section 304(a)(1) <sup>4</sup> is chronic level for lead. Cyanide is poisonous, dichlorobenzene is poisonous, and sulfur is a Class 9. The contamination presented in this report exceeds lead, and for the majority of other contaminants are in the highest value possible. Arecibo cannot afford to have any more contamination, people, and environments are poisoned. One more source of emissions and water contamination will exceed all thresholds.

We submit as Annex 2 a newspaper note from Caribbean Business in which SCC admits burning biomedical, drugs from enforcement agencies, pharmaceutical and biogenetic materials in its incinerator. SCC operated for fourteen (14) years clandestinely. EPA erred not to include the claim made by Petitioner Centeno that Arecibo had a clandestine incinerator that had to be included in the emissions. The materials burnt at SCC might be hazards to the environment.

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<sup>4</sup> [www.water.epa.gov/scitech/swguidance/standards/criteria/current/index/cfm](http://www.water.epa.gov/scitech/swguidance/standards/criteria/current/index/cfm)

Also, EPA Caribbean initiated intervention of Battery Recycling in 2004, at the precise moment in which BR did not have a valid permit, and did not enforce any measures to that illegal operation. It was finally authorized November 30, 2010 without due process; even EPA knowing that employees from nearby Ferreteria Pajuil filed suit for lead contamination; employees and their families from BR were contaminated; and that the Dairy Farm nearby had to be sacrificed due to contamination of the cattle, and the milk was discarded. To this day, there are more than 142 children identified poisoned with lead. It is unknown how many more from other hometowns. There is no remedial action taken by EPA, or PREQB, to establish a QS that addresses this problem. The only references are allusions in paper without any real action. The legal term for this behavior of EPA is abuse of discretion. The Quality Assurance Project Plan had to be prepared, reviewed, and approved before any sampling, analytical, and related activities are performed.

SCC was authorized in November 16, 2010, to operate a Ducon 96-10P boiler, a modification was authorized to operate with a Ducon 2500, without any analysis of how that change would affect emissions. EPA has issued a chronic noncompliance for SCC<sup>5</sup> and nothing else.

SCC appears at the PREQB as a minor source of emissions, for nonhazardous, nevertheless, it appears in the only reference available at EPA, with its identification number, as a major source of emissions, and it is authorized to burn biogenetic and pharmaceutical wastes. In the only reference in the TRI transfers to incineration, Aventis sent 546 tons of Benzoin Peroxide to an incinerator in Arecibo, in 2003. There are no other references to material burnt in Arecibo. That means that there is non compliance in notifying hazardous materials also from SCC. There are no records available to form an informed opinion over the quality of ambient air in Arecibo, other than the water report. Both industries, SCC and BR, operate in Arecibo since 1996, and were legalized 14 years later without any measurements of ambient air quality.

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<sup>5</sup> Id at 1.

EPA should have had installed an NCore, or National Core Multi Pollutants Network in Arecibo, since its determination to fine, but has not in an arbitrary exercise of discretion.<sup>6</sup>

These acts are proof that Petitioner Flores complaint is correct. EPA, and PREQB have illegally, arbitrarily, and in plain abuse of discretion, allowed these industries to contaminate liberally, to endanger life, security, and property in Arecibo. Through these acts, EPA, has hidden real emissions in Arecibo which proof lack of due diligence. Neither PREQB, nor EPA, have acted in their own to prevent contamination. In both cases, SCC and BR, the scarce intervention was out of complaints to intervene. Notwithstanding those complaints, SCC has NEVER filed reports, nor identifies itself in their building. Neither PREQB, nor EPA stops this behavior.

Arecibo's people are defenseless due to PREQB and EPA's Region 2 abuse of discretion, lack of due diligence, and irresponsibility.

Arecibo has suffered since the Department of Defense established operations of the *Puerto Rico Chemical Co.*, to produce *Agent Orange, Agent Purple, Agent White, Agent Green, etc.*, all of them, including lead, are bio accumulative. At the Arecibo Landfill are stored the rests of the *Puerto Rico Chemical Co.*, and it is time for the Department of Defense to remedy Arecibo's contamination, and to eliminate them cleaning the landfill. EPA should close it and grant Arecibo's population relief. Also, EPA should have a network of monitory installed in Arecibo. There is no data. Without data there are waivers authorized in this permit to comply with contamination thresholds.

EPA REVISION OF AIR PERMIT IS INCORRECT

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<sup>6</sup> It's a new national monitoring network required in the October 17, 2006 revisions of the air monitoring regulations 40 CFR Part 58. NCore sites are required at a minimum to measures PM 2.5, and Speciation PM 2.5; PM 10 to 2.5; Particle mass and speciation PM 2.5, Ozone, Sulfur Dioxide, CO, NO-NOX, wind speed; wind direction; relative humidity and ambient temperature.

Petitioners add to the above claim that the review of the Air Programs Branch, Region 2, does not identify who prepared, revised, approved and concurred in the Air Permit, AP. QS require the identification and signatures of all parties involved, in or above EPA, or other internal, or external person, participating in the response to public comments, June 2013<sup>7</sup>.

Comment Related to Ambient Monitors- page 93- EA provided EPA with supposed monitoring data for all criteria pollutants subject to PSD. Even though those pollutants were less than the “significant monitoring concentrations” in 40 CFR 52.21(i)(5)(i). The data provided by EA claims to be in accordance with EPA Ambient Monitoring Guidelines For Prevention of Significant Deterioration. Since EA potential to emit exceed 100 tpy of NOx (an O3 precursor), EPA required that EA obtain a preconstruction monitoring data for Ozone and other ambient air criteria pollution. Therefore, three years of O3 were obtained, and examined for compliance with NAAQS. The reality is that the monitor used by EA is located in Cataño, at a distance of 60 km, and there were no QS to confirm the adequacy of that data. Arecibo has more than enough industries, that manage criteria and non criteria air pollutants, NAQQS, that EPA intentionally ignored and doesn't account for in any decision, including this air permit for Arecibo. Arecibo's topography is incorrect. Arecibo has a delta, the Rio Grande de Arecibo river, the Caño Tiburones estuary, a valley, the Atlantic Ocean, and mountains. It houses natural reserves such as Caño Tiburones Natural Reserve, Rio Abajo Reserve, Cambalache Reserve, Cueva del Indio Cave, Cueva Ventana Cave; Mata de Platano Natural Reserve, which houses Sapo Concho frog, an endangered species; and Corredor Ecologico del Tanamá, plus 100,000 human inhabitants. All of them create a Class I requirement for this permit.

Pages 8 – 14 The use of external references, such as the CFR, lack of definitions, makes the comments difficult to understand to a person with a foreign language, also translating from technical documents that is

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<sup>7</sup> June has 30 days, does not have a proper date.

a third language. Responsibility should be imposed upon Energy Answers Arecibo for its selection of the site. EAA knew that people will not understand adequately. Permitting that people who lack language skills to respond be sentenced to a short term is a determination in favor of EAA that arises questioning of due process. The weight should be imposed upon EAA, who selected the site, and not upon the community that will suffer the consequences. It produces a state of lack of transparency, lack of quality, and environmental inequality against underprivileged populations.

Response to Comment 5- The purpose of 8 inspections of NH<sub>4</sub>OH, is to know sooner when this emissions occur. NH<sub>4</sub>OH's tank is 19%, which equal 190,000 ppm. If it is 20%, or more, it would be 200,000 ppm, and regulated under 40 CFR Part 68, *Chemical Accidents Prevention Provision*.

#### **EPA ERRED WHEN IT DOES NOT IMPOSE A LIMIT TO SF IN WDF**

Response to Comment 6- EA has the responsibility to guarantee that NH<sub>4</sub>OH is 19%. NH<sub>4</sub>OH is served with a percent of variation between 18% to 20%. Energy Answers is obliged to comply with 19%, nor any amount over 19.0% to 19.9 %.

Response to Comment 7- Disagree strongly with EPA. Supplemental fuels in tons per day are: ASR 286; PUWW 898; TDF 330. The maximum tons of incineration is 2,106. These numbers result in:

$$\begin{aligned} \text{ASR} &= 286/2106= 13.58024 \\ \text{PUWW 898} &/2106= 42.64007 \\ \text{TDF} &= 330/2106= 15.66951 \end{aligned}$$

These values are established at the Final Permit pages 23, 24. Notwithstanding, EPA's Comment in 7, page 10, the Final Permit contains conditions for every SF. Every time that a load is incinerated there is a variance imposed by change in the composition of MSW, RDF, and the mix of them with SF to produce WDF. Such changes impose the necessity to measure. Moreover, the emissions change and have to be measured accordingly in the flying and bottom ash. The final permit does not establish a limit to SF,



creating more variances in pollutants, in emissions, and ash. Contrary to 40 CFR 52.21(b)(iii) the fugitive ashes for this major stationary source are not included in emissions.

Response Comment 8. Inspections of parking lots, roadways. Tropic climate has a highly variant climate in temperature, exposition to sunlight, rain, wind and dry seasons. Vehicular transit with MSW, ASR, PUWW, TDF, and any other material VIIG1-2, G-4, G-11, G-12 will affect emissions to the air.

Response Comment 10-

It is an error to authorize EA to “certify” and not require EA to verify “sulfur” S content in the oil of fuel # 2 (ULS2) and propane. It is EA’s duty to verify.

Response Comment 11- There are 2 errors in the identification of Chapters. Chapter X Requirements of Tests of Performance should be moved to XI and “Log” to XIV. It is patent that whoever worked with the permit does not know what a QS is, and the purpose of its existence. Referring to QS it was depicted as quality “specifications”.

**EPA ERRED NOT REQUIRING THAT DOCUMENTS SUBMITTED BY EA COMPLY WITH THE REQUIREMENT OF A QS, QAPP, AND QMT, AND TO CONFOUND A “PROTOCOL” WITH A QAPP.**

This authorization, founded in a protocol, and not in the laws and regulations, creates a continuum of EPA’s behavior in Arecibo to not comply with any law at all.

EPA erred when authorized dioxin/furans tests once every year. It should be every time there is a variance of fuels. There is no proof of any success with tests every year. On the contrary, the City of Jacksonville and the case United States of America v City of Jacksonville, Civil 3:08\_cv\_257 of 2008<sup>8</sup>, is proof in the contrary, where whole sections of neighborhoods of the City of Jacksonville were contaminated with

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<sup>8</sup> Arises of case EPA Site/Spill ID No. A496, DOJ case No. 90-11-3 08080(BDS) and case EPA-Site/Spill ID A4W5; DOJ No 90-11-3 08080 (JAS); USA v City of Jacksonville, 3:08-cv-257-20-TEM.

incineration ash from the Jacksonville Ash Site, and the Brown Dump Site, case pursued under Section 122(b) CERCLA, 42 U.S.C. § 9622(b)(3).

Law 416 provides for the Principle of Prevention. EA should prove beyond reasonable doubt, with clear and convincing evidence, supported by scientific, technical and legally defensible data that fully complies with a QS and its QMT, that dioxin and furans are not going to persist in the ambient in Arecibo, or any other town of the island for decades resulting in the need to apply a CERCLA action in the long run, as has happened with ash from the Forest St. Incinerator, and Cleveland Incinerator in the State of Florida. Petitioners request from this Board to take administrative knowledge of that case, United States of America in representation of USEPA v. City of Jacksonville, all of its Records of Decision in Florida Department of Environmental Protection, from August 26, 2006, and to acknowledge that in the case of incineration ash there has been the need for a National Contingency Plan, NCP. Petitioners request to warrant review of the determination that dioxin/furans can be emitted in Arecibo without a QS, QAPP and QMT, and the absurd determination that could be tested once a year when they require Continuous Emissions Monitoring. The action of EPA to ignore that case equals to a *grandfathering* of Energy Answers Arecibo, LLP. If testing once a year is wrong, testing every three years would be a crime. EPA might be liable after knowing that the production of dioxins and furans harm communities, and continue pursuing the installation of incinerators in disadvantaged communities that do not have restrictions in the use of hazardous fuel such as ASR, TDF, and PUWW.

EPA's expressions at pages 27-28, third paragraph in this PSD, that those emit pollutants that are not subject to regulations in this PSD, are an admission. Those are hazardous being imposed in Arecibo without any QS, QAPP or QMT. There are no QS to affirm that the technologies employed can control the toxicity of these fuels, or ashes. EPA's, and the USA personal knowledge of these facts are known since case USA v. City of Jacksonville, *supra*. The delegation to PREQB is capricious knowing that there is a

Nickel compounds 273.20	Lead 663.40
Zinc compounds 3,605	Mercury 14.3
Cyanide compounds 26.4	Naphthalene 642
Nitric acid 114.16	Chromium 171.10

The industries that emit these hazardous contaminants are still operating in Arecibo and ALL OF THEM are located in the Non Attainment Area for lead. There are in Arecibo four (4) industries that emit lead: Battery Recycling, Cutler Hammer; PREPA Cambalache, and GE Caribe. It is unknown if SCC is another, but, EPA acknowledges in its portal that incinerators contribute to lead contamination among other pollutants. Other example of contradictory information is General Electric Co. that admits managing 46341 tons in 2008 of nitrate compounds, from "somewhere" to an incinerator, but supposedly never used in its electroplating. Paying to import, and moving such amount, only for having it on transit and to incinerate? Nitrates are explosives. Is Arecibo still managing weapons?

Due to the negligence of EPA and PREQB, it is unknown the real emissions in Arecibo to this date. The contradictions in data are so severe that in the case EPCRA-02-2011-4301, EPA fined Battery Recycling for the amount of 19,000,000 pounds of lead managed, (9500 tons), but in the TRI for the same year, 2009, EPA discloses that Battery Recycling emitted to the air only 65.79 tons. Can 9434.21 tons of lead just disappear?

The information was never properly disclosed. The requisites for public hearings that guaranteed that public knew what was the exact quality of the ambient air were abolished. Regarding TRI, it was determined, contrary to law, to not include it. The TRI is in the personal control and possession of EPA. It is an abuse of discretion, that having the information, it is hidden from these procedures. That behavior violates Due process for public participation. As well, the ambient data needed to evaluate the permit is missing, due to illegal acts authorizing sources without the proper procedures, pretending to authorize three

(3) incinerators, side by side, ignoring the existence of other emissions such as antimony, and the list presented above, lack of diligence, abuse of discretion, allowing sources to not comply with submitting data<sup>11</sup>, and not using the *Screening Procedures for Estimating The Air Quality Impact of Stationary Sources, Revised* <sup>12</sup>, EPA-454/R-92-019 and any other amendment. The Water report confronted against the emissions reported in the TRI, evidence that procedures are not in compliance with the Clean Air Act, since the water has toxics not in TRI.

EPA and PREQB have the duty to include other sources as Stated in the *Screening Procedures for Estimating The Air Quality Impact of Stationary Sources, Revised*. It states:

In order to estimate the impact of a stationary point or area source on air quality, certain characteristics of the source must be known. The following minimum information should generally be available:

- ☐☐ Pollutant emission rate;
- ☐☐ Stack height for a point source and release height for an area source;
- ☐☐ Stack gas temperature, stack inside diameter, and stack gas exit velocity (for plume rise calculations);
- ☐☐ Location of the point of emission with respect to surrounding topography, and the character of that topography;
- ☐☐ A detailed description of all structures in the vicinity of (or attached to) the stack in question. (See the discussion of aerodynamic downwash in Section 4.5.1); and
- ☐☐ **Similar information from other significant sources in the vicinity of the subject source (or air quality data or dispersion modeling results that demonstrate the air quality impact of those sources).** (Emphasis added)

There are no calculations for the emissions of years 2011 and 2012. These should be ordered to be performed from all sources up to 50 km distance for hazardous, and to incorporate the available data in the TRI Net 634631668205743331. Also the *TRI Offsite Transfers to Arecibo*, for the period of 2007 to 2010 it informs should be actualized. It already informs:

Industry	Year	Substance	Quantity
Ingersoll Rand	2007	Copper	5.14 tpy

<sup>11</sup> SCC <http://epa.sites.findthedata.org/1/498929/Safetech-Corp>

<sup>12</sup> [http://www.epa.gov/opptintr/exposure/pubs/usepa1992b\\_sp\\_for\\_estim\\_agi\\_of\\_ss.pdf](http://www.epa.gov/opptintr/exposure/pubs/usepa1992b_sp_for_estim_agi_of_ss.pdf)

PREPA	2007	POLYCYCLIC AROMATIC COMPOUNDS	3.3
PREPA	2007	NAPHTALENE	1
PREPA	2007	COPPER COMPOUNDS	1
PREPA	2007	LEAD COMPOUNDS	0.7
PREPA	2007	BENZO (G,H,I)PERYLENE	0.1
EATON	2007	COPPER	130
EATON	2007	ZINC COMPOUNDS	63
EATON	2007	NICKEL COMPOUNDS	63
EATON	2007	SILVER COMPOUNDS	7
GENERAL ELECTRIC CO. (GE CO)	2007	NITRATE COMPOUNDS	57,551
GENERAL ELECTRIC CO. (GE CO)	2007	COPPER COMPOUNDS	5
GENERAL ELECTRIC CO. (GE CO)	2007	NICKEL	4
GENERAL ELECTRIC CO. (GE CO)	2007	CYANIDE COMPOUNDS	0.14
BRYSTOL MEYERS SQUIBB	2007	N-HEXANE	5
BRYSTOL MEYERS SQUIBB	2007	NAPHTALENE	5
"NA"	2007	LEAD	5.15
	2008		
INGERSOLL RAND	2008	COPPER	2.93
PREPA	2008	LEAD COMPOUNDS	0.8
PREPA	2008	BENZO (G,H,I) PERYLENE	0.4
PREPA	2008	NAPHTALENE	0.4
PREPA	2008	POLYCYCLIC AROMATIC COMPOUNDS	0.4
GENERAL ELECTRIC CO	2008	NITRATE	46341
GENERAL ELECTRIC CO	2008	COPPER COMPOUNDS	5
GENERAL ELECTRIC CO	2008	NICKEL COMPOUNDS	1
EATON	2008	COPPER COMPOUNDS	31.9
EATON	2008	NICKEL COMPOUNDS	30.5
EATON	2008	ZINC COMPOUNDS	18.2
EATON	2008	SILVER COMPOUNDS	3.8
EATON	2008	CYANIDE	0.6
BRYSTOL MEYERS SQUIBB	2008	CHROMIUM COMPOUNDS	8672
BRYSTOL MEYERS SQUIBB	2008	NICKEL COMPOUNDS	3250

BRYSTOL MEYERS SQUIBB	2008	MANGANESE COMPOUNDS	850
BRYSTOL MEYERS SQUIBB	2008	CHROMIUM (TRANSFER TO LANDFILL)	250
BRYSTOL MEYERS SQUIBB	2008	MANGANESE (TRANSFER TO LANDFILL)	250
BRYSTOL MEYERS SQUIBB	2008	NICKEL (TRANSFER TO LANDFILL)	250
"NA"	2008	LEAD	5.14 POTN TRANSFER
	2009		
PREPA	2009	POLYCYCLIC AROMATIC COMPOUNDS	0.2
GENERAL ELECTRIC CO	2009	NITRATE	26000
GENERAL ELECTRIC CO	2009	ZINC COMPOUNDS	7
GENERAL ELECTRIC CO	2009	COPPER	3
EATON	2009	ZINC COMPOUNDS	11.3
EATON	2009	COPPER	2.7
EATON	2009	NICKEL COMPOUNDS	1.5
EATON	2010	SILVER	3.9
EATON	2010	COPPER COMPOUNDS	585 TRANSFERRED TO OTHER LANDFILL

### **EPA ERRED NOT INCLUDING OTHER OPERATING INCINERATORS - Major sources**

In the Arecibo Area there are four incinerators operating. SafetyKleen in Manati; Merck Sharp and Dome in Manati; Battery Recycling (a lead smelter), and SCC. All of them have the duty to report and produce its emissions for dioxin/furans; cadmium; lead; mercury; opacity; particulate matter; hydrogen chloride; fugitive ash; sulfur dioxide, nitrogen oxides, carbon monoxides; temperature of the inlet of the flue gases of the particulate matter control device; the highest 6 minutes opacity level measured, etc.<sup>13</sup> None of this is part of this permit. None of this was disclosed by EPA to the public participating in the hearings for these 4 incinerators, or other industry. Note that the amount of lead handled by Battery Recycling, according to EPCRA-02-2011-4301 is 47,000.000 pounds of lead during years 2007 to 2009. Antimony is in the amount

<sup>13</sup> 40 CFR Part 60, Emissions Guidelines for Small MWC; at Federal Register Vol. 65 No. 235, Dec 6, 2000, § 60.1885

of 605,000 pounds for the same period. If the transfers are added, or other emissions carried by the easterly winds, it is a different exposition to pollutants of the area proposed for the placement of the Energy Answer's incinerator.

### **EPA ERRED TO DETERMINE THAT THERE ARE NOT EXCESSIVE EMISSIONS**

Take administrative knowledge that EPA Ordered BR to pay a fine for exceeding emissions for lead.<sup>14</sup> For example, lead; one pound has 454 grams, and its standard is .00000015 g/m<sup>3</sup>. (1 x 10<sup>-6</sup> by cubic mt). These numbers, without including real emissions of the industries in the TRI, or having the emissions of other industries as SCC<sup>15</sup>, Merck Sharp and Dome Incinerator in Manati, Safetykleen Incinerator in Manati, are over the limits for exposition and violate the NAAQS. If the numbers were complete, Arecibo could not be the site proposed. The reason for this result is intentionally allowing the Commonwealth of Puerto Rico to legislate a conflicting tool of statutory construction that does not measure real emissions, to the PREQB to not correct that deviated construction in its procedures, and to determine in the right moment, that Puerto Rico lacks a SIP in order to continue procedures ignoring the real contamination, the noncompliance, the lack of procedures, lack of data and legal defensibility of the decisions taken. This is completed by authorizing EAA to use data that does not guarantee veracity and legal defensibility from Cataño town, more than 60 miles away. EPA erred in its determination that Arecibo can sustain more contamination. We notify that citizens filed case Teresa Velez Rolon vs Commonwealth of Puerto Rico at San Juan Superior Court, Case KPE 2012-4150. Plaintiffs were granted the right to pursue at the agency, PREQB, the correction of these matters, such as due process, right to know in a meaningful way to be able to participate, the application and correctness of procedures to pursue the authorization of a major source of

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<sup>14</sup> <http://yosemite.epa.gov/opa/admpress.nsf/0/625C8CB0D35315FB852578E80063D49F>

<sup>15</sup> For example, 40 CFR 89 regulates the emissions of Ducon 2500 authorized in favor of SCC. There is no analysis of the emissions authorized by that technology, not to mention its wastes such as biomedical, biogenetic, drugs, and pharmaceutical that are by law, defined as hazards at .

emissions in their community, etc. Until all these matters are duly attended, the community is helpless in front of a system that arbitrarily hides real emissions, grants waivers in a vacuum of adequate measurements and data collection, and does not apply 40 CFR Part 60, Appendix A<sup>16</sup> to the decisions to authorize minor and major sources of emissions. That behavior is pervasive in Arecibo where the plant of Energy Answers is proposed.

## **CONCLUSION**

If EPA authorizes this permit, it will be acting in the knowledge that Puerto Rico lacks a complete legal infrastructure for emitting or administering an air permit in Arecibo, beginning from Law 416 to SIP, to QS and its management tools. Petitioners respectfully request TRI 63463166820574333, to be included. The act of not including the pertinent information, contrary to law, and despite the full body of evidence of contamination in Arecibo, warrants the review of this process.

42 USC 7410(3) establishes that the Administrator can decree a retention of construction moratorium in certain areas that are not in compliance with the State Implementation Plan, SIP. In this case, there is no SIP, (Annex 1); there are three (3) incinerators (lead smelting, SCC and EAA) configured to operate side by side, in a radius of one (1) mile, there are already four incinerators operating in a radius of 50 kilometers; there are no methods to apply 40 CFR Part 60, and its appendices, other than opacity at 20%, to comply with the measures of ambient quality established by law, and there are no real emissions measured from all the sources other than TRI 634631668205743331, and the water report submitted in file for 2011. All the documents of this permit fail to include other sources of emissions such as Merck's incinerator and SafetyKleen Incinerator, in Manatí, SCC, Thermo King, Avantis, General Electric Co., Eaton, etc., other emissions from Battery Recycling, such as antimony, etc., all from Arecibo, and all of them less than 50 km from the proposed site. Arecibo cannot receive the impact of a fifth (5) incinerator in a radius of 50 miles,

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<sup>16</sup> <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=74822e124>



all of them in the direction of the easterly winds towards Arecibo. The inadequacy of completing a file, with all the relevant information pertaining ambient air quality in Arecibo demonstrate substantively why the permit decision warrants review.

### PLEA

THEREFORE, Petitioners strongly affirm that the evidence provided is sufficient to support EPA's authorization of this permit is wrongful, and EPA should take a voluntary remand to supplement the record.

If it does not, Petitioners respectfully request from this Board determine that:

1. EPA's determination that PREQB is in not compliance with SIP warrants review of the preceding decisions taken by PREQB to authorize the adequacy of the proposed site.
2. Declare that the public hearings granted violated Due Process Rights, the Right to Know, the Right of Speech, of petitioners because real emissions and sources of emissions that were never accounted for. Petitioners and the public relied in wrongful and incorrect data because SCC was hidden, lead contamination known since 2008 was hidden, and real pollution was not informed to the public. Also it was hidden that since 2008 Puerto Rico did not have a State Implementation Plan, the infrastructure to authorize a PSD and two (2) other major sources were authorized.
3. Order PREQB and EPA Caribbean to disclose real emissions in Arecibo, comprising the five previous years, 2007 to 2012, for each and every industry that operates in a radius of 50 kilometers, including hazardous materials, or other sources of emissions; and to incorporate real emissions in the evaluation of this permit;
4. Order PREQB to establish *Screening Procedures for Estimating The Air Quality Impact of Stationary Sources, Revised* <sup>17</sup>, 40 CFR Part 60, for all industries active immediately, or to close them, and all other Rule and procedure to protect life and property.

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<sup>17</sup> [http://www.epa.gov/opptintr/exposure/pubs/usepa\\_1992b\\_sp\\_for\\_estim\\_aqi\\_of\\_ss.pdf](http://www.epa.gov/opptintr/exposure/pubs/usepa_1992b_sp_for_estim_aqi_of_ss.pdf)

5. Acknowledge that among literature pertinent to this air permit is the water report for 2010 and 2011, that state that Arecibo's water is contaminated with Lead, Cyanide, Nitrate, Volatile Organic Compounds, Sulfur, TOC, GWR, etc., at their maximum levels, and that it should be evaluated if Arecibo has the capacity to incorporate a new stationary source of emissions.
6. Order, or impose, any other measure, or pronouncement, that arises from the laws and the regulations that are pertinent to this case.

We CERTIFY: That an exact and true copy of this Petition was served by mail to Mr. Patrick Mahoney, President Energy Answers LLC, 79 North Pearl Street, Albany, NY 12207 and Mr. John Filippelli, Director, Clean Air and Sustainability Division, U.S. EPA Region 2, 290 Broadway, New York, New York 10007.

Respectfully Submitted, on this 10 of July, 2013.

Waldemar Natalio Flores Flores

WALDEMAR NATALIO FLORES FLORES  
QUALITY ASSURANCE OFFICER

Aleida Centeno Rodriguez  
ALEIDA CENTENO RODRIGUEZ

We certify that this Appeal does not exceed  
of 37 pages and complies with electronic standards  
for submitting by email

Aleida

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

In re Energy Answers Arecibo, LLC

PSD Appeal No.

Pages

**INDEX OF ANEXSES**

1. EPA's portal status of Puerto Rico under State Implementation Plan.....22 to 30
2. Caribbean Business note, November 29, 2012, re Safetech Corporation, Carolina, SCC.....31, 32
3. Commonwealth of Puerto Rico, AAA, Water Authority report for 2010, 2011.....33 to 35
4. Toxic Release Inventory, Arecibo 1988 to 2010, Net TRI Net 634631668205743331, contains two (2) documents that cannot be included as part of the Appeal. Filed separate in electronic file (Excell 97-03) to Environmental Board of Appeals, and to the other parties in CD.

Annex 1

[http://www.epa.gov/airquality/urbanair/sipstatus/reports/pr\\_infrabypoll.html](http://www.epa.gov/airquality/urbanair/sipstatus/reports/pr_infrabypoll.html)

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## Status of State SIP Infrastructure Requirements

### Puerto Rico Infrastructure Requirements by Pollutant

As of 06/30/2013

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Puerto Rico: 110(a)(2) Lead (2008) Infrastructure Requirements <a href="#">Return to map</a>					
SIP Requirement	Deadline	Submittal Date	Latest Action	Date of Latest Action	FR Citation (link to GPO website)
Section 110(a)(2)(A) Emission limits and other control measures	10/15/2011	11/14/2011	Completeness	05/14/2012	
Section 110(a)(2)(B) Ambient air quality monitoring/data system	10/15/2011	11/14/2011	Completeness	05/14/2012	
Section 110(a)(2)(C) Program for enforcement of control measures	10/15/2011	11/14/2011	Completeness	05/14/2012	
Section 110(a)(2)(D)(i) - I Prong 1: Interstate transport - significant contribution	10/15/2011	11/14/2011	Completeness	05/14/2012	
Section 110(a)(2)(D)(i) - I Prong 2: Interstate transport - interfere with maintenance	10/15/2011	11/14/2011	Completeness	05/14/2012	
Section 110(a)(2)(D)(i) - II Prong 3: Interstate transport - prevention of significant deterioration	10/15/2011	11/14/2011	Completeness	05/14/2012	

Section 110(a)(2)(D)(i) - II Prong 4: Interstate transport - protect visibility	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(D)(ii) Interstate and international pollution abatement	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(E) Adequate resources	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(F) Stationary source monitoring system	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(G) Emergency power	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(H) Future SIP revisions	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(J) Consultation with government officials; Public notification; PSD and visibility prot	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(K) Air quality modeling/data	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(L) Permitting fees	10/15/2011	11/14/2011	Completeness	05/14/2012
Section 110(a)(2)(M) Consultation/participation by affected local entities	10/15/2011	11/14/2011	Completeness	05/14/2012

Puerto Rico: 110(a)(2) NO2 (2010) Infrastructure Requirements [Return to map](#)

Top of page

SIP Requirement	Deadline	Submittal Date	Latest Action	Date of Latest Action	FR Citation (link to GPO website)
Section 110(a)(2)(A) Emission limits and other control measures	01/22/2013				
Section 110(a)(2)(B) Ambient air quality monitoring/data system	01/22/2013				
Section 110(a)(2)(C) Program for enforcement of control measures	01/22/2013				
Section 110(a)(2)(D)(i) - I Prong 1: Interstate transport - significant contribution	01/22/2013				
Section 110(a)(2)(D)(i) - I Prong 2: Interstate transport - interfere with maintenance	01/22/2013				

Section 110(a)(2)(D)(i) - II Prong 3: Interstate transport - prevention of significant deterioration	01/22/2013			
Section 110(a)(2)(D)(i) - II Prong 4: Interstate transport - protect visibility	01/22/2013			
Section 110(a)(2)(D)(ii) Interstate and international pollution abatement	01/22/2013			
Section 110(a)(2)(E) Adequate resources	01/22/2013			
Section 110(a)(2)(F) Stationary source monitoring system	01/22/2013			
Section 110(a)(2)(G) Emergency power	01/22/2013			
Section 110(a)(2)(H) Future SIP revisions	01/22/2013			
Section 110(a)(2)(J) Consultation with government officials; Public notification; PSD and visibility prot	01/22/2013			
Section 110(a)(2)(K) Air quality modeling/data	01/22/2013			
Section 110(a)(2)(L) Permitting fees	01/22/2013			
Section 110(a)(2)(M) Consultation/participation by affected local entities	01/22/2013			

**Puerto Rico: 110(a)(2) Ozone (1997) Infrastructure Requirements [Return to map](#)**

Top of page

SIP Requirement	Deadline	Submittal Date	Latest Action	Date of Latest Action	FR Citation ( <i>link to GPO website</i> )
Section 110(a)(2)(A) Emission limits and other control measures	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(B) Ambient air quality monitoring/data system	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(C) Program for enforcement of control measures	07/18/2000		Approval	12/26/2003	
Section 110(a)(2)(D)(i) - I Prong 1: Interstate transport - significant contribution	07/18/2000	11/29/2006	Completeness	05/29/2007	

Section 110(a)(2)(D)(i) - I Prong 2: Interstate transport - interfere with maintenance	07/18/2000	11/29/2006	Completeness	05/29/2007	
Section 110(a)(2)(D)(i) - II Prong 3: Interstate transport - prevention of significant deterioration	07/18/2000	11/29/2006	Completeness	05/29/2007	
Section 110(a)(2)(D)(i) - II Prong 4: Interstate transport - protect visibility	07/18/2000	11/29/2006	Completeness	05/29/2007	
Section 110(a)(2)(D)(ii) Interstate and international pollution abatement	07/18/2000				
Section 110(a)(2)(E) Adequate resources	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(F) Stationary source monitoring system	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(G) Emergency power	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(H) Future SIP revisions	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(J) Consultation with government officials; Public notification; PSD and visibility prot	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(K) Air quality modeling/data	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(L) Permitting fees	07/18/2000	11/29/2006	Completeness	04/28/2008	
Section 110(a)(2)(M) Consultation/participation by affected local entities	07/18/2000	11/29/2006	Completeness	04/28/2008	

Puerto Rico: 110(a)(2) Ozone (2008) Infrastructure Requirements [Return to map](#)

Top of page

SIP Requirement	Deadline	Submittal Date	Latest Action	Date of Latest Action	FR Citation (link to GPO website)
Section 110(a)(2)(A) Emission limits and other control measures	03/12/2011	01/22/2013	Submission	01/22/2013	
Section 110(a)(2)(B) Ambient air quality monitoring/data system	03/12/2011	01/22/2013	Submission	01/22/2013	
Section 110(a)(2)(C) Program for enforcement of control measures	03/12/2011	01/22/2013	Submission	01/22/2013	

Plant personnel are trained in operating thermal Oxydators and scrubbers, as well as experienced in most of the mechanical repairs. In fact, emergency repairs are normally performed within an eight-hour period.

Safetech emerged in 1996 as a private initiative hosted by the Puerto Rico Industrial Development Co. (Pridco) and Solid Waste Management Authority. It is a private corporation duly registered and with a maintained "good standing" status. Safetech is also one of the few facilities in Puerto Rico with an approved Title V Environmental Protection Agency air permit. Other permits held by the company include the Nonhazardous installation-operating permit, Water Runoff, Water Well Use Franchise and Puerto Rico Aqueduct & Sewer Authority Water Discharge. The company's office is located at Santana Industrial Park in Arecibo.

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Page 32 Flores and Centeno  
Energy Answers Arecibo







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y Alcantarillados

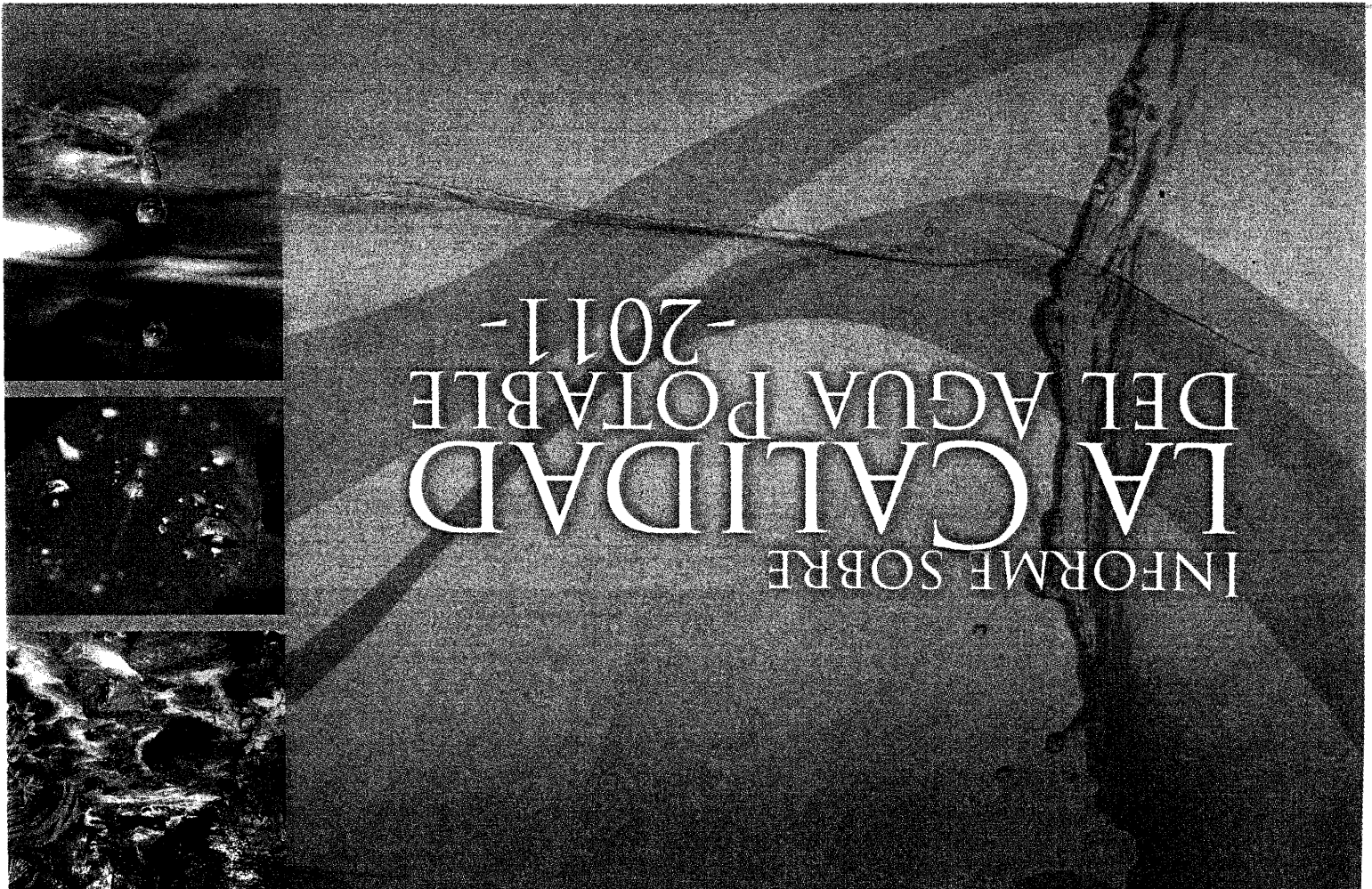
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*Annex 3 - Page 1*

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*Page 33 Flores and Centeno / Energy Answers Arecibo*

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