

June 14, 2012

Judith Enck
Regional Administrator, Region 2
EPA
290 Broadway,
New York, NY 10007-1866

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U.S. EPA
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RE: Arecibo Puerto Rico Renewable Energy Project
Prevention of Significant Deterioration- Air Permit Application
Complaint

Dear Ms. Enck,

This is a formal complaint regarding what we understand to be inappropriate statements and conclusions made by Steven C. Riva, Chief of the Permitting Section, Air Programs Branch of Region 2 of EPA, during the orientation meeting held on May 23, 2012 at the University of Puerto Rico, Arecibo campus. We respectfully request his removal from the process.

The purpose of the meeting was to answer questions as to EPA's intent to grant Energy Answers a Prevention of Significant Deterioration (PSD) permit for an incinerator it is planning to build in Arecibo. As an introduction to the meeting, Mr. Riva presented the proposed project and EPA's evaluation of the permit application. It was with great dismay and astonishment that the audience was submitted to unilateral defense of the incinerator, instead of an objective analysis of the same. We were expecting a summary of EPA's evaluation and objective criticism of the emission control technology to be employed. Instead, Mr. Riva actively promoted the incinerator for Arecibo and actually sounded like a spokesperson for Energy Answers.

As proof of our allegations we are submitting a CD copy of the video clips of the meeting, and below we have enumerated and referenced (minutes of the video) some of the statements which illustrate our complaint:

1. ***"The bottom line in the review is that we have a resource recovery facility that has the state of the art controls, that will achieve limits***

lower than any other resource recovery facility probably in the United States. (minute 10:04)

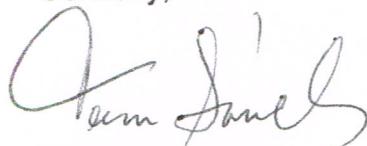
2. Referring to a possible violation of the proposed incinerator he said: "*I can assure you...We have a baseline concentration. We have standards that protect the air quality and then we settle a limit called an increment below that standard that could never be exceeded. So there can never be a situation that we have a violation in air quality standards...*" (minute 12:00)
3. Answering a question of whether the Energy Answers project is one or two incinerators, he said: "***If you were to recycle 50% of the waste in PR, there would still be a need for one or two incinerators to get rid of the waste.***" (minute 39:45)
4. When asked with respect to the mass balance of the process comparing what is collected as ash (bottom and fly ash) versus the other unaccounted for 1,700 tons/day he said: "***that's combustion, other than the pollutants listed in Table 1... the rest is basically CO₂ and water***" (minute 2:18:09)
5. In what we consider an offensive, subjective and objectionable statement, Mr. Riva finished up his interventions that night blaming those present for not achieving the recycling levels that we should have accomplished, implying that there's no other choice than to accept the incinerator: "***you really have to start doing it because recycling rates have not increased since I started the project.***" (minute 2:50:05 approx.).

It is clear that Mr. Riva cannot evaluate this project objectively. His expressions cast serious doubts on EPA's evaluation of the PSD permit for this incinerator. We request that you do a thorough investigation of how this evaluation has been conducted up to now. We feel that Mr. Steve Riva has demonstrated that he has lost all impartiality and should be removed from any further consideration of this proposal. We believe it would be reasonable to initiate a new PSD process. What is at stake here is EPA's image and credibility,

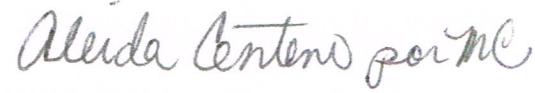
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and most importantly, the health of the people of Arecibo and of the surrounding municipalities and ultimately the whole island.

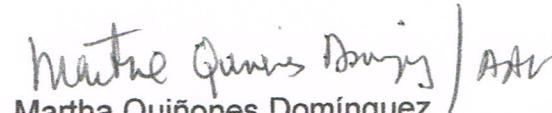
Cordially,



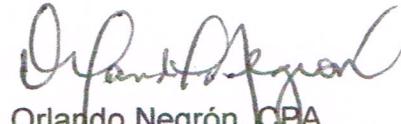
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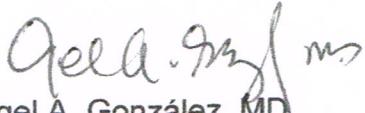
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Attachment: CD copy with video clips of Steve Riva's statements

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