



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

May 17, 2023

Via Electronic Mail – josue.colon@prepa.com and ceo@prepa.com

Josué A. Colón Ortiz, PE
Executive Director
Puerto Rico Electric Power Authority
P.O. Box 364267
San Juan, PR 00936-4267

Re: Information Request, Reference Number: CAA-02-2023-1412

Dear Eng. Colón Ortiz:

The Clean Air Act, 42 U.S.C. §§ 7401 *et seq.* (“CAA” or the “Act”), at Section 114, 42 U.S.C. § 7414, authorizes the U.S. Environmental Protection Agency (“EPA”) to require submittal of information to, among other things, assess compliance with the Act and regulations promulgated pursuant to the Act. This Information Request requires the Puerto Rico Electric Power Authority (“PREPA”) to submit information related to compliance with applicable CAA requirements at the PREPA facilities in Costa Sur, Palo Seco, Aguirre, and San Juan, all located in Puerto Rico.

Pursuant to Section 114 of the Act, this Information Request requires PREPA to submit all of the information described in Enclosure 1. Failure to submit the requested information is a violation of Section 114 of the Act, and may result in an order to comply, an order for administrative penalties, or a civil action for penalties and an injunction requiring compliance pursuant to EPA’s enforcement authority provided in Section 113(a) of the Act. *See* Enclosure 2. In accordance with Section 113(c)(2)(A) of the Act, any person who knowingly makes any false statement, representation, or certification, or who omits material information from or knowingly alters, conceals, or fails to file a response to this Information Request, may be subject to a criminal action.

You may choose to assert a business confidentiality claim covering all or part of the information submitted. You may not, however, withhold any information on that basis. For EPA to consider a claim of business confidentiality for one or more of the documents submitted by you, a cover sheet, stamped or typed legend, or other suitable form of notice must be placed on or enclosed with the document, with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. To facilitate identification and handling by EPA, please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials that you assert are entitled to confidential treatment are in a separate envelope. Note that “emission data,” as defined in 40 C.F.R. § 2.301(a)(2), cannot be claimed as confidential under Section 114(c) of the Act. *See* 42 U.S.C. § 7414(c). If no confidentiality claim accompanies the information received by EPA, the information submitted as part of your response may be made available to the public without further notice to you. EPA will disclose information covered by a confidentiality claim only to the extent

allowed by, and in accordance with, the procedures set forth in EPA's public information regulations at 40 C.F.R. §§ 2.201, *et seq.* (See 41 Fed. Reg. 36902 (Sept. 1, 1976)), and with applicable case law.

In order to comply fully with this Information Request, your response must include a completed Certification of Response (*see Attachment to Enclosure 1*), notarized by a notary public, and signed by you or another officer of your company. Your responses to the questions in Enclosure 1, including all supporting documents and the Certification of Response, must be scanned, and submitted by email to Ms. Nancy Rodríguez of the EPA, in accordance with the schedule set forth in Enclosure 1, at her email address below:

Ms. Nancy Rodríguez, Chief
Multimedia Permits and Compliance Branch
U.S. Environmental Protection Agency, Region 2
rodriguez.nancy@epa.gov

with copies sent to:

Harish Patel
patel.harish@epa.gov

Alex Rivera
rivera.alex@epa.gov

The requested information shall be submitted to EPA within the timelines indicated for the specific requests in Part III of Enclosure 1. You may request an extension of any timeline to respond by email to Ms. Rodríguez at her email address above. Please include the reason(s) for the delay in responding and a proposed response date. In order to allow sufficient time for review, any such request for an extension of time must be made at least ten calendar days prior to the date on which the requested information is due to EPA. An extension of time will be effective only if granted by EPA in writing.

Please include the above-cited **Reference No. CAA-02-2023-1412** in any and all of your response(s) to this Information Request. Further, if within one year of the date of this Information Request, you obtain information different from, or in addition to, the information provided, or if there is any change affecting the information submitted, you must notify EPA and submit the relevant information no later than twenty calendar days after such information becomes available.

You may address any questions concerning this matter to Mr. Alex Rivera in the EPA Region 2 Multimedia Permits and Compliance Branch Air Protection Team at rivera.alex@epa.gov or by phone at 787-977-5845, or have your attorney contact Amanda Prentice, Assistant Regional Counsel, at prentice.amanda@epa.gov or 212-637-3209. We appreciate and look forward to your prompt response.

Sincerely,

CARMEN

GUERRERO PEREZ

Carmen R. Guerrero Pérez

Director

Caribbean Environmental Protection Division

Digitally signed by CARMEN
GUERRERO PEREZ
Date: 2023.05.17 13:00:31 -04'00'

CAA-02-2023-1412
PREPA

Enclosures

cc: Indira Mohip, Environmental Protection & Quality Assurance Division Manager,
indira.mohip@prepa.com

Amarilys Rosario, Department of Natural and Environmental Resources, Air Quality Area
Manager, amarilysrosario@drna.pr.gov

ENCLOSURE 1

REPORTING REQUIREMENT PURSUANT TO SECTION 114 OF THE CLEAN AIR ACT

The U.S. Environmental Protection Agency (“EPA”) requires the submittal of information regarding operations and compliance of the following Puerto Rico Electric Power Authority (PREPA) facilities:

- a) Costa Sur Steam Power Plant located at PR-127, Km. 15.7, Guayanilla, Puerto Rico;
- b) Palo Seco Steam Power Plant located at State Road PR-165 Km. 30.8, Toa Baja, San Juan, Puerto Rico;
- c) Aguirre Steam Power Station located at State Road PR-3 Km. 152.7, Ward Montesoria, Aguirre, Salinas Puerto Rico; and
- d) San Juan Steam Power Plant located at Mercado Central Avenue, Zona Portuaria Road PR-28, Puerto Nuevo, San Juan, Puerto Rico.

Part I: Instructions

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.
3. Provide electronic submissions via a cloud-based document management system.
4. Provide a table of contents for your submission so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number and facility name.
5. Emission data obtained through Section 114 of the CAA is *not* considered confidential business information (CBI), pursuant to 42 U.S.C. § 7414(c) and 40 C.F.R. § 2.301(a)(2)(i). Any information claimed as CBI must be submitted in separate electronic folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.
7. If you have no information or documents responsive to a request, please so state in your response.

8. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information are not available or in your possession and identify any source that either possesses or is likely to possess such information.
9. To the extent that a document is responsive to more than one request, please so state and provide only one copy of the document.
10. All terms used in this information request have their ordinary meaning, unless such terms are defined in the CAA, 42 U.S.C. §§ 7401, *et seq.* or in 40 C.F.R. Part 63 Subpart UUUUU.

Part II: Definitions

All terms used in this Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, *et seq.*, or are defined in the applicable regulations implementing the Act, including any state regulations that are federally enforceable under the Act, in which case the statutory or regulatory definitions shall apply. Specific terms are defined as follows:

1. The term “conversion” means the modification of an electric generating unit (“EGU”), as necessary, such that the modified EGU either complies with, or is no longer subject to, the requirements of 40 C.F.R. Part 63 Subpart UUUUU.
2. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these.
3. The term “Facility” means all of the following:
 - a. PREPA Costa Sur Steam Power Plant located at PR-127, Km. 15.7, Guayanilla, Puerto Rico;
 - b. PREPA Palo Seco Steam Power Plant located at State Road PR-165 Km. 30.8, Toa Baja, San Juan, Puerto Rico;
 - c. PREPA Aguirre Steam Power Station located at State Road PR-3 Km. 152.7, Ward Montesoria, Aguirre, Salinas Puerto Rico;
 - d. PREPA San Juan Steam Power Plant located at Mercado Central Avenue, Zona Portuaria Road PR-28, Puerto Nuevo, San Juan, Puerto Rico; and
 - e. Any of the facilities listed in Paragraph 2 (a) through (d) above, regardless of whether PREPA transfers ownership or operation of the facilities to a third party or parties.
4. The term “MATS rule” means the Mercury and Air Toxics Standards, codified at 40 C.F.R. Part 63 Subpart UUUUU (“National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”).
5. The term “retirement” means taking all of the following actions: (i) permanently shutting down an EGU, such that the EGU cannot physically or legally combust liquid oil; (ii) complying with applicable Puerto Rico and federal requirements for permanently ceasing operation of the EGU as a non-continental liquid oil-fired electric generating unit; (iii) removing the EGU from Puerto Rico’s air emission inventory; and (iv) requesting that the permitting agency amend all applicable permits to reflect the permanent shutdown status of each EGU.

Part III: Specific Information Requested

Except as specifically provided in Part III of Enclosure 1 of this Information Request, provide the following information regarding the Facility within **30 days** from the receipt of this Information Request. Unless otherwise stated, this information shall be submitted in Microsoft Excel, Microsoft Word, or optical character recognition (OCR) Adobe Acrobat PDF format, depending on the information requested.

1. A copy of the site-specific monitoring plan (SSMP) required under 40 C.F.R. § 63.10000(d) for the units identified in the following table:

Facility	Unit ID
Costa Sur Steam Power Plant	COS3, COS4, COS5, COS6
Palo Seco Steam Power Plant	PS1, PS2, PS3, PS4
Aguirre Steam Power Plant	AG1, AG2
San Juan Steam Power Plant	SJ7, SJ8, SJ9, SJ10

2. Electronic spreadsheets containing PM CEMS emission records required under 40 C.F.R. § 63.10031(a)(3) and 40 C.F.R. Part 63 Subpart UUUUU, Appendix C, section 7.1 from January 1, 2018 through the present for PREPA Costa Sur, PREPA Palo Seco and PREPA San Juan.
3. Copies of all PM CEMS certifications, recertifications, and quality-assurance tests required under 40 C.F.R. § 63.10031(a)(3) and 40 C.F.R. Part 63 Subpart UUUUU, Appendix C, section 7.2, for PREPA Costa Sur, PREPA Palo Seco, and PREPA San Juan from January 1, 2018 through the present.
4. Copies of each PM CEMS correlation test, each relative response audit (RRA), and each response correlation audit (RCA) required under 40 C.F.R. § 63.10031(f)(1) completed for each unit from January 1, 2018 through the present for PREPA Costa Sur, PREPA Palo Seco, and PREPA San Juan.
5. Copies of the quarterly reports from January 1, 2018 through the present for each liquid oil-fired unit. The reports should include all of the calculated 30-boiler operating day rolling average values derived from the CEMS, as required under 40 C.F.R. § 63.10031 for PREPA Costa Sur, PREPA Palo Seco, and PREPA San Juan.
6. Copies of all maintenance and corrective actions performed on any PM CEMS, including but not limited to the data transmission system, from January 1, 2018 through the present, as required by the QA/QC Program Requirements contained in 40 C.F.R. Part 63 Subpart UUUUU, Appendix C, section 5.3, and 40 C.F.R. § 63.10033 for PREPA Costa Sur, PREPA Palo Seco, and PREPA San Juan.
7. Copies of all required performance tests required under 40 C.F.R. § 63.10007 from January 1, 2018 through the present for PREPA Aguirre. For periods when quarterly performance tests were not conducted on each oil-fired EGU at PREPA Aguirre, provide an explanation of why not.

8. Documents demonstrating any problems or malfunctioning of the PM CEMS at PREPA Costa Sur, PREPA Palo Seco and PREPA San Juan, and any root cause analyses, corrective action plans, or maintenance plans designed to correct the problems, from January 1, 2018 through the present.
9. A record of the number of employees or consultants who are assigned to maintain the PM CEMS at PREPA Costa Sur, PREPA Palo Seco, and PREPA San Juan, as well as the number of employees or consultants who have received training in compliance with 40 C.F.R. Part 63 Subpart UUUUU. For each person, please state:
 - a. Whether the individual is a full-time or part-time employee, or consultant;
 - b. If the individual is a consultant, please state the name of the company for which they work; and
 - c. For each individual, please describe the nature and amount of training they have received on compliance with 40 C.F.R. Part 63 Subpart UUUUU.
10. Copies of the Facility's monthly fuel quality and consumption reports, broken down by each EGU, from January 1, 2018 through present.
11. An Excel Spreadsheet containing the Facility's monthly hours of operation and average power generated (megawatts) for each EGU from January 1, 2018 through present.
12. Provide an explanation and the rationale for changing from the use of PM CEMS to conducting quarterly performance testing for determining compliance with the MATS rule. Also provide the applicable copies of the Notice of Compliance Status related to this change.
13. Provide copies of the Facility's 40 C.F.R. Part 98 Greenhouse Gas Reporting Program¹ report from 2020 onwards.
14. Provide a projected schedule of the planned retirement or conversion of each EGU at the Facility.
15. On April 14, 2023, PREPA provided to EPA responses regarding the repairs/physical changes being conducted at Aguirre Unit 1 and Aguirre Unit 2. In order for EPA to determine whether these physical changes will result in any post-change increase in emissions due to restored capacity or increased efficiency of the units, PREPA must conduct a PSD applicability analysis for each of these two units containing the "actual-to-projected-actual applicability test," as per 40 C.F.R. § 52.21. As such, provide these two analyses, including all criteria pollutants, the attendant calculations (provided in Microsoft Excel spreadsheets) for the five-year period immediately preceding when PREPA began the actual physical changes on each unit. "Projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (12-month consecutive period) following the date the unit resumes regular operation after the completion of the physical changes. Please refer to 40 C.F.R. § 52.21 for more details.

¹ See <https://www.epa.gov/ghgreporting>.

16. In the event that the “projected actual emissions” do not show a “significant emissions increase,” PREPA must provide its monitoring and recordkeeping proposal that it plans to implement for the next five years to ensure that is the case (to comply with the “reasonable possibility” provisions of 40 C.F.R. § 52.21(r)(6)). In the event there is a projected “significant emissions increase” resulting from the analysis from either Aguirre Unit 1 or 2 and PREPA elects to limit its emissions for the next five years so as not to trigger PSD, PREPA must provide its monitoring and recordkeeping proposal to ensure that the unit(s) will stay below its PSD “significant emissions increase.”
17. List and describe in detail any other repairs/physical changes that are planned for Aguirre Unit 1 and Aguirre Unit 2 in the next 12 months.

ATTACHMENT 1 TO ENCLOSURE 1

CERTIFICATION OF RESPONSE

State/Territory of _____:

County of _____:

I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in response to the Information Request and all documents submitted with this response, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted with this response are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that for one year from the date of the Information Request, I am under an obligation to supplement my response to the Information Request if any additional information relevant to the matters should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this ___ day of _____, 2023

Notary Public