UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 13 2012

Chairman Pedro Nieves Miranda
Commonwealth of Puerto Rico
Junta de Calidad Ambiental
Edificio de Agencias Ambientales
PO Box 11488
San Juan, PR 00910

Re: "Agremax" Manufactured Aggregate - Resolutions and Notifications

Dear Chairman Nieves:

Thank you for your response to my letter of November 7, 2011, concerning the Resolutions and Notifications established by the Puerto Rico Environmental Quality Board (EQB) for coal ash aggregate ("Agremax") generated by the AES Guayama coal-fired power plant in Guayama, Puerto Rico (i.e., EQB Resolutions R-96-39-1 and R-00-14-2, dated October 29, 1996, April 25, 2000, respectively).

I remain concerned that the Resolutions and Notifications do not include provisions for engineering controls, nor specify appropriate uses or otherwise limit the use of Agremax by end users. However, I am encouraged by your offer to participate in an ongoing investigation by the U.S. Environmental Protection Agency (EPA) concerning potential endangerment issues from land placement of Agremax, and your development of draft guidance documents for Agremax. I welcome your involvement in the investigation, and I look forward to receiving your draft guidance documents.

With respect to the investigation, we are planning a site visit to the AES Guayama facility, in early March, during which representative samples will be collected for laboratory analysis. EQB is invited to accompany us during this visit.

Please have your staff contact Mr. George C. Meyer. P.E., at (212) 637-4070, should you wish to discuss this matter further, or Mr. Leonard Grossman, at (212) 637-4039, should you wish to coordinate with our upcoming site visit. Please be assured that we will keep you informed of further developments in our investigation, and will look forward to your ongoing participation in the investigatory process.

Sincerely yours,

Judith A. Enck

Judith A. Enck
Regional Administrator

cc: Allan Dyer, President
AES Puerto Rico L.P.
Carretera #3, KM 142.0
Bo. Pte. Jobos
Guayama, Puerto Rico 00784