UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

040215

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Manuel Mata
President
AES Puerto Rico, L.P.
P. O. Box 1890
Guayama, Puerto Rico 00785

Re: Review of Submittals
AES Coal-Fired Power Plant and Marine Cargo Handling Dock Facility
Administrative Order on Consent
Docket Number CWA-02-2015-3102

Dear Mr. Mata:

Reference is made to the Administrative Order on Consent ("AOC"), Docket Number CWA-02-2015-3102, between AES Puerto Rico, L.P. ("AES") and the United States Environmental Protection Agency ("EPA"), dated March 18, 2015. Reference is also made to AES' submittals, dated March 20 and March 25, 2015, concerning Paragraphs 66, 68, 69, 70, and 71 of the AOC.

EPA hereby addressing each AES submittal, and providing comments concerning our review of the documents.

- ***Paragraph 66*** *(Completion and Submittal of MDMR Forms) – No later than April 17, 2015, AES is required to complete and submit MDMR forms for the benchmark monitoring conducted pursuant to the requirements of the ACO and MSGP.* [1,2]

  On September 29, 2013, AES obtained coverage under the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Industrial Activities (MSGP) for the referenced Facility. Therefore, AES was required to prepare and submit MDMR forms for the following benchmark monitoring periods: October 1 to December 31, 2013; January 1 to March 31, 2014; April 1 to June 30, 2014; July 1 to September 30, 2014; October 1 to December 31, 2014; and January 1 to March 31, 2015.
  By letter dated March 20, 2015, AES submitted MDMR forms, which are summarized in the following tables:

[1]See Paragraphs 25-26 of the Administrative Compliance Order (ACO), Docket Number CWA-02-2012-3100, dated December 16, 2011.
[2] See Part 7.1 and Appendix B.12.d of the 2008 MSGP.

Sampling Points	October 1 to December 31, 2013 (MDMR signed on 3/17/15)		January 1 to March 31, 2014 (MDMR signed on 3/17/15)	
	Monitoring Date	Laboratory Results Date	Monitoring Date	Laboratory Results Date
SP-002	10/08/13	11/12/13	Monitoring was not conducted during this period.	
SP-003	10/08/13	11/12/13		
SP-004	10/08/13	11/12/13		
Although AES did not perform monitoring during the January 1 to March 31, 2014 period, a MDMR was prepared and submitted. No further action is required for the MDMR submittals corresponding to the October 1 to December 31, 2013 and January 1 to March 31, 2014 periods.				

Sampling Points	April 1 to June 30, 2014 [MDMRs signed on 3/19/15 (SP-002 and SP-004); and 1/17/15 (P-003)]		July 1 to September 30, 2014 (MDMR signed on 3/17/15)	
	Monitoring Date	Laboratory Results Date	Monitoring Date	Laboratory Results Date
SP-002	04/02/14	04/11/14	07/18/14	08/07/14
SP-003	04/10/14	04/29/14	07/18/14	08/07/14
SP-004	04/04/14	04/11/14	07/18/14	08/07/14
No further action is required for the MDMR submittals corresponding to the April 1 to June 30, 2014 and July 1 to September 30, 2014 periods.				

Sampling Points	October 1 to December 31, 2014 (MDMR signed on 3/17/15)		January 1 to March 31, 2015 (MDMR signed on 3/9/15)	
	Monitoring Date	Laboratory Results Date	Monitoring Date	Laboratory Results Date
SP-001	12/05/14	12/19/14	02/19/15	02/27/2015
SP-002	12/05/14	12/19/14	02/19/15	02/27/2015
SP-003	12/16/14	01/20/14	02/19/15	02/27/2015
The sampling point identification number for the discharge outfall located at the marine cargo handling dock was changed from SP-004 to SP-001. No further action is required for the MDMR submittals corresponding to the October 1 to December 31, 2014 and January 1 to March 31, 2015 periods.				

- ***Paragraph 68*** *(Benchmark Monitoring and Laboratory Analyzes) – For a period of one (1) year, AES is required to conduct quarterly benchmark monitoring and analyze samples for total aluminum, total iron, total lead and total zinc according to Parts 6.1.3, 6.1.4, 6.1.5, 6.1.7, 6.2.1.1, 6.2.1.2, 8.O.7, and 8.Q.6 of the MSGP at the permanent sampling points 001, 002, and 003.*

Since the AOC was entered on March 18, 2015, AES is required to conduct the first quarterly benchmark monitoring between April 1 and June 30, 2015. EPA looks forward to receiving the MDMR according to the submittal deadline in Paragraph 68 of the AOC.

- ***Paragraph 69*** *(Preparation and Submittal of MDMRs) – Until Termination of the AOC, AES is required to prepare and submit MDMRs according to the schedule in Paragraph 68 of the AOC.*

  EPA acknowledges receipt of the March 20, 2015 letter, in which AES submitted another copy of the MDMR corresponding to the January 1 to March 31, 2015 period. Please be informed that this MDMR was subject to the requirements of the ACO. See additional comments on Paragraph 68 above.

- ***Paragraph 70*** *(BMPs Implementation Report) – No later than April 17, 2015, AES is required to submit a detailed report concerning the implementation of each of the action items included in the BMPs Matrix table and schedule.*[3]

  By letter dated March 25, 2015, AES submitted its BMPs Implementation Report. No further action is required concerning this Report.

- ***Paragraph 71*** *(Preparation and Submittal of Comprehensive Site Inspection Reports) – No later than April 17, 2015, AES is required to prepare and submit Comprehensive Site Inspection Reports pursuant to Part 4.3.2 of the MSGP for the December 13, 2012 and December 19, 2013 comprehensive site inspections.*

  By letters dated March 20, 2015 and March 25, 2015, AES submitted a copy of the Comprehensive Site Inspection Reports, dated March 20, 2015 and March 25, 2015, which corresponds to the December 13, 2012 (the "2012 Report") and the December 19, 2013 (the "2013 Report") inspections, respectively. No further action is required concerning the 2012 Report.

  However, AES is required to document its observations of all the controls measures (structural and non-structural Best Management Practices ("BMPs") that were implemented at that time of the December 19, 2013 Comprehensive Site Inspection, which should have taken into account the BMPs Matrix approved in the EPA May 5th, 2013 letter and the Storm Water Pollution Prevention ("SWPPP").

  Further, EPA strongly recommends that AES uses the sub-basins delineated in its Engineering Analysis Report ("EAR"), which describes and depicts the specific BMPs per sub-basin.[4] The documentation of observations based upon specific sub-basins is consistent with the information that must be provided in the Annual Report required in Part 7.2 of the 2008 MSGP.[5]

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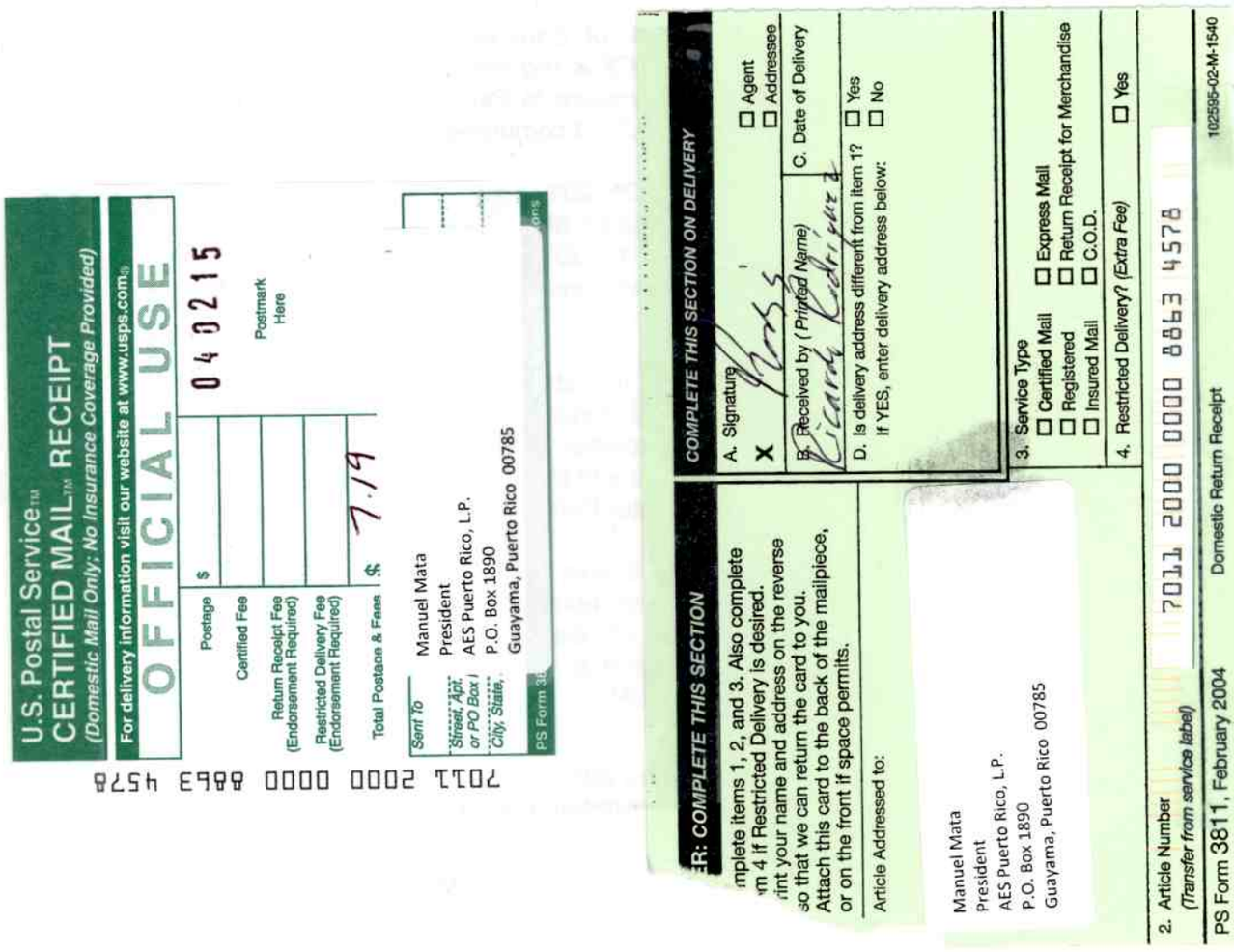
[3] See EPA May 5, 2013 letter concerning EPA's approval of the BMPs Matrix and implementation schedule. AES is required to supplement this information with documentation, which shall include at a minimum, photo-documentation and an updated BMPs Matrix table.

[4] See May 5th, 2013 letter for EAR history.

[5] See content and format of the Annual Report Form in Appendix I of the 2008 MSGP.

Please submit a revised report for the December 19, 2013 Comprehensive Site Inspection within thirty (30) days of receipt of this letter. If you have any questions concerning the above, please contact Mr. José A. Rivera of this Branch at (787) 977-5842, or at rivera.jose@epa.gov.

Sincerely,

Nancy Rodríguez, P.E.
Chief
Multimedia Permits and Compliance Branch

cc: Ron Rodrique, AES' Assistant Plant Manager (via e-mail)
Héctor M. Avila, AES Environmental Coordinator (via e-mail)