

TRANSCRIPT
PUBLIC HEARING
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PLACE: Colegio de Ingenieros y Agrimensores of Puerto Rico- Arecibo Chapter

» MAGGIE COLON: Yes, good afternoon. My name is Maggie Colón. I only wanted to tell you that this Energy Answers project would be a half mile from my residence, where we have already, in Barrio Islote of Arecibo, Islote two, a composting plant and a treatment plant, in which pollution is the reason why the neighborhood is being abandoned. They say that this area is a Tourism Interest Zone.

My sons have asthma; therefore, we are opposed to this project because here in Puerto Rico, neither the Environmental Quality Board, nor Energy Answers have taken the task of telling the truth.

There's an environmental impact statement, the one that you don't evaluate and don't agree with. We're hoping that you can make a new environmental impact statement, but a real one, that answers to the people, and not to the interests of a company that's looking for money to further pollute the town of Arecibo.

>> HEARING OFFICER: -- Tell your name, your last name -- [inaudible].

>> PAUL CONNETT: My name is Paul Connett. I'm number 11 on the list. My address is 104 Walnut Street, Binghamton, New York, 13905. I'm here at the invitation of *Colegios Medicos* [sounds like]. My statement: First of all, I think, like many people, I'm puzzled that the U.S. Department of Agriculture is involved in an incinerator project. I assume because of the title it's to improve the infrastructure of rural communities. This is not your typical rural community. But as such, when you're preparing an environmental impact statement, it seems to me that if your job is to provide infrastructure for rural communities, you should first of all, do a comparative analysis on other energy options. Is this the best way of generating energy for this area? Is it better than solar? Is it better than wind? Is it better than photovoltaic? Is it better than anaerobic digestion? So you, first of all, need a comparative analysis. We know that this is the most expensive way of making electricity so it shouldn't fare very well in a comparative analysis, but it's important that one is done.

Secondly, is this the best way of handling waste in this area? I happen to be a specialist in this area. I have researched waste management for 30 years. I just published a book on this subject called, *The Zero Waste Solution*. And this book can be made available to you. Certainly this is the most expensive way of handling waste. Incineration is the most expensive way of handling waste and you should certainly compare it to the solution I offer in my book which is source-separation, door-to-door collection, particularly of clean

organics, composting, recycling, reuse and repair centers throughout Puerto Rico. A pay-by-bag system, so if you have three fractions, one for residuals, one for compostables, and one for residuals as they have in San Francisco, then you can impose a surcharge. The compostables are free. Recyclables are free. But residuals -- the more you make, the more you pay and that simple strategy has reduced waste production in some jurisdictions by 30%.

In addition to that, there are waste-reduction initiatives, banning plastic bags, etc. and then step eight in my program, I advocate in front of existing landfills you have a residual separation facility, and that in turn, should serve as a research facility involving professors and students from local universities to actually study our mistakes. So the difference between a zero-waste strategy is that the incinerator makes the residuals disappear, a bad industrial design. Whereas with the zero-waste strategy, we are trying to make the residual fraction extremely visible so that we can then work on that for the future.

This zero-waste is a stepping-stone to sustainability and so step number nine is better industrial design, informed by this process. And step 10 is the back-up residual landfill which would take the non-recyclables which are being studied, and it would take the dirty, organic fraction and stabilize it above ground before it goes underground.

The residual separation facilities are in operation in Nova Scotia. They can be observed. The zero-waste research centers are being developed in Italy right now. And as far as the whole program is concerned, San Francisco has an excellent model. They are up to 80% diversion from landfills, using this approach. They are very happy with it. In Italy we've got over 1000 communities getting more than 70% diversion. Over 300 communities are getting over 80%, some getting over 90%. The whole of the Flemish-speaking part of Belgium getting 73% diversion. So these need to be studied before taxpayer's money is being spent on the most expensive way to make energy and the most expensive way of handling waste you should see if it's not possible to use these cost-effective solutions which will generate far less political opposition than you're getting here.

Now, in terms of scoping the environmental impact statement, I'm assuming that that will also include a human health risk assessment and what's essential for the human health risk assessment is not to assume as many consultants do, that the local population is perfectly healthy. You've got to first of all do a survey of the existing health situation in the local community because they are the people that are going to be impacted. How many children have asthma? How many children have respiratory problems? How many adults have other problems? Because this is only going to add to that.

Another issue that must be discussed in the human health risk assessment is the impact of nanoparticles. This is a relatively new subject. Nanotoxicology. That needs to be addressed and that's extremely important because nanoparticles -- these very tiny particles less than one micron -- are not regulated. There's no regulation for them. But that doesn't mean there's no health effect because they're not being regulated.

Another question that has to be addressed in addition to the human health risk assessment is how the facility is going to be monitored. How is it going to be monitored for dioxin? In some places they do a scientific job and they collect air samples every two, for two weeks on a filter and they do that 26 times a year, two-week samples, so over the whole year they get (off mic), whereas typically they only do this twice a year. This is not scientific.

Human health risk assessment, extremely important here for the risk assessment, the human health risk assessment, is to calculate the exposure to the emissions from the incinerator from agriculture, for the impact on agriculture. This area is surrounded by agriculture. How much dioxin? How much heavy metals are going to end up in grazing animals? In cows, in beef, in pigs, in chickens, in sheep, in goats? This is very important not only from a human point of view, you need to have a human health risk assessment of exposure through the food chains, but you also need to calculate the impact on agriculture.

Agriculture -- is a part of (off mic) – the marketing, the economics of agriculture is perception. What damage can you do to local agricultural production? Not necessarily by how much exposure you have but the perception of the middleman in agriculture, the people that buy the food, the McDonald's purchases and so on. What impact is this going to have on the perception of agriculture? Now that should be something that the USDA would be very good at doing, is analyzing the impact of this facility on agriculture both in reality and the perception of reality in terms of marketability.

And in addition, to considering the obvious, the air emissions from the stack, the less obvious is what about the impacts of the ash? The fly ash? Because the better the incinerator is at protecting the air from toxic metals, from mercury, from lead, from arsenic, from chromium, from lead, from arsenic, the more toxic the ash, and the better it is at capturing the dioxins and the furans, the more toxic the ash so we need a health risk assessment, an environmental impact statement of the ash. What exposure do people get from the trucking? What exposure do the workers in the plant get to direct exposure of handling the ash? What about the workers at the landfills? How much exposure do they get? How much exposure do people living near the landfills get from the ash that blows off the surface during windy days? How much exposure takes place when there's rain on the surface of the ash and it dissolves out the lead from the ash which runs off into the surface water?

So this is not a minor issue. This assessment that you are taking on is a very, very big exercise indeed. In my estimation, you would be talking between five and ten million dollars to do a really genuine risk assessment. And I think at the end of the day the US Department of Agriculture will wish they never gotten involved with, involved in permitting an incinerator or helping financially with an incinerator. So those are my comments. I hope that I can get some answers from this. Thank you.

» SALVADOR SANTIAGO: My name is Salvador Santiago. I'm representing the Association of Psychologists of Puerto Rico, The Association of Psychology of Puerto Rico. And my comments are the following: Number one, our biggest worry is what will be built, the violation of the basic principle that one must never build anything that might contaminate flood areas; and it worries us that there's no information on how the floods will be dealt with, and hurricanes as well, for an incineration with a high level of pollution.

Number two, these contaminants; the report that was done to deal with the health impact does not take into consideration the pollution that already existed in the Cambalache area. For example, it's already known that the Cambalache area has high lead pollution, and they are going to base the report that the health was measured in how much the incinerator could pollute, without taking into consideration the pollution

that already existed. And this should be fixed; they should evaluate the pollution that already exists among the population, plus the pollution that the incinerator could cause.

Number three; I have a very big concern with the pollution of the waters of the Super Aqueduct which feeds more than 100,000 people in the Northern area of Puerto Rico. And in the report that was made about the health impact there was no mention about how the waters that are used for the Super Aqueduct would be protected, which is surface waters that must be protected from all metals, and all polluting contaminants which will be released by the incineration plant.

Number four, there is a poor evaluation of the health impact from all these metals, including, for example the mercury, which the only thing that was done was a very superficial evaluation, and mercury is a highly contaminating poison, that impacts the health of children and their families.

And number five, there is nothing in this health report about the impact that it will have on the agriculture, and the products that the population consumes like meat, and dairy products, and meat, and other cow products. This is a major worry for us, and we should -- an evaluation should be included on the impact it will have on the cow population and the milk industry. It should include a more serious evaluation of those contaminants. That is all.

» JESUS GARCIA OYOLA: My name is Jesus Garcia Oyola, resident from Arecibo. The first thing I have to say is that I'm disappointed with the process of this so-called public hearing because there has been no participation of those of us who are here present, and we're practically here -- and I'm worried about the process which is taking place at this very moment, since I've asked several questions to those who are directing this process, and they haven't known how to answer the questions that I had for today in the afternoon.

I am a community leader. I represent 13 towns in the Central, Northern region of Puerto Rico, and I'm also a member of the Board of Directors of Legal Services of Puerto Rico. This incineration project is disastrous, and it will only bring more sickness and more health problems to our people of Arecibo and for that matter, Puerto Rico.

This project has been pending installation for many years, and we have opposed it because it is not beneficial for Puerto Rico nor Arecibo. The area which this project will be built is a flood area, and they have proposed that they will raise, and fill like three or four feet, and if that area of perhaps 18 to 22 acres is filled for this project, practically the historical area of Arecibo, and the people of Arecibo will be significantly affected by this project and we, who have been born here and have raised our children and grandchildren in this town, cannot allow that a group of people come and build a project when all it will do is worsen the health and well-being of our people in Arecibo and Puerto Rico.

I also want to point out that this project has not been properly planned and they haven't told the truth. This project -- those who are behind this project -- have told this town that they had millions of dollars to do it, and now it appears that they're asking the federal government for money to build this project. And this is a scam, and this is a lie; that they're telling us Puerto Ricans and the federals as well. That is all.

>> HEARING OFFICER: Thank You.

>> HADASSA SANTINI: My name is Hadassa Santini. I am here in representation of our clients, Jesus Garcia Oyola, Marcos Chacon [approximate sound] and Mrs. Magda Ramirez. The last two were unable to attend. And we have come to ask the RUS officials a few questions regarding the process of *Energy Answers* requesting funds for this project.

Unfortunately; although in the email we received from Mrs. Stephanie Strength [approximate sound], we were told that there would be personnel from RUS willing to answer questions, those people we have asked, regarding the Energy Answers request, have given us no information.

We want to know, when did Energy Answers request these funds? At what stage is this request? We would like to receive copies of all documents they submitted. We would like to know if it's a loan or a grant. What type of financing are they requesting? What

amount are they requesting, and in addition, we would like to know what are the requirements that they -- the company, have to comply with RUS, for this financing?

We would like to know if they have complied with the requirements, and we want to receive this information so we can then do our job as attorneys, right, of all those people we are representing. Prior to today, we submitted some comments, in writing, as to what we understand should be included in the environmental document that will be started soon, and we want to stress our comments regarding the content of the environmental document. This has already been submitted in writing, and we want you to consider all that we wrote in our extensive comments as to what should be included in the environmental document. Thank you very much.

>> HEARING OFFICER: Thank you very much.

>> OSVALDO ROSARIO LOPEZ: Well. My name is Osvaldo Rosario Lopez. I am an environmental chemistry professor at the University of Puerto Rico - Rio Piedras Campus. I want to emphasize some points that I understand must be included in an environmental impact statement, that in the last environmental impact statement for this *Energy Answers* project were not considered, or were partially considered.

First is an argument called mass balance. That is to say, there must be a complete account of all the products that are going to be released through that chimney or remain

as residue in the ash. If you look at the list of things they said would be released, it does not even represent a 50 percent of the total mass of the products that are formed. What is in that other 50 percent? What health risks could this represent? That was not answered. This has to be answered, in order to effectively evaluate the risk to the population.

Another point is just how toxic are the ashes. There is no doubt that there are toxins in the ashes. In the past, *Energy Answers* themselves have admitted that the fly ash, a component of the ash, has toxic components. An environmental impact statement must list all the toxins that will be present in the ashes. It has been proven that the existing test called PCLP is discredited, and does not serve as a measurement of toxins of the ash. Even the federal environmental protection agency has proven that the test being used is inefficient.

In the area of the nano particles. Nano particles are released in great scale through the incineration of solid waste. In the environmental impact statement, there is no mention of nano particles. There is a lot of scientific literature that proves that nano particles embed themselves in the body, reaching brain tissue, kidneys, and the liver and pulmonary tissue; causing damage. However, the previous environmental impact statement does not mention nano particles. No environmental impact statement is complete without evaluating this risk.

The area where this project is hoped to be established is classified as an area of “no progress” according to the Federal Environmental Protection Agency. At the moment, it is contaminated with lead. I’m not the one that says it; it’s being said by the Federal Environmental Protection Agency. It is recognized by local environmental quality board. Nevertheless, *Energy Answers* will release additional lead, to an area that is already contaminated, if that plant were to be built. How can this be justified? I believe that an environmental impact statement must acknowledge the existing problem of contamination in the area, and how to avoid further contamination.

Another two points: A project should use the *best available control technology*, “the best technology to control emissions”. However, that is not the case, and I will give you three examples. Instead of using the *bag house filters* that they suggest to catch particles; it is already proven that *wet electrostatic precipitators* are much more efficient than the *bag house filters*. The “*selective catalytic reduction*” catalysts are more effective in reducing the nitrogen oxides than “*regenerative selective catalytic reductors*” that they propose to use.

Another example, *wet scrubbers* are much more efficient in catching sulphur oxides than dry absorbents. Here I’m only giving you three examples that the technology proposed by *Energy Answers* does not fulfill the criteria of “*best available control technology*” that the EPA requires in projects of this nature.

Finally the electricity argument. They propose that this is going to be a plant for generating electricity, to produce electricity. However, the Environmental Protection Agency acknowledges that there is greater energy sufficiency, factors of up to 25 times greater in the case of plastics with recycling rather than burning. Therefore, it is deceitful to call this an energy generating plant when the alternatives are a better argument and a better energy alternative. I believe that an environmental impact statement must also explain that discrepancy that goes against the recommendations of the Federal Environmental Protection Agency.

>> ADRIANA GONZALEZ DELGADO: My name is Adriana Gonzalez Delgado. I'm representing the Sierra Club of Puerto Rico in these hearings held by RUS regarding the Energy Answers project.

The first issue that we have is, that although we understand that there was a public notice of the process, we believe that the community has some concerns regarding this process, and for this reason it should be taken into account, and you should repeat another type of process so the community understands that this process is for them, because the process should accommodate itself to the community, and not vice versa. Either way, we're making verbal comments here, and we will also submit them in writing.

Some of the general concerns we have with this project, as we've said before, is the contamination process. We believe that if another environmental impact statement is

going to be prepared for this proposal, the releases that the EPA is not considering in its environmental impact statement should be taken into consideration.

We believe that the lead, the dioxins, and other things that the EPA found that were above their standards, should be considered here. The other point we think is very important is its purpose. We understand that Rural Development funds sustainable energy projects. Sustainability among other things, even though the law in Puerto Rico establishes that incineration is an alternative energy, in a lot of other places has been eliminated, and its proponents have said themselves on many occasions that this is a project to manage waste and that the energy is simply a “by-product”, something extra that is made; and is not quite clear here.

Another point that should be taken into consideration is the amount of garbage that they will need. This project, as well as others, is based on facts from a 2007 research conducted by ADS resulting in a characterization study that is not up to date. For that matter we understand, and we’re going to give more details in writing in emails we are going to send; that the amount needed to run the plant, is not in accordance with the amount being currently produced because the recycling, composting, and other factors are not being considered. And in a nutshell; Arecibo will not be producing the garbage needed to fill that plant.

Another issue we want to stress is that, again, if the process started a bit shoddy, and with the community not being well informed, you should make sure that the next steps in this process are done on time, are very clear to the community, and with ample time for

answering questions, presenting information, and that any kind of process in public hearings not have time limits, be on schedule, be it late in the afternoons or weekends so that people can assist. And that besides public hearings, public presentations are held where personnel from RUS can give an introduction of the project, since this would help the community understand, and react based on all the information.

Like I said at the beginning, we are going to e-mail more comments.

» YELENA HAZIM: My name is Yelena Hazim. I come in representation of the Legal Aid Assistance of the University of Puerto Rico, its environmental law division. Before beginning, we would like to clarify that incineration is not a viable technology for Puerto Rico. The lack of land and the effect that this will have on the population and the environment of Puerto Rico, would violate the explicit and clear intention of the legislature when it passes this law. This is the reason that a disbursement of funds on the part of RUS is against the current public policy law of Puerto Rico.

Before commencing, it seems important we consider certain definitions that are established in Law 70 of 1992. Among them, we would like to focus on the definition of disposal facility, according to the law, which is an installation used to finally dispose of wastes, including landfills and incinerators.

After establishing this definition, we can proceed to evaluate the memorandums for Law 70 from September 18, 1992. In its second paragraph, the memorandum states, and I

quote, “An island with limited territorial extension. This problem intensifies the shortage of adequate fields to establish disposal installations with the necessary protection measures that the population and the environment require.”

According to this, there are no adequate grounds in Puerto Rico for an incinerator; without the population and the environment being widely affected. In the fourth paragraph of the legislative intent, the assembly openly recognized that even though incineration has been used, and considered to deal with the problem in other countries; Puerto Rico hasn't had the same results.

And I quote, “The new solid waste authority along with some of the largest towns of the country, have gotten involved in the establishment of three incineration plants. However, the cost of construction and the operation of incineration plants have resulted in exceeding substantially the costs of other alternatives that have resulted in being more environmentally friendly. We should urgently implement solutions that are environmentally safe that result in the reduction of solid waste volumes that have to be disposed of. The reduction systems and recycling, in combination with the use of less landfills represents a viable alternative for Puerto Rico.” And so establishes Law 70 of 1992.

The Legislative Assembly concludes by saying, and I quote again, “This measure orders the Solid Waste Management to develop and implement a program for reduction and recycling of solid wastes in the Commonwealth of Puerto Rico. It establishes the necessary mechanisms to facilitate the implementation of technology that reduces the

use of landfills and the incineration systems as alternatives to the problem of disposition of wastes in Puerto Rico”.

It emerges from the prior Legislative Assembly, along with the implementation of Law 70, sought to facilitate and promote the reuse and recycling. Clearly, the reduction in the numbers of incinerators of Puerto Rico is totally contrary to Energy Answer’s proposal of installing an incinerator in Puerto Rico. Article three of the law establishes as a published policy of the Commonwealth of Puerto Rico the development and implementation of economically viable strategies, and environmentally secure, that result in the decrease of the volume of solid wastes that will require final disposition.

For these and other reasons we reaffirm that incineration is not a viable technology for Puerto Rico, for its people, for its population, its land and our environment. An additional incinerator will violate the intention of the legislation in passing this law, which is why the disbursement of funds on the part of RUS is against the current law of public policy in Puerto Rico.

>> MIRNA RODRIGUEZ ROMERO: You tell me. Please give me a moment. Good afternoon. My name is Ms. Mirna Rodriguez Romero. I’m the President of *Basura Cero Puerto Rico*, and the most important thing at this moment, I’m a resident –merchant, and resident of the town of Arecibo.

The first thing that I have to say is that I sincerely understand that this meeting, well, lacked organization as such, or we were under the wrong impression. Then, to arrive with something so predisposed, we are here and then I sincerely regret as much as for you, as for us that this has turned into chaos. Because the lack of information is what provokes chaos and it's what has prevailed here and sincerely, with all due respect; I tell you, that is not the case. The people that are opposed to the incinerator, we have been enduring this conflict for six years, and that's not what we want to get across to you.

What we want to get across to you is our opposition based on scientific data, with common facts from ordinary people like me; we don't want you to burn our resources. These are resources. Garbage is a resource. And burning 2100 tons, each day, for 30 years, this implies so many health issues; it implies so many drawbacks. In 30 years so much can be done. At this very moment we can do- right now we have the town of Cidra, if I'm not mistaken, that diverts 60 percent of its materials by recycling. We have the town of Rincon where they prohibited the use of plastic bags. I can assure you that we have alternative roads that you already know of because at a worldwide level, the "zero waste" philosophy is being implemented more and more with each passing day.

It's erroneous to say that you can recycle and burn at the same time because we're talking about the same resources. In other words, what is going to be burned is the same thing that's going to be recycled. Therefore, they can't go hand in hand. With all

due respect I tell you, I regret this confusion because there was a wide range of professionals that wanted to share the information with you. Courteously, I tell you that I understand that a large portion of the people that are here today, more than 95 per cent of the people are opposed to this project. Therefore, we know the project; believe me, from A to Z.

You came to present us with this project. We are already familiar with the project. What we expected and what we wanted is that you listen rather than write with a pencil, which I understand is not correct, that you listen to all that we need to say about not wanting the project. We don't want it, and we're not going to allow it.

Well then, thank you for giving me this time. I understand that the professionals can elaborate more and in case of anything, I am also at your service, but really, for a next occasion maybe clearer information that what you really wanted was for us to write. Maybe those -- didn't need a place to meet. Maybe it could've been, I believe that it started off not so clearly, and unfortunately things that start off not so clearly end up how? -- Right?

So then, to give more time to other people, it's been a pleasure, and, well, we want public hearings. We want to exhibit. We want to be listened to. We really want to be heard, and once and for all that you learn that most of the people of Arecibo, most of Puerto Rico, are against the incinerator. We don't want to burn resources or health. We don't want it, and we will not allow it. Thank You.

>> HEARING OFFICER: Thank you very much.

>> BENIGNO CABAN: My name is Dr. Benigno Caban, and I am a resident here of Arecibo where I have been practicing my profession for more than 50 years, and due to environmental and health issues, I have taken a stance against this project and others that put the health and wellbeing of our city at risk. In 1999/2000 we already rejected this project which at that time was called "Renova" by the same company. At that time, the community stood against it and no willingness was shown on the part of the people or public policy in support of this incineration project. For this reason we don't understand why we have to face this same threat against our community, again. We were surprised by the way the presentation was given here this afternoon to obtain input from the community, which has been rejected. We hope there is more input, another meeting like this, but with the appropriate technology, microphone, recording, etc., so that people can properly express themselves. I also think that this should be done on a Saturday, or a Sunday, because many people in the community are very interested, but due to their occupations or family commitments find it difficult to attend on weekdays at this time of the day. I am very concerned because the largest livestock industry of Puerto Rico is downwind from this project. Furthermore, the largest agricultural development of Puerto Rico is in this region: in Hatillo, Arecibo and Camuy and we are aware of what occurred in Europe, Iceland and in other countries where, downwind from

these incinerators, dairy farms have closed, milk or meat from animals has been confiscated due to contamination from dioxins and other pollutants and heavy metals.

This is a real fact and is duly documented. We don't know how you will be able to guarantee that the milk industry, cattle-raising and the animals used for food will not be contaminated. Fishing in this area is also very important and all this will be contaminated. We hope that these processes and others can be submitted as well. As professionals we have observed and are concerned how heavy metals pass through the mother's milk and the placenta to the infants, the baby, and dissolve in the neural tube and the brain where the fat of the fetus is located; because that is where these heavy metals and contaminated toxins finally lodge, in the fats and do not leave. The only way these fats leave the infant is through, is when, breast-feeding or through the placenta from the mother to the baby. This is the cause of significant illnesses, such as what occurred in Santo Domingo, in Samana Bay, when another energy company from here, AES of Guayama, dumped contaminated ashes in Samana Bay resulting in children without arms, with their bowels outside, because heavy metals compete with the calcium deposits; so, how are you going to assure us that this will not happen in the future to our children? Specifically, the infants that are still in the womb or are nursing. This region of Arecibo has one of the highest premature birth rates. This is recorded in a School of Medicine study regarding public health. How are you going to guarantee that this premature birth rate and premature death rate of infants in their mothers' womb will not continue happening? There is no way you can guarantee this, and there is no way

they can either, thus resulting in a long-term genocide for our community, and that is the reason why we are against it. Thank you very much.

>> JESSICA SEIGLIE: My name is Jessica Seiglie, I am a resident of Arecibo and a member of the organization called “Basura Cero” (*Zero Trash*). First of all, I would like to express my indignation regarding the process carried out today. We all understand that a public meeting should be public and not private, correct? Such as when they place you in a small room and record your session. We believe that the comments made should be heard publicly. Furthermore, we would like to point out that the EIS should respond to a countless number of issues. First of all, this company intends to extract two million gallons of water daily from the Caño Tiburones Reserve in Arecibo; therefore, a hydraulic-hydrological study must be presented regarding this body of water and the implications that this may have. We would also like to have an air impact study with current data pertinent to Arecibo, given that yesterday they presented studies based on the year 1993 and in reference to San Juan. The reality of San Juan and Arecibo is not the same, given that in the summer of 2011, EPA designated Arecibo as a non-compliant area due to its non-compliance with the air quality standards derived from lead. It was the source of contamination caused by Battery Recycling located in the same sector, Cambalache, which is the place where they intend to establish this incinerator. As we all know, ashes remain where there once was a fire. This project intends to produce 400 tons of ash on a daily basis, but what are the compounds of this

ash? We would like to know the implications this will have on human beings, what will they do with these ashes? How are they going to transport them, where will they deposit them, what will they do with the ash caught in the filter, and how will they clean this filter and what will they do with the residues from the filter, where will they deposit them?

Furthermore, Arecibo has the privilege of being the natural habitat for the national bird, the Puerto Rican Parrot. The Puerto Rican Parrot recovery program has recorded progress in the last few months regarding this bird in danger of extinction, given that a nesting place without human assistance was recorded in the Rio Abajo forest in Arecibo, close to the area where they want to implement this project. I would like the EIS to explain how this ash and other chemical components billowing out into the air may affect this species in danger of extinction.

It is worth mentioning that the Arecibo region is an agricultural region, including a significant livestock industry, and that in the year 2011 thousands of milk cartons belonging to Iglesias Dairy were confiscated due to the presence of lead.

The incinerator is a lead emitter, so, how is this company going to manage these emissions? And it surely entails a threat to the livestock industry, correct? In the same way for the population, given that studies carried out by the EPA have shown a high concentration of lead in children. They also state that they need 103 tons of calcium

carbonate: I would like to know where they are going to extract this limestone. If it is obtained from Carso Norteño, from which we obtain our daily source of water, we would like to know the implications that this extraction of limestone would have on the daily water supply to households in Puerto Rico.

I understand that it is important for this company to carry out a current characterization of solid waste. The reality of the current population and waste generation is not the same as in 2003, which is what they used in the previous EIS; in order to make projections and to guarantee financial solvency, an analysis with updated information must be performed. Even more important: information and details must be provided regarding the source of the solid waste to be incinerated. Is it from abroad or from the interior of the island? In case of solid waste coming from abroad, what will the implications be if the barge for some reason does not reach the port? Who will bear the costs incurred on that day? Likewise, in case of mechanical failure, what is the action plan? Given that combustion is its main activity, how will *Energy Answers* manage a fire? Where will the waste that arrives on a daily basis be stored? How will they avoid an excessive accumulation of solid waste? And finally, if it is true that this project produces energy for the community, how will they respond in the above cases without affecting the electric service that they are supposedly intending to provide? On the other hand, I would like to say that I will be sending more information via email, given that the situation here today is not appropriate to make statements in this regards. Thank you.

>> LORENZO PADROMONJE: I am Lorenzo Padromonje, I am a resident of Guaynabo and I oppose incineration in general in Puerto Rico. That is why I am concerned about this project, given that it will affect our health significantly. I object to the secrecy involved in some aspects of the project, for example, they do not say where they will deposit the ash, which is one of the biggest problems we have in Puerto Rico in relation to other incinerators, such as the AES in Guayama, which uses coal to produce electricity, and they do not state where they dump the ash. They dump it in any hole they can find, they just dump it there, and regarding the point that *Energy Answers* does not want to say where they will deposit it, these are sufficient grounds to deny permission to build that incinerator here in Puerto Rico. We have to be sure of what is going to be done here on the island, because we have to protect the health of all the people. Thank you, good afternoon.

>> PEDRO SAADE LLORENS: Good afternoon, my name is Pedro Saade Llorens. I am a lawyer and professor in charge of the environmental section of the Legal Aid Clinic of the School of Law of the University of Puerto Rico. The clinic will submit written statements prior to February 13. We also drafted some handwritten notes a few minutes ago, but I wanted to take this opportunity to orally express myself as well regarding this project. First of all, today's process has been somewhat disorganized, people were unsure of how to proceed, and the request was denied for a single round table

discussion in which each one could listen at the same time to what others had to say, and that RUS officials would answer some basic questions which I will mention shortly. In general terms, I trust that RUS will not approve the funds for this project. This project is completely outside the objectives that could be considered commendable by RUS for development in rural areas. Firstly, it is highly doubtful and we do not know what definition is used by RUS to define a rural area, given that the location proposed for this project is only a short distance from various towns and even from the center of the town of Arecibo. Therefore, this is the first point: we need to know the definition of a rural area to understand how RUS believes that it can financially support this project in some way.

Secondly, we have a major question on whether RUS has legal powers to provide financial aid for this project, given that it was presented as a power generation project and this is such a very minor point regarding the real dimension of the project that it is spurious, it is false to say that this is a power generation project. Furthermore, you must keep in mind that the electricity authorities have absolutely no need to produce additional electric energy, since we have a serious problem of excess infrastructure in Puerto Rico which, in part, explains the financial and structural crisis that the electric energy authorities is currently experiencing. Therefore, based on whether it is a rural area, and on the other hand the real nature of this project, we doubt that there are legal grounds for RUS to grant these funds and we are truly confident that this financial aid will be rejected shortly, that is why we wish to share some of the reasons we believe

this is true. But I would like to mention something: this environmental impact statement should not be based on the false premise of presenting this as a power generation project, when in fact it is a waste or solid waste disposal and processing project; therefore, at the moment of analyzing alternatives and the impact and desirability of the same, it should be presented as such. And this has a very big impact because the alternatives available for waste treatment must be considered in this case, thus involving public policy here in Puerto Rico related to the reuse, recycling and non-incineration of waste, such as in this proposal.

The next point I would like to point out is that, besides the powers that RUS has as authority over this project, there are a series of questions that at the moment do not address the issue of the *Environmental Impact Statement*, instead, these are basic questions that during today's session the RUS officials were not able to answer or did not wish to answer. We asked them regarding the amount of money that was being requested, to which they replied that they did not know. We asked them if there was some official document pertaining to the application for funds, or at least a letter of intent, to which they replied that they did not know if one existed or not. We asked them if RUS had previously authorized incineration projects like this one in other parts of the United States, and again they were not able to answer if one had been authorized or not. Therefore, I am greatly surprised that we are here today without any answer to these basic questions, which gives rise to people's suspicion and concern that something out of the ordinary is happening in this case. I must point out that the

absolute independence of the technicians who are to draw up this *Environmental Impact Statement* must be guaranteed, preventing any contaminating influence from the applicant, that is, *Energy Answers*, so that this can be a truly objective process.

Among the key issues that the *Environmental Impact Statement* must consider are the following: first of all, it is essential that all the financial aspects be taken into account. Let me explain. The impact regarding waste disposal that this incinerator will have on costs for municipalities must be taken into account. The foregoing, considering what will happen in the next few years when citizens are required to pay more taxes or more fees for this waste disposal. All the economic aspects must be evaluated as well as the different alternatives available. In the context of alternatives, the *Environmental Impact Statement* must take into account that the current law and public policy in Puerto Rico emphasizes reduction, reuse and recycling, and incineration is not among any of the alternatives permitted. That is not public policy; therefore, if RUS grants this financial aid to this project it would be giving funds to a project which, as we previously mentioned, is essentially related to solid waste management and additionally, this would be against the law, because the law and public policy in Puerto Rico states otherwise at this moment.

I have already mentioned all the economic impacts that must be considered and fully evaluated, including the jobs and investment that this project will generate, which is highly exaggerated by *Energy Answers* in its various documents and public

propaganda, therefore, that aspect is very important. Another very important aspect that must be taken into account is the impact that water extraction will have on Caño Tiburones. The environmental impact statement of 2010 did not consider the economic impact of the water extraction from Caño Tiburones, it only evaluated different possibilities for obtaining water and decided in favor of Caño, even when it acknowledges that there is another possibility that has less negative environmental impact, such as using the water of the mudflats to the west, sorry, to the east of Caño Tiburones. In view of the above, it is necessary to make an in-depth study on the impact of extracting that quantity of water from Caño Tiburones, specifically, 2.1 million gallons daily.

Talking about natural resources, another environmental impact is the possible contamination of the water retention pond that supplies the Superacueducto del Norte (*super aqueduct of the north*). To our surprise, when looking at the map we observe that this pond is very close to what would be the location of this project, thus it would be a contradiction to expose so many people who live off this Superacueducto, which is basically all the northern line: from Arecibo to San Juan. It is crucial that the health impact be duly analyzed, not as was done in the previous EIS, or as in the PSD analysis, where the *Risk Assessment* technique and modeling were basically used. This technique is not sufficient for analyzing pollution and the real risk involved in this type of project, instead, what is recognized by literature should be taken into account, that is: these *Risk Assessments* depend on many, many factors and many, many assumptions;

from the direction of the winds to concentration levels. The *Risk Assessment* studies and modeling carried out in the EIS in 2010, as well as those affecting the PSD issued by the EPA, assumed certain wind directions that were incorrect and assumed quantities of emissions that were likewise incorrect, a fact that was proven by Professor Osvaldo Rosario when making a mass balance analysis. Therefore, the impact on health is critical. In 2010, the EIS did not take into account that this is a non-compliant area for lead, it already is a lead contaminated area and, as admitted by the PSD permit itself and the EPA documents. This company will generate about 620 pounds of lead per year, a figure that exceeds the average emitted by *Battery Recycling* in the last three or four years. Therefore, it is a contradiction to authorize a new source of lead in an area that is already contaminated with lead, generated mainly but not exclusively by *Battery Recycling*. Thus, I have made reference to natural resources, the alternatives available and the impacts on health. There are other factors that I will submit in writing later, but which must be taken into account.

To sum it up, today's procedure was not carried out in a proper manner, there was a lot of confusion and I hope that these comments made here will be taken into account. And another thing: there is some basic information that was not provided to the public today, such as the amount of money being requested, etc. A *table of contents* or an outline is being handed out of the *Draft EIS*, with plans to have this ready by April or May. Nevertheless, this table of contents is incomplete, given that it lacks the minimum considerations, in part due to the reasons I expressed above. Thank you very much, I

expect to be notified regarding the specific questions we have raised, regarding the amount of money, the documentation that has been submitted and other issues pointed out previously. Thank you very much.

>> SARA CORTES: My name is Sara Cortes, I live in the metropolitan area and I receive water from the Superacueducto. I legally oppose incineration due to the pollution that will result from the same; not only in the water that we receive, but also in the milk we obtain from this place, from these cattle-raising towns. I also oppose the project because of the ashes that entail a huge risk. I worked in Natural Resources and I know, I was the head of the permits office for drinking wellwater and I know the aquifers of this area and how they will be contaminated. We would like to know where you will deposit the ashes. I also have many young ones in my family, and I would like to see them grow up healthy. I have seven grandchildren, and I do not want them to be affected by the pollution from this type of incinerator, which is completely unnecessary in Puerto Rico. This incinerator is unnecessary because we can reuse the waste material and destroy that which is not convenient through other means.

>> ALEIDA CENTENO RODRIGUEZ: Good afternoon, I am Aleida Centeno Rodriguez. Who are you?

>> HEARING OFFICER: I am part of a private company. I will not answer any questions.

>> ALEIDA CENTENO RODRIGUEZ: Good afternoon, I am Aleida Centeno Rodriguez. I am expressing myself before a private company contracted by RUS or by *Energy Answers*; I don't know which. I present to you Madres de Negro, an organization that works against unreasonable alternatives that are a threat to the health of Arecibo. We also oppose the landfill. [Inaudible].

Madres de Negro, requests *Rural Utilities Service* (RUS) to change this procedure and hold larger hearings for *Scoping* purposes. This is based on the fact that we thought we would have an open dialog with a flow of ideas among the people involved, and with an attitude of reception on the part of the agency, specifically regarding our concerns in relation to the *Scoping*.

To start with, Madres de Negro would like to state the following: in 2010, when the location of the incinerator of *Energy Answers* was decided, our rights as natives of Arecibo contained in the Constitution of the Commonwealth were violated, which guarantees that the environment will be protected, including Law 215 of the year 2006 and the federal laws, which impose upon the Government of Puerto Rico and the *Environmental Protection Agency* the duty of collecting environmental data and making

a public disclosure prior to authorizing a major source of emissions such as *Energy Answers*. We attended some public hearings which were fraudulent because the data related to the environmental conditions in Arecibo were hidden. On November 22, 2011 we learned that Arecibo is contaminated with lead, because it was published in the *Federal Register*, Volume 76, Number 225. But this wasn't the only thing, from that year onwards the Puerto Rico Aqueduct & Sewer Authority has been issuing annual notifications that our water is contaminated with lead.

In the year 2012, the measurement was, sorry, in the year 2011, was 5.5, in the year 2012 it was 7.2 and in the year 2013 it reached 8.8, considering that the *Safe Water Drinking* Standard is .015, in other words, lead emissions are excessive but these are not the only measurements.

Lead is not the only emission in Arecibo, there are aluminum and copper emissions; a whole series of other toxins that are at maximum rates, not minimum rates, and nothing was said regarding this issue to the population in order to participate in the process of authorizing a greater source of emissions. What has been the result of all this? That we Puerto Ricans, who already have very high lead concentrations, who brush our teeth with lead, who cook, clean, wash our clothes and everything we use, is contaminated with lead because the water is polluted with lead, and now we are going to have a greater source of lead emissions located in the area, such as *Energy Answers*, without really taking into account the previous sources [Inaudible] that have been measured.

According to the government lead implementation plan, the amendment proposed in August 2014, Arecibo will have ten sources of lead pollution, including *Battery Recycling*, which currently is closed, and *Energy Answers*, which is a greater source of emissions, another incinerator called *Safe Tech*, another incinerator called *Merck Sharp & Dohme*, another called *Pfizer* and another referred to as Sinergia. All these incinerators are located at a distance less than seventeen miles from Arecibo and all of them are upwind; we will receive all that lead pollution thanks to the fact that neither the Government of Puerto Rico nor the EPA fulfills its duties required by law, regarding emission inventories.

We are being discriminated environmentally and we request that RUS, if it is going to make an environmental impact statement, should demand compliance on the part of the agencies involved and include the necessary environmental data. We had very high expectations that we would be able to express our opinion for the record and that it would be received in a reasonable manner and that our situation would be considered and now, we discover that this procedure does not have the breadth for us to express the scoping that we would like. But the scoping should be much broader than that, it must include, not only the previous emissions, but also the decision establishing the ashes as secret, the fact that other agencies will be involved here that are not necessarily *Energy Answers*, such as *LSC Environmental*, which will be handling the ashes, an agency that has not carried out any process whatsoever before the Government of Puerto Rico or before the communities, and that the rights of all the

Puerto Ricans are being violated, because we don't know where they will deposit the 525 tons of ashes generated daily by *Energy Answers*.

Regarding the *scoping*, we understand that the environmental impact statement issued by RUS must be made using the best and most modern scientific techniques to investigate if Arecibo really has the capacity to accommodate such a company, one that is so highly pollutant, in view of the fact that it already has a lead smelter and that, according to the government lead implementation plan, this lead smelter will be in operation by the year 2016. We would also like the *scoping* to cover all that which pertains to ashes and all that pertaining to the waste material it will be using, because Energy Answers is stating that its waste is composed of 30% of [Inaudible] fuels, automotive shell-less residue, process use and [Inaudible] and all these are hazardous materials, they are dangerous if exposed to lead, pentachlorophenol or to any other pollutant such as chlorine, which contains plastic. All these elements are things that Energy Answers says it will be burning daily at a rate of 30%. The scoping of the environmental impact assessment must include whether that mixture of waste is reasonable for an area such as Arecibo, which has a river basin that supplies 200 companies. Arecibo is a flood-prone area; it has the Río Grande of Arecibo, the Carso region and a water system that supplies almost two million of Puerto Rico's inhabitants, from Hatillo to Caguas. The EPA statement that Arecibo is non-compliant and the four kilometers that determine that Arecibo is non-compliant regarding lead, include the water supply that reaches Caguas through the Superaqueduct. Therefore, the issue at

hand not only affects Arecibo but the entire population of Puerto Rico, two million people and all the food, because Arecibo is the third agricultural valley in importance according to the census of 2007 made by the Federal Agricultural Department. And this valley not only produces food, it produces grass for cattle and the cattle produce the milk, meat, cheese, butter, yogurt, and all these foods are threatened if an incinerator is installed which will pollute all the grass and all those products. The cattle-raising area is located seven miles away from Arecibo, in Hatillo, which is downwind. According to the official documents on incinerators, such as the first report from the British Society for Ecological Medicine, it states that the direct daily effects of an incinerator reach a distance up to twenty miles. In other words, we are saying that this incinerator in Arecibo will impact as far as Quebradillas and that all those people in that area, and below will be affected just the same. But this is not the only population suffering an impact, others such as the population that the Superaqueduct supplies will also be impacted, this is in the other direction as far as Caguas. That is, all of Puerto Rico is jeopardized by this incinerator, all the food that is produced is also put at risk by this incinerator. And we understand that the *scoping* of the RUS must include all of that. I am finished.

» ANGEL GONZALEZ: I am Dr. Angel Gonzalez. I am a member of the Committee of Public and Environmental Health of the College of Physicians and Surgeons of Puerto Rico, and a member of the Anti-Incineration Organizations Coalition. I am attending this

meeting today at the *Colegio de Ingenieros* here in Arecibo, convened to discuss the scoping in relation to this preliminary day, held by RUS for the possibility of a loan to this agency, *Energy Answers*, to this corporation. Initially, I wish to note that we are extremely dissatisfied with this event. We have already expressed this in an email to Stephanie Strength, and we had made a series of suggestions. Number one: once again, they convene an event like this on a workday, during working hours, which really limits the purpose of the meeting, which is precisely to expand citizen participation. But in addition, the organization of this meeting has been terrible, in other words, it seems they expected a lot fewer people, and there were only two or three USDA staff members. They could not control the amount of people that arrived. If you were going to use this type of format, you definitely should have had more staff which to individually tend to those who assisted the meeting. I request another scoping meeting be organized, outside of working hours.

Getting to what is substantial, I want the EIS to elaborate on the issues of whether or not this is an energy project. Number one: I am not sure if Energy Answers, being a profit business, qualifies or is eligible for the financing they are requesting. We have looked in some detail into the electronic information in the RUS system, and we know, for example, that the projects that are for water, energy, and telecommunications; for profit businesses, are not eligible. It is unclear whether companies that work with electrical energy and waste are eligible or whether they have to be nonprofit. Therefore, we raise this question. Furthermore, we ask: how is it possible that this company can

benefit from this type of loan, which is basically designed to build infrastructure in rural areas that are out of the way, or in remote places? Meanwhile, this project is to be implemented in an area that is two kilometers from the urban area that is the town of Arecibo. So, we ask if indeed they even had to consider whether or not to subsidize this project.

Moreover, this area is fully equipped with energy infrastructures, so they will not be making any significant contribution to the energy system or the electrical energy infrastructure with their wasted energy in this area. They are offering to produce 80 megawatts, and sell 70, which is insignificant when the electrical infrastructure of Puerto Rico consists of nearly 6 thousand megawatts, so this is a ridiculous amount in terms of raising the issue of whether or not it will help replace fossil fuels. In addition, we must consider the fact that the sustained consumption of the country is less than 3 thousand megawatts, and this is decreasing due to the reduction of the country's population. I also want to add that this company has been waiting for this project since the year 2000, when a lawyer by the name of, Luis Fortuño, the country's previous Governor, was the person who helped the 2010 EIS get approved in a fast track module through a false executive order for emergency power. This also occurred with the approval of the gas pipeline, and was later reversed.

I want you to look real closely at the investment that is truly necessary for this project. In some documents, they say that their investment is only 83 million; for example in the

EIS. In the 2000 PRIDCO environmental impact statement, they talk about 500 million; they recently talked about 750 million. We do not know how much they are asking RUS for. We have recently seen information where, apparently, the project will cost three hundred million, but I would like that to be clarified.

We would also like the matter of jobs to be created to be clarified. These people have been playing with this number, attempting to blackmail the people of Puerto Rico, because now they say in their environmental impact statement that they will create 4 thousand jobs. Originally, in the environmental impact statement approved by the EQB, the Environmental Quality Board, they alleged that they would create 8 thousand jobs. But this is the same company that has an incineration plant approved in Baltimore, which doubles the capacity of the one that would be located in Arecibo, that is, four thousand tons a day. And for this plant they will only admit that they will create 400 jobs. Therefore, this has to be established in this environmental impact statement.

We would like the changes in the population of Puerto Rico to be taken into consideration in terms of the generation of solid waste. That has substantially changed from what is stated in the environmental impact statement of the EQB. We want to discuss in details what they call the Best Available Control Technology, because there are not enough details in the environmental impact statement approved by the EQB.

We want more details regarding the ashes. We are aware that there is an ample debate concerning the predominant test done to the ashes to determine their toxicity, which is the TCLP, which is currently being debated. More and more people from the scientific community propose that this test was not designed for ashes and that what it does is, precisely, just mask the toxicity of these ashes and, maybe in the short term, they are considering the possibility of replacing it with a different test. Should that happen, and it is determined that such ashes are toxic, there are no toxic ash landfills in Puerto Rico, which means that they would have to export about 500 tons of ashes every day. This is going to result in a massive expense and, of course, we want them to study the impact of this on the economy, and on the citizens in financial terms, because it is an additional cost.

In terms of the water supply, I would like it to be clarified, if this water used for the processes of the incinerator is going to be poured into the Caño Tiburones. What are the ecological consequences of its abrupt changes in temperature due to the release of this discharge water here?

I would also like the EIS to include the issue of what Energy Answers has been doing in the last months. They initially claimed that they were not going to insist on having a solid waste stream for their incineration plant and, in the initial letter to the Solid Waste Management Authority, the fixed flow and the flow contracts for waste of the incineration plant were discarded. However, after that, they did a contract with the previous

administration of the Solid Waste Management Authority to force the municipalities to bring their solid waste to be burned. More so, they even made arrangements, like the so-called Project 1062 of the Senate, where they tried to merge the Solid Waste Management Authority with the Industrial Development Corporation, taking away the control of the waste flow from the municipalities. In other words, they began with a proposal, but then completely reversed it.

Energy Answers currently has no expertise in the management of such machinery. They had the SIMAS incineration plant in Massachusetts until 1996, but they sold it that same year, and ever since have had no practice managing this type of machinery. I would like a comparison cost of energy be done with other territory islands, and not with states, as it is being done; like Energy Answers has done in the past. I would like it to be a comparison in the cost of energy in other territory islands because it is more similar to the situation in Puerto Rico. I would like for an explanation on how it is that burning products that cost a lot of energy to produce in the first place, recovers energy; and the replacement of raw materials, if they were available, would provide even more energy. I would also like for an explanation on how they plan to recover ferrous materials before burning them, because these materials are noncombustible; they are not burnable and they may result in mechanical issues if they go to the burning area. They claim that this is a type of recycling, but in reality, these are materials that they would not be able to burn.

On the other hand, if the matter is not destroyed as they claim, how are they going to decrease the volume of solids as they claim? They do not explain that according to the mass balance, since matter is not destroyed, how do they explain that you have two thousand one hundred tons of solid waste that enter to be burned, and then you subtract only five hundred tons of ashes produced. Where do the remaining sixteen hundred tons go if they are not released via the chimney? I would also like for that document, the Federal Environmental Impact Statement, to explain, once you burn the solid waste and all of those materials recombine, how is it possible that they claim that these ashes are not more toxic than if the solid waste was buried before being burnt in landfills? By the way, I would also like the EIS to address the issue that Energy Answers raises regarding the problem that we have with landfills in the country and the leachates produced on the ground, right? However, they do not suggest any actions to avoid that those landfills continue releasing leachates. They, for example, do not raise any type of works to such landfills to remove these products and discourage the continued release of leachates into the environment.

A section of the EIS needs to explain why this incineration proposal meets the public recycling policy that is currently in force in the country. We understand that it would be a 30 years setback for recycling and the notion of sustainability. Within the characterization of solid waste from the Solid Waste Management Authority of 2013, 93% of the products would be reusable or recyclable. We want to know how this incineration plant could survive with only 7% of the remaining products, because this is

not going to supply enough waste for them to live on. Table 1.2 of the EIS of the EQB, approved in 2010, and must be reviewed because the census and the production of solid waste have changed sharply. They claim, at least, in terms of the census it has varied, at least a 25% decrease from what they stipulated that was going to exist, from what would exist on the island for this period, so they must definitely check into this.

It's important that the concept they bring about private investment also be evaluated, since they have been talking about it from the beginning, when the fact that they are requesting the help of RUS makes it clear that what they are attempting is to opportunistically use public funds.

I would like an explanation of how an isolated plant in Massachusetts, like the one they have, with only a few neighbors like the one they mention in SIMAS, can be compared to one that is located just two kilometers from the city of Arecibo, which has a population of 20 thousand, Head Starts, hospitals, schools, senior citizen centers, that would be exposed to the emissions of this machine. I would like to know whether there would be an import of solid waste via the port of Arecibo. I would like the location to be taken into consideration, due to the fact that it's so near from another large issuer of lead, which is the Battery Recycling. They do not mention this in their EIS. I want them to explain why they limit recycling to a maximum of 35% over the lifespan of this plant. I would like them to be more explicit about the SIMAS incineration plant. In the past decade, it suffered a huge fire. It required many resources from almost 20 nearby counties, and it

burned for three days. The surrounding neighbors had to stay hermetically locked in their homes. I would like you to consider the possibility of a fire in this project, which they fail to explain in detail.

Traffic is very important. It is very important because, if they burn two thousand and one hundred tons of solid waste on a daily basis, that means that the flow of traffic, the coming and going of solid waste from that plant, has to be extensively studied, as well as the outgoing traffic of ash hauling. The socioeconomic study carried out by Estudios Técnicos must be updated, too. The study by ARCADIS, called Help Risk Assessment, must include the ash. They do not mention it; they do not mention it at all. It is very important that this EIS mentions what percentage of air emissions and ash are unknown compounds; and chemical compounds that have not been characterized. Particularly contemplating that dioxins, which are one of the biggest toxics known to humankind, were in that section at a given time.

I want them to specify which recyclable materials they are going to burn. I want them to specify what would occur if the TCLP methodology to measure the toxicity of the ash changes, and the new method determines that the ashes are toxic, and therefore, they have to be exported because Puerto Rico does not have a toxic waste landfill. Who is going to pay for the cost of transportation, the taxpayers? If the 2.1 million gallons of water from Caño Tiburones were denied or unavailable, what source would they use in terms of water? Would they take the water from seven thousand families? I also want

them to include what the risks for workers are; the few workers who would work on this plant. The risks and the education plans to decrease or mitigate the risks of this kind of work.

I want them to talk about the risks to the milk industry and the beef industry, since the majority of the milk industry, the largest number belonging to the milk industry in Puerto Rico, is located downwind from the emissions of these chimneys, that is, Arecibo and Hatillo. I want them to talk about incinerators in bankruptcies. I would like them to specifically address what happened in Harrisburg, Pennsylvania, that an incinerator caused it to file for bankruptcy because that is the capital of Pennsylvania. And part of the recent bankruptcy filed by Detroit was due to a 1.5 billion debt the city owed an incinerator. Besides, who would be responsible for the debt, should that occur with the incinerator in Arecibo? I would like specifically for the Department of Health and the Department of Agriculture to participate and to be consulted regarding this environmental impact statement; that they are asked for information.

The evaluation of risks to human health carried out by ARCADIS seems very poor. One of the issues they bring is that they only use information from SIMAS, because the design of the incinerator in Arecibo would resemble that of SIMAS. They do not even take into consideration what the composition of the solid waste would be. For starters, this is absolutely absurd; that ARCADIS base their analysis on this, just because the

machines are built in a similar way, and did not even take into consideration the composition of the solid waste of both areas.

Another huge deficiency of this study of the risk to human health that is not taken into account is the non-compliance designation of the area for lead in the Cambalache area. This is a gigantic failure, a very mediocre study. This is very interesting because the study conducted by ARCADIS says that for the EPA, the area impacted by the emissions would be up to ten kilometers from the chimneys, which means that this area of ten kilometers would reach the urban city of Barceloneta and Hatillo, the livestock area of Puerto Rico. I would like that to be explored in detail. Because in terms of alternatives, why does ARCADIS dare to say that this incineration plant would be an alternative to landfills?

There is a map on the EQB's EIS that shows the towns that would be forced to carry their solid waste to the incinerator to burn. On page 132, in paragraph 1.4.2; it would be very interesting to specify how many municipalities will be obliged to take their solid waste to the incinerator. According to Figure 2.3, within the perimeter of ten kilometers, there would be a population of 10,600 in Barrio Pueblo; in Hato Abajo, there are almost 23,000 people; Hatillo has almost 38,925 people. They would be the ones affected by this. I would like a study to be conducted, specifically on the health status of this population. Let's not assume that everyone is in the best possible health, just to be sure

that, if there is a negative impact caused by this project, it can be recorded, and not be imputed to other reasons.

Finally, we know the most vulnerable populations to the emissions that are caused by incinerators are primarily pregnant women, infants, and individuals with immunological problems and people older than 65 years. We must clearly look at the percentage of these sub-populations that would be at a higher risk, that is, at increased risks of exposure to the latter. We must consider this when deciding on this project. I think that is basically it. That's all.

» FELIBERTI BONILLA ACOSTA: My name is Feliberti Bonilla Acosta. I am 72 years old. I have been a resident of Arecibo, Puerto Rico for exactly 41 years. I am asthmatic. I live about three or four miles downwind from where they plan to build this project. I fear for my health, and the health of my wife, and grandchildren. I am a real estate broker and I understand that this project is destructive for Arecibo because, instead of being an amenity for people to come and buy new properties in Arecibo, it would be anything but that. I've also heard the proposal of it having between three or four thousand workers at the peak of the construction. In one of several times I have been here, we have posed that question, and they have never wanted to give us an answer. They say they it will bring one hundred and forty or one hundred and fifty jobs within thirty years. We think it's going to affect ninety-six acres of land, a mile and a quarter distance from the

populated area of Arecibo. And to the west of the most densely populated area of Arecibo, I understand that this is crazy.

In addition, the ninety-six acres of land are located in the middle of a flood area because when Hurricane Georges, or one of the storms that came, it was completely flooded. We had approximately 4 or 5 feet of water. I imagine that it would be extremely expensive to raise the land to that elevation to build it. They claim that, in the contract of understanding they did in 2010, which I have right here, they started with a project of 350 million and within a matter of four or five years it had gone up to 750 million. We do not know why they have to raise that price, because if there is more technology, there must be less employment. They say that they will spend around 400 million in materials in Arecibo. Arecibo does not have an industry per se that can supply all the steel beams and the paraphernalia needed to build a monster like the one they plan to build.

I do not want to elaborate on health matters because we have had people here, doctors who have come for this part, and have talked about this. I am concerned about the employment issue because I believe it's ludicrous. I am concerned that the construction of this project is not going to bring in more housing projects. Ever since 1910; since 2004 we have not had a new housing project; neither private nor public. I also worry about the classifications or requirements requested by the EIS for a project such like this, where it says it is rural, but we are about a mile and quarter from the Arecibo urban area.

Regarding home loans; Arecibo classifies about five to ten areas of the town as rural. The remainder falls into the category of urban areas. This project is practically in an urban area. These and many other concerns my colleagues who have preceded me, have expressed; are why we tenaciously oppose as residents. We practically, have a mixed group of people. We do not necessarily belong to one party or another. We are not doctors, lawyers, engineers, but common citizens, and we are opposing tenaciously. Ever since they initiated this project, they have not wanted to say where they are going to place the ashes.

Personally, I participate in radio shows at the service of the community of Arecibo and, although I am involved in a political party, I don't agree with the party on this because I am more interested in people's health. They are constantly lying when they say that they have everything approved. When a journalist, Francisco Ojeda, I do not know if you know him, from Puerto Rico, rebukes them and asks him to declare if indeed "everything has been really approved," Mr. Velez Arocho, who works for them, had to admit that the projects and the permits have not been approved. All of the meanwhile, they disgustingly lie, forgive my expression, when they say that they have everything approved. They are lying to people practically from the beginning. There are many reasons why we are so tenaciously opposed and, when the government plots against its people, protests are the solution. Thank you very much.

» WALDEMAR NATALICIO FLORES FLORES: Waldemar Natalio Flores Flores, Bachelor in Sciences, concentration in chemistry, University of Puerto Rico, but my expertise is as a quality assurance officer, which I will later send in writing. Well, the problem we have here is that the Environmental Quality Board is working by or on behalf of the Environmental Protection Agency. It is clearly working on its behalf because it receives federal funding for all its activities. That means working on behalf in the first degree, directly receiving funding, which directly responds to the EPA, and the EPA must monitor it.

[Inaudible] There is another way, which is indirectly, the way ARCADIS has done, by becoming Energy Answers consulting company. Why? Because the EPA is the one reviewing, commenting, and requesting information, and the one that continues with this process until all the information related to what they want is approved. If the EPA does not approve it, the project does not continue. The problem is that all this has been flawed from the beginning.

On Friday, November 12, 1993, the Environmental Quality Board amended its law, and then again on Wednesday, September 22, 2004 with Law No. 416, for accrediting institutions and certifying individuals who create and process environmental information. This includes all the activities for traditional sampling that we may be using to sample and analyze atmospheric pollutants, for example, their presence and concentration. But

this applies to all kinds of activities: inspections, degradation of the environmental impact, environmental impact evaluations, modeling, and meteorology. All of the environmental data that is generated and processed in all activities of generating and processing of environmental data must be scientifically valid, at least in a known and adequate precision and accuracy, with a level of comparability, completeness, representativeness, and acceptable sensitivity. It must also be stated if it was documented using quality managerial tools as part of a quality system in a full, comprehensive, complete, and absolute way. Then, and only then, this may be legally defensible. From the beginning, this has not been done.

The Environmental Protection Agency granted a waiver so the air quality in Arecibo could not be determined. Why? During World War II, and after that, there were storages of Sarina, Soman, Tabum, VX, Agent White and Blue, Orange, Green, Purple, and Pink. They have been polluting with lead, done by Battery Recycling. And EPA is now entering... The Environmental Quality Board does not comply with any of the requirements for the quality system, and it is required. Starting with the fact that the environmental impact statement is absolutely unacceptable, because Orenda Delgado and Adalmisa Leon worked on it without having been trained to carry out such a task. That created a fast track steering committee, under Fortuño and Rosselló, for testing the projects related to energy, because there is a power crisis here.

Look, electricity might be expensive, but there is no crisis. However, these individuals worked, approving projects without knowing anything, and there are studies in the EIS that say that it works on behalf of the EPA. We are talking about auto shell residue, which is one of the things that they would burn, and urban waste process, which is another of the things that they will burn. In one of them, they say that they are working on behalf of EPA. They must comply with the quality system, but they don't.

In another study, they say they are using the SU846 method [Inaudible], test methods for evaluating solid waste, which are from the SU846. In the preface, it says that you cannot be quoting the methods as if they were SOP. They have to prepare the SOP, and in the first chapter, they have to prepare the Quality Assurance Project Plan. I already have one person, I saw them here, to go to the Federal Bureau of Investigation, the Federal Prosecutor, the Department of Justice, everything, of the United States, the Inspector General of the EPA, the EPA Administrator, a Whistle Blower Act and RICO [Inaudible] because there is already an individual who has been harmed and he tells me: "Waldemar, this is a mafia". Blue, red, and green, they are all involved.

This process, quite simply, to finish with everything I am going to submit. Let us give you an example, and that is the law; the regulation based on the law. We are here on the regulations for quality... regulations, the Environmental Quality Board, for the control of air pollution. This is from July 1995, on the internet. If we look at regulation 201, it's the approval of the location. In 201 B1, it says, "the location will only be approved and

shall be granted, under the satisfactory fulfillment of all the requirements regarding the contaminant for which the source is a major or significant modification. One: the proposed location must be appropriate from the point of view of the quality of air and its impact. Based on the following considerations: the current air quality at the proposed location. There is no information about that. What we have, which is a long process, when you hold the public hearing here, I can speak extensively, present all of the documents that we have here. That process, look, the Environmental Quality Board does not have a quality system proposed. The Environmental Quality Board is already preparing 2010, 2011, 2013, 2014, what they call the cautionary network, which they said this year is a sampling plan, but it is not. It says that the quality assurance project plan has not been approved yet. I saw it, and it's a piece of garbage. But you cannot carry out the activities until it is approved. Then, the only thing that they have, and sent, and used in the Board of Environmental Operations is a plan for PM2.5, particulate matter of 2.5 microns. But there is none for sulfur oxide, which in this case, was used as the background values of Barceloneta. If you are from here ... [Inaudible]. And for nitrogen oxide they went to Cataño. The meteorological data is from Wednesday, August 12, 1992 to Wednesday, August 11, 1993. They produced a quality assurance project plan, which I have here; and it is useless. It does not comply with any of the requirements of a quality assurance project plan. I was a quality assurance officer at the Environmental Quality Board. I worked during two periods: Friday, May 16, 1980 to Thursday, March 2, 1983. I returned on Tuesday, February 18, 1986, until my dismissal on Friday, July 7, 2000, something unheard of. Nevertheless, I am in contact with the

agency since Monday, December 3, 1973, because the Environmental Quality Board paid for my first term at the Office of Fuel and Oil Derivatives Matters, and I am still in touch with them. Simply put, the model is useless. They prepare a protocol when there is a guide from EPA itself, which is a guideline for modeling quality assurance project plan.

The guide, which is appendix W of the SFR51, says it is not calibrated. This was said by an expert in calibration, I mean modeling. And when I told him that the model was not calibrated, when I told him that a Gaussian model was used, and of stable condition developed for Alaska - And how many Puerto Ricos fit in a distance of one hundred by thirty-five from mountain chain to mountain chain in Alaska? What he told me was that my mother was a courtesan of low status. He said it laughing because we have known each other since Monday, December 3, 1973, and my mother can attest to this.

But laughing, he said it in a friendly way, right? When he read that the guide says that the model was not calibrated because it's a such and such, and if you corroborate what the model tells you, when you establish air sampling stations, this model, what you set in the model is met.

Look, pollution is here; you will find it here. But since there are uncertainties regarding meteorological data, I have them here but I cannot show them, it is not the time for it, because the instrument is not calibrated. He said to me, these are a bunch of old male

goats, because the other part was in the edition that used a model from stable to stable and Gaussian, when that cannot be done in Puerto Rico. So we have an unknown existing quality at the proposed location. Because this has not been done here. A waiver was granted so the air quality in Arecibo was not determined.

The climate, topography and meteorology, since they are using data from Wednesday, August 12, 1992 to Wednesday, August 11, 1993 and this data is useless. Then, where is its quality system, the data used by the National Weather Service after 95? We have here the land use and the planning. Look, there is no planning for the land use, how can you have the milk industry of Puerto Rico downwind from this project? Look. Don't even get close to one of those cows. The effects on susceptible nearby ecological areas, what happened to the Caño Tiburones? We are here, and he tells me, see how they publish it.

They tell me, the 201B6: "The emission of pollutants from a new major source, from a major change, or a significant source will be limited by, in the case of sources that are located in compliance areas," Which we do not know because we do not know the airflow, "by the best available control technology", BACT, for its English acronym.

You think, Damn it, these are the best? Pardon my French. No? That is the best, but no. Notice what it says "in the case of sources that are located in significantly impacted areas or noncompliance areas by rate or proportion". I prefer rate. "Lowest Achievable

Emission Rate", LAER for its English acronym, for the pollutant concerned relevant criteria.

Therefore, if I do not know what the air quality of Arecibo is, I must go for a technology that is more restrictive, but I do not know it. But I know that it does not comply with lead. Then, how can I be saying, year after year, that there is an air compliance area in Puerto Rico when no quality assurance project plan has been approved? This goes against the regulations. A plan I thought was useless, a management plan in the quality assurance that even they don't know what it is. A quality assurance management plan with a quality assurance program plan, which are the same, but more.

The worst part is they made up that there is a quality assurance monitoring plan, by its abbreviation QAUMP, that is the quality assurance plan management and the quality assurance monitoring plan, these do not exist in the EPA. These are a bunch of quacks, scammers, tinkers, babblers, and corrupt people. They are all but confused. About that, I at least already have someone to go to the federals, if you approve of this, look, you will have to respond, how are you going to do something that will fall apart here? Because, here, Puerto Rican as I am - and I am glad I am- the corruption that we have had with politicians, education and everything else, has not been seen yet in the environmental part, yet. But this is for you to see that here we have information that, look [Inaudible] is over, because I already have that information. For example, there are the Board's monitoring regulations.

This year, they presented that it's a sampling plan. They went to the hearing that took place here on Saturday, Friday October 17, to send it to Ivan Elias, who spoke already, via the internet; and he is still waiting for it. Because it is corrected, they didn't even write the complete date. They set the month and year, not the full date. Look, write the day, the month, and the day of the week, but they don't. And a sampling plan was created. As I told one of them: if they made a sampling plan, I am the Father, the Son and the Holy Spirit, Jehovah, Allah, Brababishnuchiva [Approximate sound], Confucius, because they put it as God, Buddha, and any other god that we can create or think about here. It is a royal mess. And we will go, like I said, to the Inspector General of the EPA, the EPA Administrator, the Whistle Blower Act, the RICO Act, the Federal Bureau of Investigations, the Federal Prosecutor, and the Federal Department of Justice. That's what I have so far. I exceeded my time. I think I exceeded it, but I think you got the point.

Look, the EPA showed that nothing that was done complies with any of the conditions. So I will educate these people, so that they know more of what's to come. I am glad that at least you are not catching the cold weather from stateside.

» TERESA SANCHEZ: Okay, good afternoon, my name is Teresa Sanchez and I am in this hearing first and foremost, I would like to establish following points. Number one: the concept of the location must be clearly defined, because the project is located in an urban area. In my opinion, this has to be defined first.

Number two: I understand that this will greatly affect the health of our people. We live in an area with a lot of cases of asthma. Another thing that they have to take into account is the water systems in our area that will be affected with the toxic ash. They must investigate the waste from the [Inaudible] because we do not know the area. They have to assess them in terms of classification, of concepts. For me that is very important because there are universities, residential areas, a school area, and Head Starts in where they want to locate the project. There is a very large community near our urban area. From my point of view, it is not a rural area, but an urban area. All these things have to be taken into consideration.

Regarding this process, I want to make clear that we understand that the process must be a lot better. There must be a better sound system, better technological systems. Initially, they were trying to control the number of people in the hearing, and they met before the community with the proponents.

I understand that, when you are going to hold a hearing of this kind, you should have newspaper ads, especially in El Nuevo Dia, which is the most read newspaper here in Puerto Rico.

They have to -- I think they must have a correct way, to give these funds. Moreover, they should also look at the toxicity already found in the environment. There is a high incidence of lead that has already been evaluated by the EPA, expressed by the EPA, and they should consider all those things. From my point of view, as a citizen of Arecibo, I understand that this RUS Organization should not support them financially because eventually we will [Inaudible] us citizens, because we will have to pay for the costs of the garbage. If they do not pay, the ones who will have to pay will be the citizens who contribute to this country.

In my opinion, they should not get any money from RUS. And when this process is repeated in Puerto Rico, it should be more professional, better prepared, you have to have sound. There was no sound system. It should be a, initially, I understand that it was going to be an educational process, to explain who RUS was, who they are, and why they are here. This was not explained in this process, and I think those are things that need to improve. But I am definitely against all of this, and I think they should consider the all the points I mentioned. It's also very important to educate all the citizens, educate all of our community, all of it.

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>> NYDIA VAZQUEZ: Good evening, I'm Dr. Nydia Vazquez. I am a community social psychologist and professor at the Catholic University of Arecibo and the East University in Barceloneta. My interest here relies particularly in the research I performed with students regarding the level of knowledge they had in relation to the incinerator, the practice, and the influence over health, etc., in relation to the students.

The survey was randomly conducted with ten students present at that time, because we wanted to know if they were in fact informed, considering it was a campus close to the project. So if this campus is near the project, were the students and the personnel informed or not they could be affected or not. We also analyzed the previous existing health conditions, without the incinerator, and how these could become more complicated.

All this was reviewed to prove once again there was a total lack of knowledge about what the incinerator could mean. The good and bad practices conducted in the

incinerator, which implies a lack of knowledge when they are going to be the ones directly affected in the area. But particularly, a factor that seems something of a health concern, the environment, etc., it is there; and it's repeated. It even came affected financially. The students mentioned that if they had to choose a university, that among the selection criteria, they understood that this campus is subjecting their health to a high level of contamination, this would be a reason for them to choose not to study here.

Therefore, this has a direct influence regarding location selection, financial effect over an institution, right? One which is literally a neighbor in the region because it is in the same area. Let's say you can practically get there in a bicycle. Not by on foot, walking it would probably take 15 minutes. But in bicycle, it would be about 5 minutes. So, this shows once again that it has been said, that guidance has been provided, and there is a sector that is being directly affected, but had not been informed. And that was by my own initiative as a professor, and this relies in the new practices regarding the correct management of the environment, regarding the correct use of resources.

Well, besides confirming everything they could have said here, it shows we are not in the right path or in the project advancement, in favor of protecting the food safety, the protection of the environment, of what is affecting us now, because it is no longer a future problem, but a current one. As such, now, supporting and agreeing to what was said here, I am sure that I agree. But in addition to that, effects I have been a witness to, and that I carried out, and it turn out to be surprising because that was not expected to

be analyzed, I think it is a very important criterion that has not been truly taken into consideration.

>> AIDA CRUZ: Hello, my name is Aida Cruz. I want to say that the incinerator – well I don't see a reason – to say that the incinerator is environmentally friendly is a false pretense. Secondly, recycling will produce three million jobs indirectly and directly, versus 80 or 150 jobs that the plant will produce...the jobs supposedly created by the incinerator. We oppose the USDA meeting privately with the energy company that is going to be handling the incinerator. We want an open forum, face-to-face dissertations.

As seen in Europe and in the U.S. where the incinerators have been placed, we are – we are early enough in this game to have been able to see the consequences of incinerators in Europe and the United States. The best example is the incinerator in Syracuse.

We are only 35 miles long, -- let me start again. Sorry. We have seen in Syracuse that up to 40 to 30 kilometers away from the incinerators, the people have been covered with ashes. These are contaminants. There's no way that in Puerto Rico, being that it's only 35 miles by 100 miles wide, we would not be absolutely covered with ashes.

We also know that they want to make the contracts with the incinerator for 30 or 40 years. And we already know by Europe's example that these incinerators do not

produce enough trash. If they do not get enough trash they will have stipulated in their contracts to be able to bring trash from other countries. That would mean contaminating the oceans, contaminating the air, and increasing the risk of all-around contamination. And we, besides that, would become the risk of becoming the Caribbean's dump. We reject that completely.

We are number one in asthma, patients with asthma. I know. I am a nurse. We also have a high incidence of cancer already. We have a high incidence of asthma, one of the highest in the world due to the Aleutian winds coming from Africa, on through the air to the ocean. Imagine if we would also bathe our people with this carcinogen from the incinerator's ash.

Already we have an environment saturated with contaminants. We want to make it better, not worse. These contaminants, as we know, created by the incinerator, are highly toxic. Only one little trace of these toxic contaminants is enough to cause problem of the thyroids, immune disease problems and even DNA alterations, not to mention mercury, lead, neurotoxins and all the other contaminants. We don't want one trace. We don't want two [Inaudible]. We don't want the million dump of ashes that will be thrown over us. We don't want it, period.

We are informed citizens. We are lawyers. We are doctors. We are people with MFAs, we have master's degrees and we also have humble people. We don't want to be

looked down upon. We are informed of these details of the incinerator project. We don't want to be belittled. We want to be treated with respect. Today, we consider –we were not treated with respect. The activities should have been advertised in the newspaper with all the guidelines to follow, not have us come here to find very little chairs were placed out. There was no microphone, there was no way of listening to the person talking, and there was no way to follow the instructions. They were written but there was not a welcoming and we know. We have been to the United States. We have been to open houses before. We know what we're talking about.

Some of us, our fathers and our own children have served in the U.S. Army, and in the United States. Some of us and many have even lived in the United States. We want to be respected as the same.

Our natural resources for which we have been called The Garden of Eden, The Pearl of the Caribbean, would be lost with even one drop of the nano particles. Our environment will be contaminated. We believe in green; we believe in keeping it that way and we believe in making it better, not worse. We love our land. We like green. We love our air. We love our waters. We love our ocean, our shorelines which are one of our best resources in the world. We have an eternal summer. We are only 35 miles wide per 100 miles.

As I said, the example of Syracuse incinerator, they dump tons and tons of ashes on the people. And even 40 kilometers away from where the Syracuse plant is located, people were dumped absolutely in inches of ashes, even black snow. As far as 40 kilometers equivalent to 25 miles. If we consider that Puerto Rico is only 35 miles wide per 100 miles long, imagine what that would do to us and we already know this is not the only incinerator. There are seven other projects line in line, and they want to take us as suckers. We are no suckers. We're educated people.

What do you think would happen to us if this country, if the incinerators had that contract? As a whole, if you're only such a small country, what would you think would happen to us as a whole, not considering only the area of the incinerator? It's considering the whole, the country because all of us will be affected.

Another thing is, in the questionnaire you gave us, it seems to like already assume that the incinerator is going to be placed because it reads: "please check the following matters that are important to you for the location of the project". Like it's already settled that it's going to be placed somewhere. We absolutely reject that notion.

We deserve respect. A publication of the agenda or program to be followed. Make it public. Make it in the newspapers with time and adequate equipment so we have microphones and we don't have to be listening or hearing people scream at us, we can hardly understand because they don't have the right equipment. That is unacceptable.

We reject the incinerator. If it is such a great thing, why don't you put it in your backyard? Thank you very much.

>> MYRNA CONTY: My name is Myrna Conty. I am part of the Anti-Incineration Organizations Coalition. I have been participating in this process for more than four years. I would like to, well, point out from today's *scoping* meeting. This meeting, when we arrived, at two thirty, I felt it was very worrisome and outrageous. When I saw the lack of formality, truly, unfortunately I knew, and it would've been good, to have a meeting, a meeting of such nature. The only thing, I hoped it would be a little more structured. We understand this meeting, needs to be repeated. We are requesting to be convened again; we know it's not a public hearing. This is clearly not a public hearing. But we also understand that today's forum, this meeting is very, very important to the community because you are allowing the true participation of the citizens; give you the information. We have a lot of valuable information to share, so that you can prepare this new Environment Impact Statement.

We totally agree that a new Environment Impact Statement has to be done, for this project. We have a lot of people with a lot of knowledge, specialists, experts, that can give you a lot of information. Where you can not only receive it, but we want, those of us here also want to listen. Because one of the problems we have here in Puerto Rico is

that we need to educate the population, and we also use these meetings to educate the citizens, and the only way to do that is to be able to listen.

We request the new meeting to be held at a more accessible site because there were a lot of people here, to have a microphone available, and to have people from RUS available, because there were just a few people from RUS helping people when they arrived.

We would like the people facilitating the meeting, well, there wasn't like a structure, to explain the purpose of the meeting. This should be a bit more elaborated so that the citizens know what it is about, and how it's going to be carried out, and what are they being asked for. Because maybe someone comes to listen, to learn, because they heard about it on the radio or saw the ad, and they have no idea what to say, and if it's not explained to them, they are not going to be able to give the information. Another thing is that we don't know about ads published in the country's newspaper. The newspapers with more circulation distributed in Puerto Rico are El Nuevo Día and Primera Hora. We need to know if it was published or not in these two newspapers or where. Because not every citizen has Internet access. Not everyone buys the newspaper, either. And therefore it's extremely important to tell citizens where it was published and if not, send a copy of the certified area where it was published.

Another thing I would like to point out is that, unfortunately, when one was calling, before the meeting, to request information to be well informed and such, request information or anything else of RUS, the phone number that was given or that we had in the Federal Register no – it was never answered. We left messages and never received a call. There was never any answer. The emails; they didn't answer our emails. If we asked for any information it wasn't provided, they would never answer. And that is very important; that if you send an email to have anyone answer, at least acknowledge the receipt or something, whatever they are going to answer.

Ok, I'll say that it is, right? What I would like to add, the most important thing is to repeat these scoping informative meetings again, with a process where we are able to openly participate, with microphones, where people can talk, and where everyone can hear what people have to say. Thank you.

>> MARIA RODRIGUEZ GONZALEZ: My name is Maria Rodriguez Gonzalez de Carrera. I have to say that I don't approve of this project that is expected to be built here, in Arecibo, for many reasons. Especially for the health effects involved, not just in children as well as in all the citizens, in the agriculture, the Dairy Industry, and we have around 36 thousand persons in the surroundings, that live in the...where they have cattle, the dairy cows, and there are 38,000 milk producing cows, the milk we drink in the island and I believe it's also exported. If the incinerator is approved, they are

breaking all laws, because one that accepts the cattle, the milk industry, which is food, the agriculture, and our health, that it's important.

We have a lot of people suffering from asthma. When Mrs. Judith Enck, from the EPA visited, it was found that in Puerto Rico, there are more than 89% of children with asthma problems. There is also a high incidence of infertility due to cancer. I am a COPD patient. My daughter, my granddaughter, my husband died from emphysema, he was a veteran, an Army Sergeant. And my mom died of cancer and from a heart condition. That area there is also polluted with lead because of Battery Recycling contaminated with lead. And besides what they are proposing and they have an excuse, I say excuse; they are using as an excuse that we have an electric energy crisis, and this is not true. Because out of all the years that I have been here, I was born in Arecibo, and we have never had a problem with the electricity. The only problem is the high rate we are being charged.

That will pollute the water here, and what they call the "charca", where they store water for when it's needed, which part of it, goes through the pipes, through the Super Pipe (Superaqueduct) and actually gets to, I believe up to Carolina, from here. If they set up that incinerator here, that's what we are going to pollute, all the water in Puerto Rico. It is going to pollute the environment; there is no filter that can withstand the dioxins.

They guarantee that they are going to use a filter. Ok, fine. But there isn't any filter that can withstand the dioxins that comes out. The dioxin affects the cows, it affects us, birds, trees, the water, the agricultural lands, and what do we cultivate? Bananas. They are cultivating 500 close to the location where they want to build the plant. They are cultivating 500, they are growing beautifully. And that is not going to survive yet another pollutant. It will destroy our dairy industry, one of the biggest here in Puerto Rico, the dairy industry.

We will all suffer from cancer; because the air is going to be polluted with dioxin. We also have children with mental retardation, which affects the brain of young people as well as pregnant women, of the young people already born without a defect. Pregnant women are also going to be affected, the ones that have already given birth, because they breastfeed their children. And this is a, I would say a death sentence, unfair, for the people of Arecibo and all Puerto Rico.

That is why I am against it, and this does not mean they are going to have another electric energy resource, because we don't need that here. We don't need it, because there isn't an energy crisis. That is a lie that was fabricated by the last governor we had, Luis Fortuño. He made that up because he agreed with the approval of the project, and that was the only excuse he could come up with, so that it would be approved. Thank God, we have been in this struggle for several years, many years for this, and the previous because --

Oh! And another thing I want to mention, that Covantas, C-MAX and Energy Answers, in case I didn't mention it before, are the same. That is, I mean sponsored, because it is like a devil's carnival. Pat Mahoney is the sponsor, Mr. Grimm [similar sound] and the others advocating for Energy Answers business, they worked for Natural Resources (Recursos Naturales), and worked for the *Environmental Protection Agency* in Puerto Rico, not the Federal, and they know what this leads to and they are, backing up Energy Answers Company because they only want to receive money. And we cannot allow that, because they can't go against the citizens and human development, because they are also violating human development. Human development includes health, economy, a sustainable economy, health is the primary, safe places for the workers without polluting neither the environment nor any of the natural resources we have.

God gave us this, and we need to take care of it, because we all drink from the same water, breath the same air and this affects us, because if the sands from the desert travel all the way here; around the world in other words; how are the ashes from an incinerator not going to harm us and other people and all of Puerto Rico? And we have to take care of our children and the sick people; we don't want them or our economy to get worse. That is it.

>> HEARING OFFICER: Thank you very much.

>> IVAN ELIAS RODRIGUEZ: My name is Ivan Elias Rodriguez; I am a resident of Arecibo. I have a degree in electrical engineering, in science in electrical engineering; I have a master's degree in environmental planning. I am a doctoral candidate in economics at Complutense University in Madrid. I have been recognized by the courts of Puerto Rico as an expert in the areas of environmental planning and permits, including being quoted in decisions of the Supreme Court of Puerto Rico, in a specific case concerning the monkeys of Guayama. Therefore, what I wish to say is that although this is a process that includes people who do not have the preparation that I have, I do have training and I have also worked in ARPE, the Permit Agency, now OGP, as a permit engineer. I know about the permit process, and what environmental impact statements are; I am a specialist, I have worked in those areas. I have taken courses in environmental law and I know the subject.

Having clarified that, I must begin by saying something that appeared on the posters put up by some colleagues in this activity that read, "RUS scammer", right? And why do we say, "RUS scammer?" Because we understand that this whole permit process that is promoting an incinerator in Arecibo has been a corrupt process, a process in which that project is where it is due to corruption, and for no other reason. And we do not trust anything at all about federal agencies such as RUS. We do not trust agencies like the EPA because of the things they have done in this process. When we arrived here they told us, no, this is a disaster because these people do not want people to hear what others say. Well, that in itself is a concern we have. Second we now see, look, they give

us a sheet to fill out, and at the bottom of the page it says Energy Answers; that is, Energy Answers prepared the sheet, but it is not just that they prepared it, it also advertises Energy Answers.

We do not trust RUS and we do not have faith in RUS because we do not understand why RUS is involved in this process. And I repeat I am no idiot; I know what I am talking about.

A couple of minutes ago, I asked a RUS representative if you were here to evaluate a request for a power generation project. She responded yes, right? The problem with Energy Answers is that it is a project for burning garbage, not power generation; there is no justifying this. If RUS is an agency that seeks to make utility services such as electricity, water, transportation, etc. viable, to make them available in rural areas, especially in areas that are isolated. This is not the case; this is not the case at all.

A mile or less than a mile, a kilometer away from where it is seeking to put *Energy Answers*, there is an electricity generating plant of the Government of Puerto Rico, of the authority, owned by the Electric Power Authority, with a generating capacity of 300 megawatts. In the case of *Energy Answers*, what they would be generating to sell outside does not exceed 70. Probably the contract they have with the Electric Power Authority I think it is 56; therefore, 56 megawatts, when they already have a plant nearby, a kilometer away, not in an isolated place, but a kilometer away. In addition....

Anyone who knows the electrical system of Puerto Rico knows that Puerto Rico has a generating capacity of 5,000 megawatts of electricity; in other words, 50 megavolts is nonsense, it is 0.1% or 1% of the megawatts that the country has the capacity to generate. Therefore, the people of Arecibo are more than well served with the capacity it generates here. The problem, again, is that this is not a project to generate electricity. That is a fallacy. In fact, it's a big lie. And all the agencies, all those that have assessed this project, so far have accepted the lie. Instead of saying, I don't like it, an electrical energy project cannot come here, and this is not about electrical energy. Why? Because the generation of electricity is a byproduct of the process, but not the process. The process is to burn garbage, and that's a hoax. And when RUS comes here for a process of "scoping" to get people involved, to see if we will generate more electricity. That's a lie, what they really want is to burn garbage. And that is the project.

And when we talk about a corrupt process, which is what has allowed this project to get to this point, we must remember several things. This company, Energy Answers, or its owner, proposed an incinerator here in Arecibo 15 years ago, 16, 17 years ago; and we, the residents of Arecibo opposed it. And we protested it and we stopped the project, in the same place, at the same site. And we stopped it, and the opinion of the Arecibo residents, if you ask them if we agree or not with this project, the great majority will respond they are opposed. The few who support the project, it's because they have been paid, and because they have been fooled. Because Energy answers has bribed

the media, and they paid for a lot of corruption, and they have bribed politicians to tell the people of Arecibo that the project is good, when the project is bad.

And these people, today 100 people came to this public hearing because the people of Arecibo are mobilizing, despite all the propaganda that their opponents have put up against this mobilization, saying that the permits are already granted. It's a lie. The permits have not been granted. They are lying to the people. Therefore, you are partnering with a dishonest company, which lies to the people and fools them, and fools them to the point that they say this is a power generation project, when in reality it is a garbage burning project; it is for burning garbage, right? Because this bit about it generating electricity is nonsense, in comparison to Puerto Rico's generating capacity and also compared to the country's demand.

The Island has an energy demand of about 3,000 million watts, significantly below, almost half of our generating capacity. Why is that? Because the economic situation has changed, and the country had industrial development that now it has lost; and the generating capacity for that industrial development is already here, but it's not being used. Therefore, there is no way to understand, I repeat, no way to understand how RUS wants Puerto Rican people and the people of Arecibo to believe that it is here to improve the Island's energy services.

This is a fib, it is a big lie. And that is why we say that this is a *chanchullo* – a scam. Because taking that as evidence, knowing that you have the information available, you force us to come here and have to participate in the process of an Environmental Impact Statement. Because you are part of the scam, you have become part of the machinery that these people are using to get the permits. And that is why, what we have seen here; what we see here is a process whereby, instead of seeking participation, what you want is to put into file that we participated in the process of the federal Environmental Impact Statement. Look at the participation. We are going to speak now about what you did today.

You called us today so that people came together to talk, right? But what do they do? They tell the people, look, I can't hear what you're saying, and you are not going to be able to hear what others say, when in reality, in an Environmental Impact Statement process, there are various purposes, one of which is educational, right? And that educational process is effectively achieved when the people listen to what others have to say, when they hear what others have to say. You are going to see that those people, when they are going to participate, use the comments that they have already heard, and make reference to those statements; and add things.

But if you don't do that, you don't let that happen, then you are hijacking the process and cornering it, cornering the voice of the people, you are obscuring the voice of the people, so that the people cannot hear from each other, and there is no educational

process, which is fundamental for public participation. Because in the same way that I have academic training that allows me to understand many things, there are people who do not have this training and the process of a hearing, of hearing what others say, is an educational process, which helps people to develop their own opinion. That information is fundamental. Therefore, to have the *Energy Answers* people here as well, intimidating, instead of bringing together the general population, which is what should have been done, is part of the criticism that we have of this RUS process.

We have asked RUS various things. We sent them an email with a request to which we received no answer. One of these requests, specifically, was to change the schedule. I had to miss work today to come here. If they had said they were having the hearing at seven in the evening I would have been giving classes in Rio Piedras, and I would have come later. But many people cannot come at the time you called the meeting, from three to seven in the evening; that is during work hours for many Puerto Ricans. And therefore, if you want to hear the people or give the people an opportunity to express themselves, you have to schedule the meeting at a time when the people can come, on a day when the people can come. Therefore, the first request that I make to RUS, or the second, is because if you are going to continue with this process, with this farce, then... And I say farce because, I repeat, this is not a power generation project. If you are going to continue with this farce, then give the people the opportunity to speak the truth.

The meeting is part of this process of scoping, not in the draft, as they want to portray it, but in a process of scoping, that the people propose things peacefully, hearing what others say, recalling things, because that is what works, and the collective memory of the people. The people agree, Ah! Look at so and so who lived in such and such, which is a flood area. Where they want to put the project is a flood area. And they will remember the flooding of that area, and the people were learning and remembering the things that they were going to present as evidence for this project file that you are putting together.

Therefore, my second request to RUS is to convene a new meeting in this “scoping” process with the communities, without the Energy Answers people, so that you don’t have to meet with the Energy Answers people. You have to meet with the communities, with the people who are going to be affected by this project. I asked that you set a new date for this “scoping” meeting, so that we can interact inclusively, asking questions and answering them, right?

>> CRISTINA GALAN: Well, my name is Cristina Galan. I live here, in the town of Arecibo, and I have two children. I am here because I am worried about the construction of such a large scale incinerator as is being proposed. I understand that such a large incinerator should not be built because there is no need to create energy, nor is there so much garbage to burn. And the problem of the garbage is not being resolved, because it is going to create ash; and then the ash will have to be dumped in a landfill. I

understand that Puerto Rico is a small island, that what it needs is a recycling program, for reclaiming waste of plastic, glass, aluminum and cardboard, which currently does not exist.

The part about burning garbage also worries me, from a health point of view, since the burning produces dioxins and other toxins that are airborne. I live less than five miles from the project, and I understand that this is going to impact the health of all of those who live near the incinerator. In conclusion, I would like you to consider these points: about the ashes, the recycling and the separation of materials in the next public hearing that you have. That would be all.

>> IVAN ELIAS RODRIGUEZ: My name is Ivan Elias and I am continuing with my earlier statement. I should mention that I am a member of the Citizens in Defense of the Environment, a local environmental group of the Arecibo region. I am the spokesman for the Citizens in Defense of the Environment in the coalition against the incinerator. Therefore, the things that I say in this hearing do not just represent my views, but also those of the organization for which I am the spokesman.

I was saying that it is a lie to say that this is a project for energy generation, because in reality when you see the outcomes you get from the project, what you get is that 2,100 tons of waste is burned every day, and that is the main effect. The other is secondary, tertiary, energy.

Therefore, I don't understand that it would be an energy project. But in addition if it were an energy project it doesn't make sense, because in Arecibo there is sufficient energy, and in Puerto Rico there is sufficient generating capacity. In addition, the Puerto Rican electrical system is completely interconnected. If a power station goes down, as it happens, as has happened, the other power stations cover that demand; this is the purpose of the power station here in Cambalache, run by the Electric Power Authority. It is a plant generating 300 megavolts, but it can enter the system rapidly. Therefore, it does not have to be running all the time, but look, if the lights go out because of a failure in another power station, that Cambalache station has the capacity to quickly enter the system because of its design and characteristics.

Therefore, I repeat, it's a lie. If the function of RUS is to provide electricity in this area, it is not necessary. That is why we question why RUS has put notices in the Federal Registry stating that it is entering this Environmental Impact Statement process, while on the other hand in recent days news came out stating that the Energy Answers people still have not submitted a formal application to RUS. How is that? Without a formal application, RUS is already investing money in this process? That's why I say, this is the reason we have such a lack of confidence in the actions of RUS in this process.

Well, let's move on to another thing. RUS entered into this Environmental Impact Statement process for one reason: because if it is requested funds to finance this activity, the size of the project requires RUS to prepare an Environmental Impact Statement; the RUS regulations require it to prepare an Environmental Impact Statement.

I insist that this is part of the process of corruption that has prevailed in this permit process. RUS acknowledges that this project is of such extraordinary scale, and significant impact that it requires assessment, right? And it proposes, then, to be the proposing agency in this process.

The question I pose is why didn't the EPA do this earlier? It is the same project, with the same scale, why wasn't the EPA the agency proposing a federal Environmental Impact Statement? Why isn't the Army Corps of Engineers the agency proposing this project with a federal Environmental Impact Statement, over which it also has jurisdiction? Why not NOAA? Why not Fish and Wildlife Service? Why not FEMA, which has to do with the area's floodplain status? Why haven't the federal agencies that have responsibility assumed this responsibility? Why? Because they don't have regulations that tacitly require them to act in this way. That is corruption, because they know that the project is of such size that it requires a federal Environmental Impact Statement, but they did not prepare one. They did not do it, and they passed it on to the people of Puerto Rico for

an incomplete permit process, without the information necessary to evaluate this project.

If this project is approved, the Government of Puerto Rico approves a Location Assessment and Environmental Impact Statement of the Government of Puerto Rico, the Commonwealth, right?, with PRIDCO or the Industrial Development Company acting as the proposing agency.

In the case of the Puerto Rican EIS, that Environmental Impact Statement was approved in 40 days, less than 40 days. Let's look at how corruption works: in 40 days the Government of Puerto Rico approved an Environmental Impact Statement, right? In 11 out of those 40 days, the pertinent government agencies of Puerto Rico were given 11 days to speak, to express their opinions. Obviously, all of this was a rigged process, as we say, a process tailored to the proponents, right? The due process of law that guarantees citizen participation was not met effectively, and the government of Puerto Rico and its agencies did not fulfill their responsibility to participate in an Environmental Impact Statement process. Because no agency makes decisions of this magnitude in five days. That is a deception foisted on the country. And when RUS sought to use the Puerto Rican EIS as a supplemental EIS, it was going to become a part of this deception. To use that EIS, to use that information which is in the EIS, as supplementary or as part of the technical material to be evaluated in this, is a deception foisted on the people of Puerto Rico. These documents were generated this way, it was

given to the people of Puerto Rico that way, with five days for the agencies involved to participate and they did not participate at all, right? Nobody participates in such a way.

Therefore, when we speak of agencies that did not participate; we do not see any appropriate involvement from the Department of Health. The Department of Health of Puerto Rico, and when I previously spoke of the federal EIS, the US Department of Health also should have done a federal Environmental Impact Statement. Because if anything, this project impacts the health of the people.

Arecibo has, and mentioning a topic that I have here, Arecibo has or rather Puerto Rico has; I'm reading data from a resolution adopted by the College of Social Workers of Puerto Rico, an organization that brings together social workers in Puerto Rico, that this week they passed a resolution against the incinerator. Resolutions such as this have been approved by the College of Social Workers of Puerto Rico, the Puerto Rican Planning Society, Academia, and the School of Public Health.

Resolutions against the incinerator, people specialized in specific subjects who are against this project. In that Resolution, the Resolution states and gives specific data that in 2010 Puerto Rico had more than 125,000 – I repeat – more than 125,000 boys and girls who suffered from asthma. It said that in Arecibo, 16%, this number is not yet confirmed, but a significant number of boys and girls of the population of Arecibo suffer from asthma. The data from their Resolution also states that 240,000 adults suffer from

asthma in Puerto Rico; that is, in total between boys and girls, and adults we are talking about 365,000 people. This is more than 10% of the population of Puerto Rico. It is approximately 12% of the population of Puerto Rico, suffering from asthma. And this project threatens the health of these people, and their respiratory system, their respiratory problems.

And you look, and see if there were any concerns about this on the part of the Department of Health of Puerto Rico or by the federal Department of Health. If there has been any concern. And we say, to the federal Department of Health, isn't this an issue in which you should've been involved? I think so, because in order for a federal agency, required to prepare a federal Environmental Impact Statement, it needs a federal action. An action by the federal government. The federal government gives a certain amount of funds to the government of Puerto Rico, and it has programs directed towards education. It has programs directed towards children under Head Start, and it has programs for health education, etc. medicines, including those to improve conditions in hospitals, all of this are done with federal funds. Therefore, if the federal government wants its funds to be used appropriately, it should not stop evaluating the impact that this this type of project is going to have on the health of Puerto Ricans, because this project is going to affect asthmatics. When we talk about this project in terms of what it is, since we already said that it is to burn garbage, right, and solid waste.

What is it that they are trying to do? They are going to have to collect around 3,000 tons of waste daily, right? Those 3,000 tons represent one third, one third of the country's waste. In Puerto Rico, that amount of waste has been reduced by various means. We are recycling more than the statistics say. And the population is reducing; therefore, the viability from the point of view of the amount of waste that will be available to burn in this incinerator is being lost. Because we are going to recycle the country's waste, and we are going to reduce our waste. And therefore, they are going to wind up bringing in waste from other places if it were to operate, they are going to bring in waste from other countries.

And so, the contamination and problems that this project is going to generate is about resolving waste management, not electrical power, but the management of people's waste from other places, instead of Puerto Rico.

The computation regarding the amount of tires that they would burn; they have a permit from the EPA to burn around 12 or 13 million tires per year. Puerto Rico does not generate that amount of tires. Per year it generates 3 or 4 million. So where are the other 8 million tires going to come from, that they have a permit to burn? They have to import them, and this will bring contamination from someplace else. Thus, instead of solving a problem, it is going to make things worse. That incinerator, the EPA gave a preliminary permit, evaluating 7 contaminants, because they did not even want to evaluate the lead, when it is supposed to be evaluated it, right? We will talk about this

issue in a few minutes... But those 7 contaminants, and with lead 8, which are what the PCD permit covers, does not cover all the contaminants that are emitted by the incinerator.

The incinerator generates hundreds, if not thousands, of compounds that will be detrimental to the health of Puerto Ricans. But when we do the mass balance; that which is going to be controlled by the permits, and that which is already regulated by the permits, and what is said will be emitted, there is 50%, almost 50% of what is going to be emitted by the smokestack, which is still unknown and as a result it is not regulated. But it is emitted in the form of nano particles; and these are going to attach themselves to heavy metals, dioxins and purines will also attach themselves, and that's what we are going to breathe.

It is estimated that 36 grams of nano particles will be expelled each year. The truth of the matter is that 36 grams of dioxin, and nano particles, is a huge amount, it is a whole lot of poison for the people. And it is assumed that 36 grams will be emitted. With those 36 grams of dioxin, it is possible to poison thousands and thousands; I would say millions of people each year. It can make people ill, poison them and do damage to millions of people; there is sufficient dosage for that. That is a sufficient dosage of dioxin to poison the population. Unfortunately those dioxins are going to form in the atmosphere as well, because the compounds that are going to rise to the atmosphere will allow the formation of dioxins and other compounds, I repeat, thousands.

The scientists, environmental chemists who are serving us as consultants, specifically Dr. Osvaldo Rosario, pointed out that there are thousands of unregulated compounds in the emissions. And in that 50% of residue that would go to the atmosphere, through the hearth, into the atmosphere, and would fall upon the people of Arecibo and the people of Puerto Rico.

This project, hence, this issue on the health impact has not been evaluated, and our questions to the government agencies have not been answered regarding the damage this poses to our health. Dioxins have the ability to affect the child development process. That is why I have always said that this is a health threat. Yes, it is a threat to the elderly due to the asthma and all those things, but it is a threat to the country's future, because it threatens the children. It puts them at risk to develop deformities and have developmental problems, reproductive problems, and other health issues. And this is something to which we are exposing our children for a project that is, I repeat, not an energy project, but is a waste burning project, and RUS has nothing to do with that.

In the case, when we initially referred to this as a corrupt project, due to the corrupt processes, let's begin by mentioning that this company that had a similar project in 2000, in 1998, at that time called Renova. One of its attorneys, of the group of attorneys, was Luis Fortuño. He was elected governor of Puerto Rico in 2008 and served from 2009 to 2012, right? During those four years, Luis Fortuño declared an

energy emergency, and under the energy emergency, the permit process that would have traditionally taken two years, in Puerto Rico; the Site Approval and the Environmental Impact Statement was done in 45 days, in other words, under the energy emergency, taking away the opportunity for people to talk and question the issues presented in the Environmental Impact Statement. In this Environmental Impact Statement it is said that the polluted air that would be emitted by the chimney will not affect us, that the levels of contamination that those 8 compounds will emit, do not surpass the established limits

I repeat what I said earlier on: the problem is that there are thousands of compounds that are not regulated, and that are going to hurt us. But in addition to those 8 compounds, which they say are not excessive, but various things do occur. When one looks over the wind data used to model this project, which will disperse the contaminants, we find that they used the same wind data that was used in 1993 to justify the location of the Cambalache plant under the Electric Power Authority. As far as we can understand, that data was not valid, they had no validation process with a specialist. That data, we have always said, that data does not represent the meteorological behavior of Arecibo; that was conducted erroneously; hence the data does not represent our meteorological behavior.

This point is reinforced when we see that NOAA, the federal agency, since 2010 has had a sensor that monitors wind speed and other data in Arecibo, in the port of Arecibo.

This sensor, when one analyzes the data, shows that the wind rose is different. That is, that the NOAA data is different from the Cambalache electricity data that were used to monitor, to make the model of the dispersion of the contaminants. Consequently, it gives us even more reason to say that this data is useless, because we have different information.

We have seen wind data compiled by Dr. Nieves, José Nieves, professor at the University of Puerto Rico in Rio Piedras, in the Department of Physics. Dr. José Nieves, current director of the Department of Physics at the University of Puerto Rico in Rio Piedras.

Dr. José Nieves has a project for collection of wind data, and meteorology of Puerto Rico, using NOAA data, right? And when I evaluated this data, it too didn't correspond to the Arecibo data. Therefore, this Arecibo data used to justify the project, does not predict and does not have the ability to predict as it is being credited. But the EPA uses them, why, because the EPA was the one that used the Cambalache data in 1993. Since they didn't want to revise the data, it accepted data that was among other things incomplete.

In some things San Juan data was used, as if the data for San Juan were the same as for Arecibo. I checked the San Juan data, and compared it to Arecibo's, and the statistical differences between these were very significant. One thing does not help

predict the behavior of the other. But the EPA did not want to do the analysis and it just let it go. If you want to make a correct analysis of dispersion, you have to get into this process, and question what EPA did. EPA made a mess of things in that sense. We understand why the EPA did that. The EPA prepared a report, ordered a report in 2006 from a University, from an American university to study the viability of incineration in Puerto Rico.

Therefore, the EPA had already studied incineration in Puerto Rico, recommending that incinerators be set up. That was already the policy that they had in mind. In addition, they assigned the project, the permit process, to a person who was in favor of incineration. The technician or specialist who came here to Puerto Rico, Mr. Steve Rivas was in favor of incineration. He already had his mind set, probably based on the 2006 study.

Therefore, the EPA's process was not a fair one. It was not an unbiased process, it was not neutral. One in which those of us in opposition would have the possibility of bringing up our objections in a fair setting. The EPA's process, and you can see when you read the comments, the letters, the emails among the officials of the EPA and the officials of ARCADIS, which was the company hired by Energy Answers to perform the modeling process. When you read these comments and read the letters between the EPA officials and the ARCADIS officials you realize that EPA guided ARCADIS and its members to do things this way. That is not right, that is not a neutral action. That is a biased action,

where EPA directed the ARCADIS people to comply with the PCD permit that they were going to issue them; so that the conditions were such that they could issue the permit.

The EPA, I repeat, did not want to review the environmental data. In addition, it used a Gaussian model for the dispersion of contaminants in Arecibo; when they know that they had to have a different use of the modeling process that could not be done with a Gaussian model. That's because two kilometers away, rather, four kilometers away, there's is a valley, right? But the valley suddenly becomes a mountainous area, a hilly area that continues to rise within ten kilometers to nearly one thousand meters, right? Therefore, they did not assess that condition, and did not assess the conditions that prevailed on the coast.

Therefore, the behavior of the model they made, with a Gaussian model, was not correct. They had to do a more complete model, but they did not want to do it either. All of this was pointed out to the EPA by different people. In addition, they were told that the persons who were making the model not necessarily, or reviewing that model, did not necessarily have the qualifications to do it. That happened in Puerto Rico; the people of the Environmental Quality Board have to certify and the people of PRIDCO, the people of the Industrial Promotion Company have to certify; there has to be an official to comply with the Environmental Impact Statement process. That official must have the ability to evaluate the documents. There are three thousand and some pages in English that we had to check in the annexes of the Environmental Impact Statement,

around three thousand and some pages, which no official of PRIDCO or from any other agency is going to review in five days and say that they complied with it. That is why we say that this process is a farce.

No official of Puerto Rico has the ability to grasp, of those appointed in the agencies to assess the Environmental Impact Statement and evaluate, they don't have the technical training to make that assessment of the modeling. The Environmental Quality Board does not have specialists who are able to do that. And I don't know if the EPA has them. I don't know if they have them, or if those EPA officials are certified with the authorizations that guarantee that the information that they are evaluating is correct. Because if they don't have the preparation to be able to say it is correct, then they could be lying. Then, that information; that is why there are certifications, and certified specialists, and quality assurance plans are done, as a colleague who was officer of the EPA, the Environmental Quality Board used to say.

>> HEARING OFFICER: Excuse me, we know that your comments are very valuable, but we already ran out of time.

>> IVAN ELIAS RODRIGUEZ: When we speak about... Ivan Elias, it is my name, and I am continuing with my statements, which you are going to allow me to finish in five minutes, the others well, will stay in the air. When we speak of a corrupt system, we say that because the agencies that had to make an assessment, such as the EPA, did not

want to do what they were supposed to do. The EPA, the Corps of Engineers and the federal agencies did not want to call for an Environmental Impact Statement. They did not want to enter into a federal Environmental Impact Statement and refused it. And RUS does it because its regulations explicitly required it. There are things here that have not been assessed properly, and whose evaluation has been misrepresented.

For example, look, you have a project that its proposed location is in the major channel of the Rio Grande of Arecibo. The Rio Grande of Arecibo, when it floods, covers all of that area, including lands two and three kilometers away from the main channel and that project is here. In other words, it is an area where there is not just the 90 acres of land that they want to use, but also the 400 or 500 acres that are in that area, right? All of that fills with water; therefore, they're never, ever going to be able to separate this project from the flooding potential. Unless they build a very high wall, elevating the project probably 15 or 20 feet, but doing it in such a way that passes on the problem to another person, it shifts the flooding to the residents of the area. Why? Because you can't do that; it is established that the area is flood prone. In addition, rains have intensified with the climate change. Consequently, the rains that are regulated, that are expected for that area, are now greater and more intense. And it is very probable that events such as [Inaudible] will be repeated. They cannot separate this project from that.

Who is going to assume responsibility for the damages that could be caused, a flooding of the project that would collect and wash away the ash, and collect and wash away the

garbage, depositing the contaminants into the Rio Grande of Arecibo and the shoreline? The public policy of the government of Puerto Rico literally prohibits that type of scenario; not only the government of Puerto Rico, but the federal government as well. FEMA also prohibits it, and yet we are here today. And FEMA, did FEMA make a federal Environmental Impact Statement to assess this project? That is why we say that this project has many things that have not been assessed.

On the subject of Caño Tiburones or the subject of the endangered species; ten kilometers from the project is the Bosque de Río Abajo. At the Bosque de Río Abajo the NOAA, a federal entity, has a project for the recovery of the Puerto Rican parrot. That project was not assessed; the impact on that project was not assessed. An endangered species is in the process of recovery. The Puerto Rican parrot is on the federal list of endangered species, and for which the NOAA is participating in that process of recovery; and they told them nothing, absolutely nothing. The EPA said absolutely nothing. That was brought up to the EPA and they never said anything. That would have been sufficient reason for the NOAA and even EPA to have had to prepare an Environmental Impact Statement, but they never prepared one.

This proposed project is less than a mile from an airport, which violates regulations in Puerto Rico that prohibit a project of this scale from being less than a mile away. And I imagine that the Federal Aviation Agency must have some type of regulation that

prohibits it as well, because Puerto Rican regulations are usually duplicates of federal regulations in many areas that are addressed federally.

The threat to drinking water in Puerto Rico. It is three miles, from two million people, three kilometers from the source of drinking water for the metropolitan area, and many municipalities in the northern area. Probably more than 100,000 residents, Puerto Rican families, and business receive water from the North Coast Super aqueduct, which is three kilometers from this point. Therefore, it is obvious what is going to happen, that contamination of that water source will occur. If that water source is contaminated, it will destroy a project that cost many millions of dollars, and then it won't be usable because the water is contaminated. The water from where it needs to be taken in Arecibo is contaminated, therefore it is unusable. That is absurd; the desire to implement a project that contaminates the country's drinking water.

In the case of agriculture, that project is ten kilometers from the farming area of Hatillo, which produces, per unit of cow, per unit of land, the greatest quantity of milk in the entire world, according to statistics. That is an estimate; it was that way in 1998 and today it must be similar, either first or second or third in the entire world. This is the place that produces the most milk per unit of cow and per unit of land. It is part of our agricultural industry, our dairy industry, which we are going to kill with dioxins and contaminants, because the farmers of Arecibo, of Hatillo are not going to be able to sell

milk. They will not be able to sell the milk because the industry will be killed. This too was not evaluated, that also was not assessed.

The costs for the cities. This project would cost the municipalities of Puerto Rico double what they are currently paying to manage solid wastes. The municipalities, some will be able to pay for it and others won't. But they wanted, they said, they always said "no, this is a private project, with private funds". Now they are looking for funds from the USDA, I mean RUS, from the Government of Puerto Rico, and the Government of Puerto Rico has said it does not have it.

Therefore, that is a fallacy, to say this is a private project, and in addition they want to force the municipalities to bring them the garbage; when the municipalities should be able to decide where they carry the garbage, at its cost, what it costs to handle the garbage. They want to impose an initial cost of 36 dollars, when they pay 18, but to keep raising the price. It will not at this cost, and it will keep going up. But after the Puerto Ricans have reached an agreement with them, because that is what they want to force upon us, then we will be paying money that we don't have. That is an economic crisis for the country, instead of a benefit. Therefore, if we add the environmental damages, if we add the health damages, if we add the economic damages to the country, this is a bad project, I repeat; it is not an energy project, because Puerto Rico has energy to burn. It does not need electrical energy.

>> HEARING OFFICER: Excuse me.

>> IVAN ELIAS RODRIGUEZ: When they let me talk again, I will continue.

>> HEARING OFFICER: Here are the cards.