



**United States  
Department of  
Agriculture**

Arecibo, PR

August 20, 2015

Welcome to the public hearing for the Draft Environmental Impact Statement (EIS) for the Arecibo Waste-to-Energy and Resource Recovery Project (Project). Today's hearing will focus on the possible financing assistance to Energy Answers for the construction of the waste-to-energy facility in the Arecibo area. The Rural Utilities Service (RUS) is the lead agency for the Project and is required to complete an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to assess potential impacts to the natural and human environment. This meeting is an opportunity to receive comments on the Draft EIS.

Please use this form to submit your written comments to RUS. Comments may be submitted today, mailed to the address below, or sent by email to [Lauren.McGee@wdc.usda.gov](mailto:Lauren.McGee@wdc.usda.gov). The deadline for comments is September 28, 2015. Updates on the Project, including the Draft Environmental Impact Statement are available at <http://www.rd.usda.gov/publications/environmental-studies/impact-statements/arecibo-waste-energy-generation-and-resource>.

Return Address:

*BARACUTEY*  
*HC 03 BOX 14182*  
*UTUADO, P.R. 00641*

22 AUG 2015 PM 1 L



Ms. Lauren McGee Rayburn  
Environmental Scientist  
USDA/RD/Rural Utilities Service  
84 Coxe Ave, Suite 1E,  
Asheville, North Carolina 28801

2880134168



### Arecibo Waste-to-Energy and Resource Recovery Project

Energy Answers Arecibo, LLC's (Energy Answers) proposes to construct and operate a new WTE and resource recovery project at the site of the former Global Fibers Paper Mill in Arecibo, in the Commonwealth of Puerto Rico (hereinafter referred to as the Arecibo WTE Project or Project).

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#### Comments:

I was born in Arecibo and my people were healthy 30 years ago. Coming back to my hometown Arecibo, I found that the people in Arecibo have the worst record of lung problems thanks to the pills factories in the east (BARSELONETA) cause the wind brings the chemicals to Arecibo, Now you guys want to make their lungs problems worse by adding more pollutants. It's a insane idea to make money without any concern for the health of my people. It's not fail to even think of violating all the laws against burning or polluting the planet. You guys are forcing us to defend ourselves so don't say we didn't warn you, when we do what we need to do. All the money in the world can't buy our health.

BARUCUTEY Rivera HC-03 Box 14182 Utuado P.R. 00641  
Name Address Affiliation

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#### Comments:

OK! There are LAWS AGAINST BURNING  
which you guys are VIOLATING, so  
we GONNA defend ourself and  
STOP you from VIOLATING OUR  
RIGHTS TO LIVE IN A POLLUTION FREE  
ENVIRONMENT. Don't SAY we didn't  
WARN you, when we defend our  
RIGHTS.

BARACUTEY RIVERA HC-03 BOX 14182 OTUPADO P.R. 00641  
Name Address Affiliation

**Arecibo Waste-to-Energy and Resource Recovery Project**

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**Comments:**

I have been in dental practice for 51 years (1964) as a health professional my first 2 years of service were done as a dental officer in Maxwell Air Force Base from 1964-1966 during the Vietnam War. I volunteered to serve (SERVE) and fulfill my citizen duty.

Early in 1990's I got involved against 450 KW electricity plant by P.R. Government in its potential contamination of our already impacted.

In 1999 and 2000 we opposed for the first time a trash incinerator by the name of RENOVA. Citizen opposition and political leaders opposed this project and was not approved for health reasons. The proponents at that time are the same proponents that since 2010 come with the same project. In 1999 they came to Arecibo by the hand of their legal advisor Leda Luis Fortuna. Later when this person became governor dampened the incinerator of TRASH with laws enforcing its fast track approval.

If your agency finance this project you will be part of an ENVIRONMENTAL AND Health (HEALTH) GENOCIDE.

You will be KILLING the AGRICULTURAL FARM, MILK, COW, MEAT INDUSTRY, the MOST PRODUCTIVE, THIS HAS HAPPENED IN EUROPE, ICELAND, ETC

BENICENO A. CABAN DMD

*[Signature]*  
Captain Ret USAF DCOP

Name DR BENICENO A. CABAN Address BOX 375 Affiliation

Arecibo P.R.  
00613

Coalition contra Incinerador  
Profesional POE  
A RECIBO

### Arecibo Waste-to-Energy and Resource Recovery Project

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**Comments:**

Mi familia, mi comunidad y yo nos oponemos rotundamente a la Incineradora. Esta técnica es anti-natural y enferma a los ciudadanos de toda la nación puertorriqueña.

Name	Address	Affiliation
Carlos X. Melendez	Bo. Islote, Arecibo, P.R. 00612	- Presidente Arecibo - Boricua

**Arecibo Waste-to-Energy and Resource Recovery Project**

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Comments:

*Please See Comments On Attached Sheet.*

Name *Julio F. Olivieri* Address *Calle Bambule H-7 Univ* Affiliation *Yiera*  
*S. Arecibo P.R.*  
*00612-7819*

He tomado de la Revista Muy Interesante de junio 2015, un artículo escrito por José Gordon, conductor del programa "La Oveja Eléctrica", transmitido los martes a las 20:30 (8:30pm) por el canal 22.

El tema "Si quieres saber si algo es real, pregunta si puede sufrir". Da como ejemplo: si un banco quiebra no sufre, un banco no sufre. Los humanos y los animales si sufren, ¿Qué es el sufrimiento? ¿Qué es la felicidad? Si no logramos eso, podremos alcanzar cualquier meta que nos propongamos y nunca nos satisfará. Esto no lleva al problema de decidir, de tener que elegir entre el infierno y el cielo.

Ha habido varias revoluciones a través de la historia (tecnología, economía, políticas, etc.) Pero la más grande, por mucho será la revolución del cuerpo y la mente.

Lo realmente revolucionario sobre el futuro no serán las armas, ni los vehículos, sino nosotros mismos. Hay muchas ficciones y relatos del mundo. La gran pregunta es ¿Qué es lo realmente real? Se trata de discernir entre los que trae sufrimiento y lo que trae felicidad.

En el libro "Y sereis como Dioses, del escritor Erick Fromm, planteaba con claridad el problema: "El ser humano es libre para elegir su camino, pero debo aceptar las consecuencias de su elección.

Podemos añadir "Es el deterioro del ambiente, de nuestra salud, etc. un asunto vital para nuestra existencia, "claro que sí", por eso debemos luchar contra todo aquello que nos cree sufrimiento y derrotar cualquier acción desfavorable a este sentimiento.

*Julio F. Olivieri Néira*  
*Agroonomista*



August 19, 2015

USDA/RUS  
1400 Independence Ave. SW.  
Room 2244-S, Stop 1571  
Washington, DC 20250-1571

**RE: Financing for Arecibo Waste to Energy Generation and Resource  
Recovery Facility Arecibo, Puerto Rico**

To whom it may concern:

Good afternoon. My name is Reinaldo Paniagua and I appear here today in my capacity as Executive Director of the Federation of Mayors of the Commonwealth of Puerto Rico. We shall commence by thanking USDA/RUS for this public meeting concerning a waste to energy incinerator that has generated significant opposition not only with the communities in Arecibo but throughout Puerto Rico. The Federation of Mayors (hereinafter, the Federation), representing 31 Municipalities in Puerto Rico, appreciates the opportunity to submit comments on the draft Environmental Impact Statement (EIS) prepared for Energy Answers Arecibo, LLC, under the federal EIS guidelines.. Additional comments may be submitted by the Federation and/or member municipalities on or before the announced written comment deadline once it concludes the proper examination of the entire EIS and its attachments.

That being said, the Federation wishes to express its deepest concern and dissatisfaction for the lack of information in the draft EIS on the financial model proposed by Energy Answers to guarantee loan payment and meet its financing obligations. . The draft EIS also is totally silent on the economic impacts on the affected municipalities' in the event these are required to provide their municipal wastes to Energy Answers for incineration, as set forth under the contracts executed between Energy Answers and the Puerto Rico Solid Waste Authority (SWMA) that the municipalities, as the entities responsible for waste collection and

Page 1 of 3

Tel.(787) 919-7686 Fax (787) 919-7689

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www.fedalcaldes.com

disposal in Puerto Rico, were not participants. The draft EIS does not provide any information concerning the anticipated increases in transportation costs and tipping fees and potential detrimental effects on the municipalities' operational budgets, thereby affecting essential services provided to the communities. In consideration of the above, the Federation respectfully requests that the draft EIS be revised to include these financial model and socio-economic impacts associated with the incineration project under consideration by RUS and that this process be held in abeyance until this essential information is provided for public review and a new hearing or comment period be afforded to allow proper participation by the public and the municipalities with the pertinent socio-economic information at hand.

Please also be cautioned that the entire process since its inception has suffered from a total absence for a rigorous and objective analysis on the economic prospect for the Municipalities that, pursuant to the abovementioned contracts that Energy Answers has sought from SWMA, are "bound" to provide their waste to feed the incinerator in total disregard and/or disruption of their own Municipal Solid Waste (MSW) management programs and contracts.

Also, please be aware the process involving Energy Answers' financial model has been conducted behind closed doors and without the participation of the entities lawfully responsible and most affected by its effects, the Commonwealth of Puerto Rico's 78 Municipalities. The entire economic model of this project is based on the erroneous assumption that the affected Municipalities will passively sit idle while their operational budgets and MSW resources get virtually obliterated. USDA/RUS and/or any other financial entity considering providing financial assistance to Energy Answers of Arecibo, LLC. can be certain that this shall not be so.

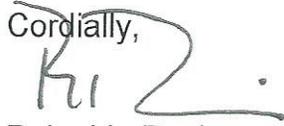
Please be advised that the Federation, in order to preserve the wide and explicit mandate for Municipal Autonomy vested upon our Municipalities by Public Law 81, August 30<sup>th</sup>, 1991 known as the Autonomous Municipalities Law, shall be advising and supporting all its members to pursue all courses of action, including but not limited to a judicial challenge of the contractual relationship between Energy Answers of Arecibo, LLC's and the Puerto Rico Solid Waste Management Authority (PRSWMA) and any unlawful attempt to enforce upon the Municipalities the same.

It's our position that the aforementioned contracts are void, null and unconstitutional. The PRSWMA lacks any authority to bind the economic resources of the Municipalities and control the flow of Municipal Solid Waste to favor a private interest.

Again, the Federation of Mayors appreciates this opportunity to express its preliminary comments on the draft EIS and request that the draft EIS be revised to

include essential information on the financial model presented by Energy Answers to RUS and the socio-economic impacts to municipalities and the communities in Puerto Rico resulting from such financial model

Cordially,

A handwritten signature in black ink, appearing to read 'R. Paniagua Latimer', with a horizontal line extending to the right.

Reinaldo Paniagua Latimer  
Executive Director



August 20, 2015

USDA/RUS  
1400 Independence Ave. SW.  
Room 2244-S, Stop 1571  
Washington, DC 20250-1571

Re: Energy Answers Arecibo LLC

Good afternoon:

On behalf of Consolidated Waste Services, Corp. (ConWaste), we appreciate the opportunity to present comments before the US Department of Agriculture' Rural Utilities Service (RUS) on a draft Supplemental Environmental Impact Statement (EIS) that has been prepared in support of a request by Energy Answers Arecibo LLC (Energy Answers) for financial assistance to fund construction and operation of their proposed Waste to Energy (WTE) incinerator project in Arecibo, Puerto Rico. The EIS is intended to meet RUS' responsibilities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's regulations for implementing NEPA (40CFR Parts 1500–1508), and RUS's Environmental and Policies and Procedures (7 CFR Part 1794).

Since 1993, ConWaste, in conjunction with its associated companies, is dedicated to providing comprehensive Municipal Solid Waste (MSW) management services throughout Puerto Rico including waste collection, material recycling, transfer stations, and landfill operations. We are honored to have over 1000 full time associates within our ranks, and 60 municipalities and 2000 corporate clients in our waste management and recycling operations. Our services include solid-waste collection and disposal, collection and management of recyclable materials; design and implementation of educational programs focused on Zero Waste and recycling (both for private and public entities and communities); green-energy initiatives using landfill gas; design, construction and operation of landfills; and landfill closings. We are proud to have established the Recycling Plants in Guaynabo and Carolina in partnership with those municipalities considered leaders in recycling programs in Puerto Rico. As such, we consider ourselves as a leader in the MSW and recycling industry in Puerto Rico. We are also a proud member of the growing recycling industry sector in Puerto Rico together with IFCO Recycling, Corporación Comunitaria Reciclajes del Norte, ProNatura, Vivo Recycling, and many other private and community entities in Puerto Rico.

The EIS prepared for the Energy Answers project discusses various perspectives of the environmental impacts associated with the WTE incinerator facility but, in our estimation, fails



to properly assess its impacts on the municipal recycling programs in Puerto Rico. Recycling rates in the Island have steadily increased from 6.8 percent in 2004 to about 15 percent in 2014 and new initiatives being currently implemented by Municipalities, the US Environmental Protection Agency-Region 2, related local agencies and private businesses envision a continuous improvement in solid waste reduction, reuse, and recycling in Puerto Rico. Municipal recycling programs are generally conducted at a loss or expense to the municipalities, as in Puerto Rico, different to many other jurisdictions, residents are not charged directly for domestic waste collection disposal or recycling. However during the past decade recycling rates have shown a gradual and steady increase. Municipalities have shown a renewed interest in recycling both to comply with local recycling laws and also because of the conviction that it is morally and politically correct to instill concern for protection of the environment in the people by recycling.

The Energy Answers project model supposes that the 2,100 tons/day of MSW feedstock it would receive for incineration and energy recovery would have been already subject to presorting, material recovery and recycling. Their operational model is aimed at burning as much domestic waste as possible, particularly those with high calorific values, such as plastics, used tires, paper, wood and cardboard, among others. This operational model is totally removed and disengaged from the existing municipal recycling programs but in direct conflict with such efforts. We consider that Energy Answers' operational business model would encourage increased domestic waste incineration to meet their tipping fee and energy sale expectations while discouraging municipal recycling initiatives, undermining waste prevention programs, and jeopardizing the effective implementation of reducing, reusing, and municipal recycling efforts. The EIS does not address the incompatibility of increasing recycling efforts in the designated municipalities and of feeding enough domestic waste to Energy Answers to meet their tipping fee and energy sale goals.

As recycling increases, waste availability for incineration would presumably get lower. In addition, the reduced population and goods consumption in Puerto Rico due to its widely broadcasted economic downturn would also presumably produce less domestic waste for incineration. We consider that this aspect of predictable domestic waste reduction and related impacts should be evaluated in the EIS in order to fully assess expected environmental and socio-economic impacts as well as financial model soundness.

The comprehensive and integrated solid waste management plan in Puerto Rico, sponsored and required by local and federal regulatory agencies, calls for a reduction in the amount of Municipal Solid Waste generated and an increase in the recycling rates and composting, among other related measures. Energy Answers' business model, which assumes a minimum of ¼ fourth of all the solid waste currently generated in Puerto Rico for gathering tipping fees and energy sales, seems incompatible and inconsistent with decreasing the amount of waste feedstock needed to feed the incinerator and with increasing recycling rates. From this perspective, the EIS should present a more comprehensive analysis of alternatives that would not undermine municipal recycling efforts and programs. In addition the EIS should also evaluate and assess the potential impacts on municipalities that would not be able to



implement effective reduction and recycling programs because of increases in the cost of transporting and disposing of their MSW at the Energy Answers' facility in Arecibo. No information is provided in the EIS concerning the anticipated increases in transportation costs and tipping fees and potential impacts on the operational budgets of the affected municipalities, and potential impacts on current recycling programs and other services provided to their respective communities. These impacts should be included in the EIS in order to satisfy the applicable NEPA regulation and guidelines.

ConWaste reserves its right to present additional comments on the EIS on or before their due date in September. Please also be informed that ConWaste and related companies are evaluating whether the contractual agreements reached between the Puerto Rico Solid Waste Management Authority and Energy Answers, presented as the cornerstone of Energy Answers' financial model, undermine its existing contractual arrangements with municipalities in Puerto Rico and contravene the Commerce Clause by attempting to force MSW flow control mechanisms for the benefit of private interests.

Thank you,

Maribelle Marrero Vázquez  
Vice-President Government Affairs



US Department of Agriculture  
Rural Utility Services

Estimado Oficial Examinador,

Mi nombre es José Menéndez presidente del Capítulo del Sierra Club de Puerto Rico. Con más de 800 miembros en Puerto Rico y más de 10,000 seguidores llevamos la visión de Explorar, Disfrutar y Proteger el Planeta.

Deseo expresarme entorno a la declaración de impacto ambiental de la instalación para la quema desperdicios sólidos propuesta para el pueblo de Arecibo, aquí en discusión. La compañía *Energy Answers* tiene intenciones de construir una mega incineradora de desperdicios sólidos y está hoy en cuestión la declaración de impacto ambiental para una posibilidad futura de financiamiento al proyecto.

Por este medio, el Sierra Club de Puerto Rico y sus miembros rechaza la declaración de impacto ambiental (DIA) aquí presentada ya que no refleja los impactos reales de este proyecto en las comunidades de Arecibo y Puerto Rico. Nos oponemos a la aprobación de esta DIA y exhortamos a el Departamento de Agricultura Federa y la Agencia "Rural Utility Services" a rechazar la solicitud de fondos para la creación de esta incineradora ya que pone en riesgo la salud de las comunidades.

La materia no se destruye; solo se transforma. Del mismo modo, los residuos que ingresan en un incinerador no desaparecen: se transforman en gases, líquidos y cenizas tóxicas. Las incineradoras de basura, como la propuesta para Arecibo son fuentes contaminantes para el aire, las aguas y las tierras. Por ejemplo, el mercurio afecta al sistema nervioso central, al cardiovascular y al respiratorio; las dioxinas están asociadas con problemas como malformaciones congénitas, retraso en el desarrollo, alteraciones en el sistema inmunológico y el hormonal; el arsénico y el cadmio son cancerígenos. Según la EPA, las plantas de incineración emiten un promedio de 5.5 toneladas de plomo anualmente. La planta propuesta para Arecibo emitiría 1,700 toneladas de gases tóxicos como plomo, dioxinas y mercurio anualmente.

La incineración es una fuente de emisión de gases de efecto invernadero, tales como dióxido de carbono y dióxido de nitrógeno, entre otros. De hecho las incineradoras están incluida en el listado de fuentes de emisión del Protocolo de Kyoto de las Naciones Unidas. De acuerdo con la Agencia de Protección Ambiental de Estados Unidos (USEPA), los incineradores estilo "waste to energy" y los rellenos sanitarios tienen niveles de emisión de gases de efecto invernadero mucho más altos, y consumen más energía, que reducir la generación de residuos, reutilizar y reciclar los mismos materiales. Además, la incineración es una forma de fomentar el consumo de materiales de recursos finitos y que estos no se puedan reutilizar, reciclar o rediseñar, aportando así al cambio climático y la degradación de nuestros recursos naturales. Además, la reutilización y el reciclaje ahorran las emisiones de gases de efecto invernadero que se producen durante la extracción, el transporte y el procesamiento de materia prima. Entendemos que es absurdo que se considere la incineración como una alternativa sustentable o que atiende el cambio climático.

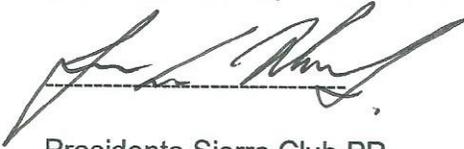
La agencia de "Rural Utility Services" que se encuentra bajo el Departamento de Agricultura Federal debería cuidar por la salud de los agricultores. Sería muy irónico que una agencia encargada de proteger los agricultores financié un proyecto que detrimenta la calidad de los productos producidos. Como indicamos las

incineradoras producen dioxinas que se adhieren a tejidos grasos como los de los productos ganaderos. El pueblo de Arecibo es parte de una zona agrícola y ganadera vital para nuestra isla y la construcción de la incineradora afectaría la calidad de estos productos y los consumidores. Así mismo, hacer compost con la materia orgánica, evita las emisiones de metano que se producen en los basurales, vertederos y rellenos sanitarios, y genera un abono orgánico que mejora el suelo y reduce el uso de agrotóxicos. Si se permite la incineración perdería un producto vital para la sustentabilidad de la agricultura.

En el presente vivimos una sequía extrema en Puerto Rico y esto es un ejemplo de porque no es viable la incineración ya que la misma necesita 2.1 millones de galones de agua diarios para su funcionamiento. La incineradora aquí propuesta agravaría los problemas del recurso agua. De utilizar aguas del Caño Tiburones afectaría de forma adversa el manejo de esta área natural y los recursos vivos que existen en la misma.

La incineración no es una solución energética sustentable ya que la quema de materiales derivados de petróleo y otros recursos provienen de recursos naturales finitos. Además la quema de residuos orgánicos evita que podamos crear industrias de compostaje en la isla, la mejor manera de reducir gases de efecto invernadero. Quemar estos materiales para producir electricidad crea una demanda para generar más residuos y obstaculiza los imperiosos esfuerzos para reciclar y compostar los materiales de descarte. Más del 90% de los materiales que se disponen en incineradores y rellenos sanitarios se puede reutilizar, reciclar o comportar. Además, en el siglo XXI se tienen que promover formas eficientes de generar energía; una incineradora tiene una eficiencia energética de un 30% frente al 80% de la energía solar.

La solución real es Basura Cero donde fomentamos la creación de empresas de reusó, rediseño, reciclaje y compostaje. Lejos de ser una solución para satisfacer nuestras demandas energéticas de forma segura y combatir el calentamiento global, la incineración y la disposición en rellenos sanitarios es un peligro para la salud de nuestras comunidades y el clima. Podemos y vamos a cambiar la lucha contra la basura y el calentamiento global—y podemos empezar avanzando hacia basura cero en nuestras comunidades. Es por esto que solicito al Departamento de Agricultura Federal y la Agencia “Rural Utility Services” que rechace esta declaración de impacto ambiental y no promueva este proyecto.



Presidente Sierra Club PR



## Junta de Directores

August 20, 2015

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## **USDA/RUS**

1400 Independence Ave. SW.  
Room 2244-S, Stop 1571  
Washington, DC 20250-1571

## **RE: ENERGY ANSWERS ARECIBO LLC**

Good afternoon. On behalf of the Puerto Rico's Mayors Association, which represents 47 of the 78 municipalities in Puerto Rico, we appreciate the opportunity to appear today before the Rural Utilities Service (RUS) of the US Department of Agriculture to present comments on the Environmental Impact Statement (EIS) draft prepared in support of the financial assistance request presented by Energy Answers Arecibo LLC's (Energy Answers) for a proposed Waste to Energy incinerator project in Arecibo, Puerto Rico.

The Association reserves its right and those of its members to submit detailed comments on the adequacy, completeness and sufficiency of the EIS draft that has been prepared for this project. However, the Association takes this opportunity to alert RUS on the critical absence of any information in the EIS draft that assesses the social and economic impacts on municipalities in Puerto Rico should this project advance pursuant to the contracts that have been executed by Energy Answers and the Puerto Rico Solid Waste Management Authority (SWMA) and which most likely support Energy Answers' financial model for loan payment.

The National Environmental Policy Act (NEPA) process that is been conducted by RUS, as a result of the financial assistance requested by Energy Answers, is intended to evaluate the project's potential effects on all environmental resources, including socio-economic factors affecting the human environment. NEPA further requires that when a federal agency is considering taking a federal action (in this case, whether or not

to provide financial assistance) it must identify and assess the reasonable alternatives to that action that would avoid or minimize adverse environmental effects. In addition, NEPA requires federal agencies to examine the effect on not taking any action at all, that is, the No-action alternative. Consequently, these socio-economic factors must be evaluated in determining whether this proposed federal financing of the waste incinerator project should be considered reasonable pursuant to a informed choice among alternatives.

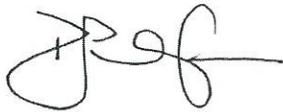
It is the Association's position that the EIS draft for the Energy Answers project does not contain essential and critical information on the foreseeable significant and damaging socio-economic impacts on the affected municipalities' operational budgets and public services due to increases in waste transportation and tipping costs associated with hauling municipal waste to Arecibo to feed the incinerator. No information is presented on these matters in the EIS draft in order to enable to predict, with reasonable certainty, the socio-economic impacts on the affected municipalities. Neither the EIS draft properly evaluates the noted steady improvements in landfill operations, waste reduction, minimization and recycling efforts, that should be viewed objectively under the category of No Action alternative.

RUS' objectivity would be compromised for lack of an in depth evaluation of these serious socio-economic impacts on municipalities. Absent this critical socio-economic evaluation in the EIS draft, the agency should deny Energy Answers' financial assistance request for lack of objective pertinent information and transparency that would enable proper evaluation of the socio-economic impacts on the affected municipalities which are called to support with their municipal wastes and public funds the financial model presented by Energy Answers to RUS in support of financial capacity for loan payment.

Financial assistance to Energy Answers should be denied by RUS in absence of sound and credible information to draw conclusions on the economic feasibility of the project, particularly when the municipalities of Puerto Rico, with their respective wastes and tipping fees, are not willing partners in this project and will not support with their municipal funds Energy Answers' loan payment capacity.

Please be also advised that the Association and/or some of its individual member municipalities intend to pursue legal action to contest the legality of the contracts executed between Energy Answers and the SWMA, in violation of the US Constitution's Commerce Clause and the Puerto Rico's Autonomous Municipalities Law, set forth by Public Law 81, August 30th, 1991, and of any future attempts to impose municipal waste flow control mechanisms to benefit private interests at the expense of the public. Please be certain that this undesirable incinerator project is destined to fail.

Cordially,

A handwritten signature in black ink, appearing to read 'R. Ortiz Velázquez', with a long horizontal stroke extending to the right.

**Rolando Ortiz Velázquez**  
President  
Puerto Rico's Mayors Association



*Estado Libre Asociado de Puerto Rico*  
*Gobierno Municipal de Barceloneta*  
*Oficina de la Alcaldesa*

17 de agosto de 2015

Hon. Carlos Delgado Altieri  
Asociación de Alcaldes de PR  
P.O. Box 507  
Isabela, P.R. 00662-0507

Distinguido señor García Padilla:

Desde el año 2012 mediante la Resolución Núm. 33, Serie 2011 – 2012 establecí mi oposición en contra del proyecto de conversión de desperdicios sólidos no peligrosos a energía eléctrica en la jurisdicción territorial de Barceloneta. Al momento reitero y mantengo la misma postura al respecto. A la vez no apoyo la imposición de disponer los desperdicios sólidos generados en Barceloneta en la facilidad de incineración propuesta propiedad de Energy Answer of Arecibo, LLC, con un contrato que atenta contra la autonomía municipal y va en detrimento de la salud fiscal del Municipio de Barceloneta.

Debe ser considerado en dicho contrato, el alto costo impuesto en la tarifa por tonelada el cual al momento no podemos asumir debido a nuestra realidad económica. Además el mismo fue suscrito sin contar con nuestra participación e insumo, no teniendo presente el efecto negativo de esta imposición para nuestro reducido presupuesto municipal.

Además se debe evaluar si en este contrato se incluye alguna cláusula que estipule la responsabilidad en caso de haber un evento de contaminación ambiental causado por la facilidad, puesto que la disposición obligatoria de nuestros desperdicios municipales, como parte de garantizar un flujo de dos mil cien (2,100) toneladas diarias, conllevaría ser dueños de lo que se disponga y de los efectos que cause tal acción en el futuro.

Mi compromiso es administrar en cumplimiento con las leyes y reglamentos que rigen nuestro país garantizando a los ciudadanos salud, seguridad y bienestar. Como alternativa al manejo eficiente de los desperdicios sólidos no peligrosos que se generan en el Municipio de Barceloneta hemos estado trabajando en la ampliación de nuestro Programa de Reciclaje y revisando la eficiencia de la disposición final.

Gracias por su acostumbrada cooperación. Quedo a sus órdenes.

Cordialmente,

  
Wanda J. Soler Rosario  
Alcaldesa

*"Esmeralda del Valle del Norte" Ciudad con Visión de Futuro*



August 19, 2015

**USDA/RUS**

1400 Independence Ave. SW.  
Room 2244-S, Stop 1571  
Washington, DC 20250-1571

RE: **Financing for Arecibo Waste to Energy Generation and Resource Recovery Facility  
Arecibo, Puerto Rico**

**Ms. Strength:**

The **Municipality of Fajardo**, (hereinafter, the Municipality), the owner of the **Fajardo Municipal** Solid Waste Landfill most respectfully wants to take this opportunity to express its deep concerns for the lack of thoroughness which most regulatory agencies, both local and federal, have proceeded regarding the evaluation of the environmental, social and economic impact of a project of such magnitude as the one proposed by Energy Answers Arecibo, LLC. One need only review the Environmental Impact Statement (EIS) review to ascertain the total absence of a rigorous and objective analysis, not only to the environmental and public health impact that are immense, but also to the economic prospect of the Municipalities that are "bound" to disregard and disrupt their own MSW established programs, in lieu of an imposed more onerous alternative.

It's pertinent to mention that in recent years our Municipality have been the recipients of both the US Environmental Protection Agency's ("EPA") and the Commonwealth of Puerto Rico's Environmental Quality Board ("EQB") concerted actions requiring capital improvements to the **Fajardo Municipal** Solid Waste Landfill well beyond those required by law, something that has not occurred with the rigor and severity at any other adjacent landfill. These actions have entailed considerable resources expenditure in the design, construction and operation of environmental control systems, capital improvement that go well beyond those required by regulation and the implementation of a comprehensive curbside collection of recyclables programs, this latter being an element contrary to Energy Answers' incinerator proposal which assumes a very low rate of recycling collection and disposition.

It's essential to reiterate that the economic impact that such a project will have in the region must be thoroughly examined. Energy Answers of Arecibo, LLC's proposed incinerator will have a devastating economic impact in the Municipalities that will be ultimately forced to dispose their solid waste in their facilities to guarantee the incinerator's required gigantic waste consumption. This is mainly due to the fact that 2,100 tons per day facility will require a substantial waste supply to cover their normal operating costs, not to mention the substantial amount needed to cover the return on investment on well over 500 million dollars expenditure.

Consequently, such business model will rendered totally inconsequential and ineffective any serious recycling effort. The massive amount of waste received at the facility without presumably any effective pre-sorting system shall inevitably incinerate a vast amount of valuable recyclable resources such as paper, cardboard, wood and plastics, all of which contain a high caloric value. This is in direct opposition to the stated public policy of both USEPA and the Commonwealth of Puerto Rico's EQB, which have declared their commitment in the promotion and expansion of collection of recyclables material programs, both at the state and the municipal level.

Another flawed assumption that the Energy Answers of Arecibo, LLC's proposed incinerator Environmental Impact Statement rested was in the sense that the population of the island was constantly growing. The objective fact is that Puerto Rico has experienced a considerable decline in population. This decline in population will be translated in a substantial increment in the Municipalities that will be forced to dispose their solid waste at the incinerator, thereby aggravating the economic outlook of an ever increasing amount of Municipalities.

In summary, this project is contrary to the stated public policy of both USEPA and the Commonwealth of Puerto Rico's EQB in terms of their commitment to expand recycling programs. The extreme economic effects in the Municipalities forced to dispose their solid waste at the incinerator has been overlooked and not properly considered. Also, the "softness" of the regulating agencies in their review and approval of Energy Answers of Arecibo, LLC's permits process has not created a "*leveled playing field*" with other waste disposal facilities including Landfills, Transfer Stations and Recyclable Material Processing Centers.

Be advice that the **Municipality of Fajardo**, along side and in conjunction with the Commonwealth of Puerto Rico's Federation of Mayors; in order to preserve the wide and explicit mandate for Municipal Autonomy vested upon our Municipalities by Public Law 81 of the 30<sup>th</sup> of August 1991, know as the Autonomous Municipalities Law, shall pursue all courses of action, including but no limited to a judicial challenge of the standing contractual relationship between Energy Answers of Arecibo, LLC's and the Puerto Rico Solid Waste Management Authority and/or any attempt to enforce upon us the same.

Cordially,

  
**Hon. Anibal Meléndez Rivera**  
Mayor of Fajardo Municipality

Estado Libre Asociado de Puerto Rico  
**Ciudad Autónoma de Toa Baja**  
Oficina del Alcalde



**Aníbal Vega Borges**  
Alcalde

August 19, 2015

USDA/RUS  
1400 Independence Ave. SW.  
Room 2244-S, Stop 1571  
Washington, DC 20250-1571

RE: **Financing for Arecibo Waste to Energy Generation and Resource Recovery Facility Arecibo, Puerto Rico**

Dear Ms. Strength:

The Municipality of Toa Baja., (hereinafter, the Municipality), the owner of the Toa Baja Municipal Solid Waste Landfill most respectfully wants to take this opportunity to express its deep concerns for the lack of thoroughness which most regulatory agencies, both local and federal, have proceeded regarding the evaluation of the environmental, social and economic impact of a project of such magnitude as the one proposed by Energy Answers Arecibo, LLC. One need only review the Environmental Impact Statement (EIS) review to ascertain the total absence of a rigorous and objective analysis, not only to the environmental and public health impact that are immense, but also to the economic prospect of the Municipalities that are "bound" to disregard and disrupt their own MSW established programs, in lieu of an imposed more onerous alternative.

It's pertinent to mention that in recent years our Municipality and the Municipality of Arecibo have been the recipients of both the US Environmental Protection Agency's ("EPA") and the Commonwealth of Puerto Rico's Environmental Quality Board ("EQB") concerted actions requiring capital improvements to the Arecibo and Toa Baja Municipal Solid Waste Landfill well beyond those required by law, something that has not occurred with the rigor and severity at any other adjacent landfill. These actions have entailed considerable resources expenditure in the design, construction and operation of environmental control systems, capital improvement that go well beyond those required by regulation and the implementation of a comprehensive curbside collection of recyclables programs, this latter being an element contrary to Energy Answers' incinerator proposal which assumes a very low rate of recycling collection and disposition.

It's essential to reiterate that the economic impact that such a project will have in the region must be thoroughly examined. Energy Answers of Arecibo, LLC's proposed incinerator will have a devastating economic impact in the Municipalities that will be ultimately forced to dispose their solid waste in their facilities to guarantee the incinerator's required gigantic waste consumption. This is mainly due to the fact that 2,100 tons per day facility will require a substantial waste supply to cover their normal operating costs, not to mention the substantial amount needed to cover the return on investment on well over 500 million dollars expenditure.

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Be advice that the Municipality of Toa Baja, along side and in conjunction with the Commonwealth of Puerto Rico's Federation of Mayors; in order to preserve the wide and explicit mandate for Municipal Autonomy vested upon our Municipalities by Public Law 81 of the 30<sup>th</sup> of August 1991, know as the Autonomous Municipalities Law, shall pursue all courses of action, including but no limited to a judicial challenge of the standing contractual relationship between Energy Answers of Arecibo, LLC's and the Puerto Rico Solid Waste Management Authority and/or any attempt to enforce upon us the same.

Cordially,

  
Hon. Anibal Vega Borges  
Mayor of Toa Baja

Mi nombre es el Dr. Obed Garcia Acevedo, MD residente de Arecibo PR. Represento al Colegio de Médicos-Cirujanos de Puerto Rico (CMCPR) siendo el presidente del Comité de Salud Pública y Ambiental de CMCPR.

El 3 de agosto de 2015 el Presidente de los Estados Unidos de América, el Presidente Obama, realizo una presentación en donde proponía un plan para atender el asunto del calentamiento global. Este plan el cual llamo "Clean Power Plan" pretende atender el calentamiento global reduciendo las emisiones de CO2 a la atmosfera. Esta presentación puede ser descargada en la página "<https://www.whitehouse.gov/climate-change>". El presidente Obama estableció lo siguiente:

- Las actividades humanas están cambiando nuestro clima en una forma peligrosa.
- El año 2014 fue el año más caliente registrado.
- 14 de los 15 años más caliente registrados fueran en este siglo.
- El cambio climático no es solo la realidad de las futuras generaciones, de nuestros hijos o nuestros nietos. El cambio climático es la realidad en nuestros tiempos.
- El Presidente Obama llamo al cambio climático a nuestra seguridad nacional.

El Presidente Obama indico que a pesar de algunos esfuerzos realizados para atender el asunto es necesario hacer más. El Plan de Presidente Obama "The Clean Energy Plan" según él es el Plan más importante y significativo que los Estados Unidos han hecho en la lucha contra el cambio climático. El Presidente Obama habla de que no existen límites en la regulación federal (ni estatal) sobre la cantidad de CO2 que se emite a la atmosfera o agua. El Presidente Obama habla de establecer en su "Clean Power Plan" límites a los niveles de CO2 que emiten las plantas generadoras de electricidad.

El Presidente Obama habla de que los estados deben establecer planes para reducir las emisiones de CO2, este proceso crearía nuevos trabajos.

El Presidente Obama establece que el "Clean Power Plan" o CPP lograría para el 2030 lo siguiente:

- Reducción de 870 millones de toneladas métricas de contaminación por carbono.
- El beneficio económico del CPP sobrepasa sus costos.
  - \$8.4 billones es el costo estimado del CPP
  - \$54 billones es la ganancia estimada en la salud pública y el beneficio climático.
  - \$85 es el ahorro estimado en la factura de luz anual por unidad de vivienda.
  - \$155 billones es el ahorro estimado en los consumidores entre los años 2020-2030.
  - La energía renovable invertida en el CPP crearía decenas de miles de empleos a lo largo del camino.
- Al CPP establecer nuevas restricciones en los niveles de CO2 emitidos a la atmosfera reduciría los niveles de otros contaminantes que enferman a las personas.

- Reducción en 318,000 toneladas en dióxido de azufre.
- Reducción en 282,000 toneladas en dióxido de nitrógeno.
- Alguno de los beneficios mayores que lograría el CPP, a la salud pública, son los siguientes:
  - 3,600 muertes prematuras menos.
  - 90,000 ataques de asma menos en niños.
  - 1,700 ataques al corazón menos.
  - 300,000 hospitalizaciones menos.
  - Menor ausencia, y pérdidas de días de trabajo y escuela.

La propuesta de Energy Answer de construir una planta incineradora la cual ellos llaman planta "Waste to Energy" es contraria a la política energética y ambiental que acaba de proponer el Presidente Obama. Es incompatible pretender llevar a cabo un Plan para reducir los contaminantes que producen el Calentamiento Global y serias amenazas a la salud pública y a la vez facilitar que se construya una planta para quemar basura bajo cualquier tipo de justificación.

Comparado con el carbón, para hacer la misma cantidad de energía, los incineradores producen 28 veces más dioxinas, 2.5 más veces dióxido de carbono (CO<sub>2</sub>), el doble de monóxido de carbono, tres veces más óxidos de nitrógenos (NO<sub>x</sub>), 6 a 14 veces más mercurio, 6 veces más plomo y 70% más dióxidos de azufre. Aún con los controles en las emisiones los incineradores son más contaminantes que las plantas de carbón.

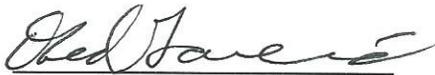
La incineración no crea energía nueva. La incineración consume gran cantidad de energía. La realidad es que la incineración consume de 3-5 veces más energía que compostar, reusar y reciclar. Los proponentes de este proyecto lo llaman una planta "Waste to Energy" pero científicamente hablando la incineración es un "Waste of Energy".

No es cierto que con los incineradores resolvamos el problema de la basura. Todo lo contrario, los incineradores crean más basura (Si se suma la cantidad de gases y participado que los incineradores emiten a la atmosfera y la cantidad de cenizas esto es mayor que la cantidad de basura que entro al incinerador).

Actualmente estamos viendo y sufriendo los efectos del calentamiento global. Esto en dólares y centavos tiene un efecto negativo y en muchas ocasiones devastadores. No es casualidad que el tornado más poderoso que ha sufrido los Estados Unidos (que haya sido registrado) haya ocurrido en este siglo. No es casualidad que estemos sufriendo una sequía que de prolongarse se convertiría en la sequía más fuerte que ha sufrido Puerto Rico. No es casualidad que el fuego forestar más grande que haya ocurrido en Puerto Rico, haya ocurrido en este mes. No es casualidad que el número de huracanes de categoría 4 y 5 hayan aumentado en los últimos 35 años. No es casualidad que en el 2006 se haya reportado un nuevo record en los fuegos forestares en los Estados Unidos. No es casualidad... y tenemos que hacer algo para detener esto.

Es por esto que el Comité de Salud Pública y Ambiental de Colegio de Medico-Cirujanos de Puerto Rico no recomienda que se apoye la construcción de esta ni ninguna planta incineradora bajo la falsa premisa de "Waste to Energy". Entendemos que sería un golpe a la salud pública de Arecibo y es un mal negocio para Puerto Rico.

Sometido hoy 20 de agosto de 2015



Dr. Obed Garcia Acevedo, MD

Presidente Comité de Salud Pública y Ambiental

CMCPR.

email: [ogarcia.md92@gmail.com](mailto:ogarcia.md92@gmail.com)

tel: 787-597-1167.

# CLIMATE CHANGE AND PRESIDENT OBAMA'S ACTION PLAN

THE UNITED STATES IS LEADING GLOBAL EFFORTS TO ADDRESS THE THREAT OF CLIMATE CHANGE. PRESIDENT OBAMA IS TAKING THE BIGGEST STEP YET TO COMBAT CLIMATE CHANGE BY FINALIZING AMERICA'S CLEAN POWER PLAN, WHICH SETS THE FIRST-EVER CARBON POLLUTION STANDARDS FOR POWER PLANTS.



**CLEAN POWER PLAN** IMPACTS AND REGULATIONS CLEAN POWER PLAN PREPARING FOR THE IMPACTS LEAD INTERNATIONAL EFFORTS THE LATEST

## THE CLEAN POWER PLAN

The Clean Power Plan sets achievable standards to reduce carbon dioxide emissions by 32 percent from 2005 levels by 2030. By setting these goals and enabling states to create tailored plans to meet them, the Plan will:

### PROTECT THE HEALTH OF AMERICAN FAMILIES. IN 2030, IT WILL:

- Prevent up to 3,600 premature deaths
- Prevent 1,700 non-fatal heart attacks
- Prevent 90,000 asthma attacks in children
- Prevent 300,000 missed workdays and schooldays

### BOOST OUR ECONOMY BY:

- Leading to 30 percent more renewable energy generation in 2030
- Creating tens of thousands of jobs
- Continuing to lower the costs of renewable energy

### SAVE THE AVERAGE AMERICAN FAMILY:

- Nearly \$85 a year on their energy bills in 2030
- Save enough energy to power 30 million homes in 2030
- Save consumers \$155 billion from 2020-2030

LEARN WHAT THE PLAN MEANS FOR YOUR STATE

### WATCH NOW: THE PRESIDENT ON THE CLEAN POWER PLAN



DUE TO CLIMATE CHANGE,  
**THE WEATHER IS GETTING MORE  
 EXTREME**

### TEMPERATURES ARE RISING ACROSS THE U.S.

2014 was the hottest year on record globally, and 2015 is on track to break that record.

**GLOBALLY, THE 10 WARMEST YEARS ON RECORD ALL OCCURRED SINCE 1998.**

SOURCE: NOAA

**FOR THE CONTIGUOUS 48 STATES, 7 OF THE 10 WARMEST YEARS ON RECORD HAVE OCCURRED SINCE 1998.**

SOURCE: NOAA

**EXTREME WEATHER COMES AT A COST  
 CLIMATE AND WEATHER DISASTERS IN 2012 ALONE COST  
 THE AMERICAN ECONOMY MORE THAN \$100 BILLION**

**\$30 BILLION**  
**U.S.**  
**DROUGHT/HEATWAVE**  
 ESTIMATED ACROSS THE U.S.



**\$1 BILLION**  
**WESTERN WILDFIRES**  
 ESTIMATED

**\$65 BILLION**  
**SUPERSTORM SANDY**  
 ESTIMATED



**\$2.3 BILLION**  
**HURRICANE ISAAC**  
 ESTIMATED



**\$11.1 BILLION**  
**COMBINED SEVERE WEATHER**  
ESTIMATED FOR INCIDENTS ACROSS THE U.S.



### THERE ARE ALSO PUBLIC HEALTH THREATS ASSOCIATED WITH EXTREME WEATHER

Children, the elderly, and the poor are most vulnerable to a range of climate-related health effects, including those related to heat stress, air pollution, extreme weather events, and diseases carried by food, water, and insects.



WE CAN CHOOSE TO BELIEVE THAT SUPERSTORM SANDY, AND THE MOST SEVERE DROUGHT IN DECADES, AND THE WORST WILDFIRES SOME STATES HAVE EVER SEEN WERE ALL JUST A FREAK COINCIDENCE. OR WE CAN CHOOSE TO BELIEVE IN THE OVERWHELMING JUDGMENT OF SCIENCE — AND ACT BEFORE IT'S TOO LATE."  
- PRESIDENT OBAMA

SHARE ON FACEBOOK

SHARE ON TWITTER

WE'RE STILL CONTRIBUTING TO THE PROBLEM

## CARBON POLLUTION IS THE BIGGEST DRIVER OF CLIMATE CHANGE

### GLOBAL TEMPERATURES AND CARBON DIOXIDE LEVELS ARE ON THE RISE

The global annual average temperature has increased by more than 1.5 degrees F between 1880 and 2012. This interactive graph from the National Climate Assessment shows the concentration of atmospheric carbon dioxide over the same time period. Climate scientists say we need to avert an additional 2-degree temperature increase to avoid the most catastrophic impacts of climate change.

### U.S. GREENHOUSE GAS POLLUTION INCLUDES:

#### CARBON DIOXIDE (CO2), 82%

Enters the atmosphere through burning fossil fuels (coal, natural gas, and oil), solid waste, trees and wood products, and also as a result of certain chemical reactions (e.g., manufacture of cement).

**FLUORINATED GASES, 3%**

Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are synthetic, powerful greenhouse gases that are emitted from a variety of industrial processes.

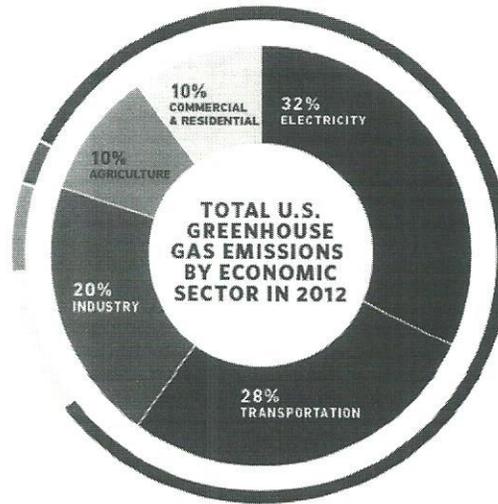
**NITROUS OXIDE (N2O), 6%**

Emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.

**METHANE (CH4), 9%**

Emitted during the production and transport of coal, natural gas, and oil as well as from landfills.

SOURCE: EPA



**WE'VE MADE PROGRESS THANKS TO:**

**STRONGER FUEL ECONOMY STANDARDS**

We set the highest fuel economy standards in American history that will double the efficiency of our cars and trucks by 2025.

**INCREASING CLEAN ENERGY**

Since President Obama took office, the U.S. increased solar generation by more than ten-fold and tripled electricity production from wind power.

**DECREASED CARBON POLLUTION**

In 2012, U.S. greenhouse gas pollution fell to the lowest level in nearly 20 years.

**RENEWABLE ENERGY AND EFFICIENCY TARGETS**

35 states have renewable energy targets in place, and more than 25 have set energy efficiency targets.

**BUT WE HAVE MORE WORK TO DO.**

SHARE ON FACEBOOK

SHARE ON TWITTER

**THE PRESIDENT'S CLEAN POWER PLAN  
REDUCING CARBON POLLUTION FROM POWER PLANTS**

Power plants are the largest major source of emissions in the U.S., together accounting for roughly one-third of all domestic greenhouse gas pollution.

**PROGRESS:**

In September 2013, the Environmental Protection Agency (EPA) announced proposed carbon pollution standards for new power plants.

**PROGRESS:**

In August 2015, President Obama and EPA established the Clean Power Plan — the first-ever carbon pollution standards for existing power plants, which will protect the health of our children and put us on a path toward a 32 percent reduction in carbon pollution by 2030.

**EXPANDING THE CLEAN ENERGY ECONOMY**

Since the President took office, the administration has made the largest investment in clean energy in American history. The Clean Power Plan will lead to 30% more renewable energy generation in 2030.

**PROGRESS:**

Since President Obama took office, the U.S. has increased solar generation by more than twenty-fold and tripled electricity production from wind power.

**PROGRESS:**

Since the President took office, the Department of the Interior has permitted over 50 wind, solar, and geothermal utility-scale projects on public or tribal lands. The projects could support over 20,000 jobs and generate enough electricity to power 4.8 million homes.

**PROGRESS:**

President Obama has created a new initiative to increase access to solar energy for low- and moderate-income households, and to build a more inclusive workforce.

**PROGRESS:**

Building on our progress in wind and solar, the Administration secured more than \$4 billion in private sector commitments and actions to scale up clean energy innovation and technologies that reduce carbon pollution.

CONTINUING THE MOMENTUM FOR THE FUTURE:

## BUILDING CLEAN ENERGY INFRASTRUCTURE

Heavy-duty vehicles (commercial trucks, vans, and buses) are currently the second largest source of greenhouse gas pollution within the transportation sector.

**PROGRESS:**

In January 2014, President Obama signed a Presidential Memorandum establishing the federal government's first Quadrennial Energy Review (QER) process, with an initial focus on our nation's energy infrastructure.

**PROGRESS:**

In February 2014, President Obama directed EPA and DOT to develop and issue the next phase of heavy-duty vehicle fuel efficiency and greenhouse gas standards. The standards are proposed in March 2015 and finalized in March 2016.

**PROGRESS:**

In 2011, the Administration finalized fuel economy standards for Model Year 2014-2018 for heavy-duty trucks, buses, and vans. This will reduce greenhouse gas emissions by about 270 million metric tons and save 530 million barrels of oil.

**PROGRESS:**

The Administration has already established the toughest fuel economy standards for passenger vehicles in U.S. history. These standards require an average performance equivalent of 54.5 miles per gallon by 2025.

CONTINUING THE MOMENTUM FOR THE FUTURE:

## CUTTING ENERGY WASTE IN HOMES, BUSINESSES, AND FACTORIES

Energy efficiency is one of the clearest and most cost-effective opportunities to save families money, make our businesses more competitive, and reduce greenhouse gas pollution.

**PROGRESS:**

The President's Better Buildings Challenge, enlisted more than 250 partners in cities, states, utilities, manufacturers, school districts, and businesses to improve energy efficiency. Since the program's launch in 2011, partners have saved 94 trillion units of energy and \$840 million.

**PROGRESS:**

In President Obama's first term, DOE and HUD completed efficiency upgrades in nearly two million homes, saving many families more than \$400 on their heating and cooling bills in the first year alone.

**PROGRESS:**

In December 2013, the Department of Agriculture announced it will provide up to \$250 million to help businesses and residential customers in rural areas cut their energy bills through energy efficiency and renewable energy use.

**PROGRESS:**

In 2014, DOE issued nine proposed and 10 final energy conservation standards for appliances and equipment. If finalized and combined with rules already issued, the energy savings will help cut consumers' electricity bills by hundreds of billions of dollars.

CONTINUING THE MOMENTUM FOR THE FUTURE:

## REDUCING OTHER GREENHOUSE GAS EMISSIONS

Hydrofluorocarbons (HFCs) are among the fastest-growing greenhouse gases. Methane, another potent greenhouse gas, accounted for nearly 10% of U.S. greenhouse gas emissions in 2012.

### PROGRESS:

In September 2014, the White House announced new private-sector commitments and executive actions to decrease HFC emissions, reducing the equivalent of 700 million metric tons of carbon emissions globally through 2025.

### PROGRESS:

The Administration has partnered with farmers to cut emissions and increase carbon sequestration in the agricultural and forestry sectors through voluntary and incentive-based measures.

### CONTINUING THE MOMENTUM FOR THE FUTURE:

## FEDERAL LEADERSHIP

Since 2008, federal agencies have reduced greenhouse gas pollution by more than 17 percent — the equivalent of permanently taking 1.8 million cars off the road — and set an aggressive new goal of reducing federal emissions by 40 percent by 2025.

### PROGRESS:

Expanded energy performance contracts from \$2 billion to \$4 billion to provide energy efficiency upgrades for Federal buildings, at no net cost to the taxpayer.

### PROGRESS:

In December 2013, President Obama signed a Presidential Memorandum directing the federal government to buy at least 20% of its electricity from renewable sources by 2020.

### CONTINUING THE MOMENTUM FOR THE FUTURE:

EVEN AS WE TAKE NEW STEPS TO REDUCE U.S. GREENHOUSE GAS EMISSIONS, WE MUST ALSO PREPARE FOR THE IMPACTS OF A CHANGING CLIMATE THAT ARE ALREADY BEING FELT ACROSS THE COUNTRY.

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THE PRESIDENT'S PLAN WILL

## PREPARE FOR THE IMPACTS OF CLIMATE CHANGE



...SCIENCE, ACCUMULATED AND REVIEWED OVER DECADES, TELLS US THAT OUR PLANET IS CHANGING IN WAYS THAT WILL HAVE PROFOUND IMPACTS ON ALL OF HUMANKIND... THOSE WHO ARE ALREADY FEELING THE EFFECTS OF CLIMATE CHANGE DON'T HAVE TIME TO DENY IT—THEY'RE BUSY DEALING WITH IT."

- PRESIDENT OBAMA, 2013

READ THE PRESS RELEASE

Moving forward, the Obama Administration will help states, cities, and towns build stronger communities and infrastructure, protect critical sectors of our economy as well as our natural resources, and use sound science to better understand and manage climate impacts.

## ASSESS THE IMPACTS OF CLIMATE CHANGE

### GOALS

Provide an assessment of climate change impacts on the United States that translates scientific insights into practical knowledge that can help decision-makers prepare for specific impacts.

### PROGRESS:

On May 6, the Administration released the Third U.S. National Climate Assessment (NCA), the most authoritative and comprehensive source of scientific information to date about climate change impacts across all U.S. regions and on critical sectors of the economy. The NCA serves as a critical resource for informing climate preparedness and response decisions across the nation.

## SUPPORT CLIMATE-RESILIENT INVESTMENTS

### GOALS

Remove policy barriers, modernize programs, and establish a short-term task force of state, local, and tribal officials to advise on key actions the federal government can take to support local and state efforts to prepare for climate change.

### PROGRESS:

Federal agencies are working to ensure grants, technical assistance, and other programs support smarter, more resilient investments.

### PROGRESS:

The President's State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience, which is made up of 26 Governors, county executives, mayors and tribal leaders, released its recommendation.

## REBUILD AND LEARN FROM SUPERSTORM SANDY

### GOALS

Pilot innovative strategies in the Superstorm Sandy-affected region to strengthen communities against future extreme weather and other climate impacts and update flood risk reduction standards for all federally funded projects.

### PROGRESS:

From HUD grants and DOT funding for resilient transit systems to a DOI competition for support for coastal resilience projects, over \$10B in Sandy recovery funds is being used to increase resilience.

### PROGRESS:

In August 2013, the Hurricane Sandy Task Force delivered a rebuilding strategy that is serving as a model for communities across the nation.

## LAUNCH AN EFFORT TO CREATE SUSTAINABLE AND RESILIENT HOSPITALS

### GOALS

Establish a public-private partnership on increasing resilience of the health care industry.

### PROGRESS:

In December 2014, the Administration released a guide providing best practices for increasing the resilience of health care facilities.

## MAINTAIN AGRICULTURE PRODUCTIVITY

**GOALS**

Deliver tailored, science-based knowledge to farmers, ranchers, and forest landowners to help them understand and prepare for the impacts of climate change.

**PROGRESS:**

USDA established seven new "regional climate hubs" to help farmers and ranchers adapt their operations to a changing climate.

---

**PROVIDE TOOLS FOR CLIMATE RESILIENCE**

**GOALS**

Include existing and newly developed climate preparedness tools and information that state, local and private-sector leaders need to make smart decisions.

**PROGRESS:**

In March 2014, the Administration launched the Climate Data Initiative, bringing together extensive open government data and innovation competitions to develop data-driven resilience tools for communities.

**PROGRESS:**

In November 2014, the Administration released the Climate Resilience Toolkit to provide easy, intuitive access to federal tools that can help planners and decision makers conduct their work in the context of a changing climate.

---

**REDUCE RISK OF DROUGHTS AND WILDFIRES**

**GOALS**

Make it easier for communities to get the assistance they need to adapt to drier conditions.

**PROGRESS:**

Launched the National Drought Resilience Partnership and released the National Wildfire Cohesive Strategy.

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BECAUSE CLIMATE CHANGE SPANS INTERNATIONAL BORDERS, THE PRESIDENT'S PLAN WILL ALSO

**LEAD INTERNATIONAL EFFORTS TO ADDRESS GLOBAL CLIMATE CHANGE**

America will continue to take on a leadership role in engaging the world's major economies to advance key climate priorities and in galvanizing global action through international climate negotiations. The plan will:

**WORK WITH OTHER COUNTRIES TO TAKE ACTION TO ADDRESS CLIMATE CHANGE**

**LEAD PUBLIC SECTOR FINANCING TOWARD CLEANER ENERGY**

**PROGRESS:**

The President put forth an initiative to end public financing for new coal-fired power plants overseas, except in rare circumstances. Following the lead of the U.S., other nations—including the U.K., the Netherlands, and the Nordic countries—have joined the initiative.

## BILAT COOPERATION WITH MAJOR ECONOMIES

### PROGRESS:

We are making progress with key partners on issues such as renewably energy deployment, hydrofluorocarbon (HFC) emissions, vehicle emissions standards, energy efficiency, and clean energy initiatives.

## EXPAND CLEAN ENERGY USE AND CUT ENERGY WASTE

### PROGRESS:

Facilitating the transition to a global clean energy economy, the U.S. Department of Energy is leading the Clean Energy Ministerial, a high-level global forum that promotes policies and programs aimed at scaling up energy efficiency and clean energy.

## COMBAT SHORT-LIVED CLIMATE POLLUTANTS

### PROGRESS:

Building on the breakthrough June 2013 agreement on hydrofluorocarbons (HFCs) by President Obama and China's President Xi, G-20 leaders in September 2013 expressed support for using the expertise and institutions of the Montreal Protocol to phase down HFCs.

### PROGRESS:

The U.S. continues to spearhead the Climate and Clean Air Coalition which has expanded to more than 100 partners, including 46 countries. The Coalition is implementing ten initiatives to reduce emissions of methane, HFCs, and black carbon.

## REDUCE EMISSIONS FROM DEFORESTATION AND FOREST DEGRADATION

### PROGRESS:

In November 2013, the U.S., Norway, and the U.K. launched a public-private partnership to support forests in developing countries, with the goal of reducing emissions from deforestation and promoting sustainable agriculture. The initiative has identified its first four priority countries and begun initial work.

## NEGOTIATE GLOBAL FREE TRADE IN ENVIRONMENTAL GOODS AND SERVICES

### PROGRESS:

In July 2014, the U.S. and 13 other WTO members, representing 86% of global trade in environmental goods, launched negotiations on the Environmental Goods Agreement (EGA) to achieve global free trade in clean technologies.

## ENHANCE MULTILATERAL ENGAGEMENT WITH MAJOR ECONOMIES

### PROGRESS:

The United States continues to play an active role in shaping the design of a new global climate agreement due in 2015, including through our chairmanship of the major economies forum on energy and climate.

## MOBILIZE CLIMATE FINANCE

### PROGRESS:

In November 2014, the President announced the U.S.'s intention to contribute \$3 billion to the Green Climate Fund to cut carbon pollution and strengthen developing countries' resilience. This helped increase the number and ambition of other countries' contributions, and our leadership helped propel the fund's initial capitalization over \$10 billion.

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Coalición de Organizaciones Anti-Incineración  
PMB 74 HC-01 Box 29030  
Caguas, PR 00725

August 20, 2015

**COALITION OPPOSES FEDERAL LOAN FOR ENERGY ANSWERS MEGA  
INCINERATOR: "it's based on deceit, they won't be able to pay"**

At the US Department of Agriculture's public hearing on August 20th at the Arecibo Country Club in Arecibo, PR, the Coalition of Anti-Incineration Organizations (COAI, Coalición de Organizaciones Anti-Incineración) opposed a possible multi-million dollar loan to build a mega incinerator.

"You would think that the USDA would be supporting self sustainability in our agriculture production, but they are considering extending financing to a company that puts our dairy industry at risk, says Dr. González, a member of the COAI. "The toxic elements that can contaminate our cattle and their dairy products will put an end to the few agricultural industries we have left. Once these products are contaminated, over 20,000 dairy industry workers will be out of jobs," he finished.

According to Myrna Conty, the Coalition's coordinator, "Energy Answers has been saying for a long time that their financing was private. Now it turns out that they want to use public funds. Furthermore, these loans are designed for electrical infrastructure in isolated rural areas. The proposed incinerator would be less than 2 miles from Arecibo's city center. How does this even qualify?", she asked. "Something's not right."

She stated, "The mayors have said they won't take waste to burn there, so the contract that Energy Answers has because of its lobbyists with Puerto Rico's Solid Waste Management Authority to force the municipalities isn't

even worth the paper it's printed on. This corporation won't have material to burn and won't be able to pay off the loan. If the USDA hasn't realized that yet, it's not even protecting its own budget."

CONTACT: Myrna Conty 787-360-6358

Angel González 787-233-6316



# Colegio de Médicos Cirujanos de Puerto Rico

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Víctor M. Ramos Otero, MD, MBA  
Presidente

## **Ponencia Sobre Oposición del Colegio de Médicos al Incinerador propuesto para Arecibo**

Deponente: COLEGIO DE MÉDICOS CIRUJANOS DE PUERTO RICO  
Dr. Víctor Ramos Otero, Presidente del Colegio

Fecha: 20 de agosto de 2015

Muchas gracias por permitir al Colegio de Médicos Cirujanos de Puerto Rico expresarse en cuanto a este proyecto. El Colegio, única institución representativa de sobre diez mil médicos de Puerto Rico, tiene el ineludible deber de comparecer y expresar su opinión sobre éste y cualquier otro proyecto que ponga en riesgo la salud y la vida del Pueblo que en última instancia representa nuestra razón propia razón de ser. El Pueblo es nuestro paciente y parte fundamental del esencial binomio que conforma la relación más significativa de nuestra sociedad; la relación médico-paciente.

El comparecer ante este foro también configura el cumplimiento del Colegio con su obligación legal de cooperar con el Estado en todo lo relacionado a los asuntos de salud del Pueblo. Nuestra propia ley habilitadora, Ley 77 de 13 de agosto de 1994, según enmendada, así lo mandata.

El Colegio es el resultado de una disposición estatutaria que nos impone el deber de cooperar con los gobiernos municipales, estatales y federales, y sus agencias, instrumentalidades públicas y organismos reguladores, en el diseño y la implantación de la política pública sobre la salud en Puerto Rico.

Los médicos de Puerto Rico siempre hemos promovido un proyecto de política ambiental que atienda el problema de los desperdicios públicos desde perspectivas que cuiden y protejan la salud de nuestro pueblo como una prioridad. Desde el Comité de Salud Ambiental, el Colegio de Médicos ha defendido la postura de que el problema de los desperdicios sólidos en nuestro país debe ser atendido mediante esfuerzos que integren actividades educativas, técnicas, operativas y administrativas. Esto se logra implementando en las comunidades, programas de educación ambiental como un proceso que permita a las personas y a la comunidad, comprender su interdependencia con su entorno y los riesgos a la salud.

La alternativa no es incinerar la salud de nuestro pueblo. Se deben evaluar, planificar e implementar estrategias para un manejo efectivo de los residuos sólidos, incentivar la industria del reciclaje, promover programas de educación ambiental, y en vez de invertir recursos públicos en empresas incineradoras, debemos invertir en coaliciones con organizaciones ambientales y comunitarias, reconocidas por su compromiso con los recursos naturales y la salud ambiental.

El Colegio de Médicos se ha opuesto a este proyecto desde su inicio irregular y reiteradamente hemos denunciado los procesos torpes seguidos para la concesión de sus permisos. Nuestra posición es la misma asumida por el pasado Secretario de Justicia, Luis Sánchez Betances, cuando reconoció nulos los convenios iniciales de Energy Answer con la Autoridad de Desperdicios Sólidos. Mi abuelo decía: “Mal acaba quien mal empieza”.

Como médicos evaluamos los asuntos relacionados a la disposición de desperdicios sólidos como parte inherente de lo que debe ser una política de Salud Ambiental. El manejo de los residuos sólidos tiene que ser evaluado para determinar la incidencia de problemas de salud de las personas que están relacionadas con los diferentes procesos desde el recogido hasta las actividades de reciclajes, así como los riesgos de salud para las comunidades.

En este contexto, son varios los problemas de salud que originan los residuos sólidos cuya gestión no es correcta desde el punto de vista médico. Entre otros, puede mencionarse problemas gastrointestinales por la contaminación de las aguas y afecciones en el sistema respiratorio de las comunidades que se exponen a la contaminación atmosférica causada por incineradoras como la que se propone. En el caso de nuestro pueblo el efecto de una incineradora sobre el ambiente es particularmente preocupante. En Puerto Rico el Asma es una condición muy prevalente. El 36% de los padres informó que un médico alguna vez había diagnosticado asma en sus hijos. En los adultos, se estima que 16% de los puertorriqueños padece de asma. Más aun la morbilidad de asma es muy alta, con 7% de los niños ausentándose de la escuela al menos un día al mes por asma. Somos el quinto país en el mundo con más alta mortalidad por asma.

En el Colegio de Médicos no estamos especulando sobre el efecto que la incineradora propuesta tendría sobre la salud de nuestro pueblo. Como institución cimentada en la ciencia nos dimos a la tarea de consultar y traer a la atención de nuestro pueblo a las personas que más han estudiado y

conocen el tema del impacto de las incineradoras en la salud, como el experto Paul Connett.

En su presentación el Prof. Connett aclaró que la incineradora propuesta va a generar un vertedero, pero, en su caso, de ceniza. Por cada 4 toneladas de basura quemada se genera 1 de ceniza que esta incineradora pretende llevar a nuestros vertederos. Y esta ceniza es altamente tóxica, lo que abre la posibilidad de que se contamine el agua que consumimos. Este proyecto convertirá basura en contaminantes y riesgos para la salud de nuestro pueblo.

También expresó que las emisiones de aire que salen de un incinerador son el peligro más alarmante, ya que cargan con agentes altamente tóxicos y solo son reguladas por la EPA de forma parcial. Estas emisiones cargan con CO<sub>2</sub>, gases ácidos y con nanopartículas que son diminutas y están compuestas de metales pesados como Mercurio, Plomo, Arsénico, Cadmio, Cromo, Mercurio, entre otros, además de dioxinas y furanos. Ninguno de estos elementos o compuestos químicos son favorables para el ambiente ni para la salud: el CO<sub>2</sub> incrementa el calentamiento global, los gases ácidos crean lluvia ácida y las nanopartículas son cancerígenas. Junto a la incineración de la basura, esta empresa va a incinerar nuestro suelo, aire, agua y salud. No importa que tanta energía genere, nada va a compensar los daños a nuestra integridad y vida.

Estas nanopartículas pueden permanecer largo tiempo en el aire y viajar largas distancias afectando a personas que residan en otros pueblos que no





Commonwealth of Puerto Rico  
Autonomous Municipality of Guaynabo

---

*Héctor O'Neill García*  
Mayor

August 20, 2015

USDA/RUS  
1400 Independence Ave. SW.  
Room 2244-S, Stop 1571  
Washington, DC 20250 - 1571

**RE: GENERATION PLANT FOR RENEWABLE ENERGY AND RECOVERY OF  
RESOURCES, ARECIBO, PUERTO RICO**

Dear Ms. Strength:

The autonomous municipality of Guaynabo and its Mayor, Hon. Héctor O'Neill García appear in this public hearing to submit comments on the draft of the Declaration of environmental impact (DEI) prepared by the Rural Utilities Service (RUS or Rural) for incineration and energy recovery project proposed by Energy Answers in Arecibo, Puerto Rico.

On the basis of the draft of the DEI is one of complexity, in terms of the amount of environmental information that suggests the relevant specialized and technical analysis, and at the same time, needed to be explained to citizens as part of this participatory process from public view, however, the municipality of Guaynabo in review of the document **have objections** to the proposed project.

The following are important arguments on this objection:

➤ **Impact or violation of the law No. 81 of 1981 – The Autonomous Municipalities of Puerto Rico Law, as amended**

This initiative subject to public hearing clearly represents or in principle it is an effort of marked significance about the violation of the law No. 81 of 1991, better known as the Autonomous Municipalities of Puerto Rico Law, as amended.

Since 1991, with the approval of the mentioned law, was recognized the need for the decentralization of different processes, procedures, and services offered by the State to achieve greater accessibility and effectiveness in the provision of the same to the citizens of the country through their local governments. This law meant the tool and opportunity to get each and every required and necessary service in a local, proactive and effective manner, given the difficulty of handling and effective administration of the Central Government.

Related to the environmental project that concerns us (incinerator), is worth mentioning that at present, the autonomous municipality of Guaynabo is considered the municipality of greater and outstanding execution around the provisions of different laws in Puerto Rico for the treatment, disposal and management of solid waste and its related activities. The responsibility and commitment of our Municipal Administration has been the "forger" of these momentous achievements, offering a service of excellence to our citizens through the recycling program, our municipality being awarded by the Environmental Protection Agency, (EPA), which reaffirms the proactivity and full effectiveness of the municipality, which has now accomplished the collected and handling more than 46.0% of recyclable materials.

And after several years, reliable commitment of our management in its environmental "work" may be interrupted in their following strategies and expectations on the provision, management, etc. According to the agenda and scope of the project of such incineration plant.

Similarly, the negative impact of this initiative do not contemplate efforts that pursue large number of municipalities and/or are part of its administrative programming in such environmental issues, and instead, may begin to experience an incremental costs, according to the following:

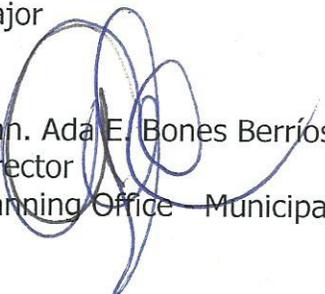
- (1) Economic impact to the municipalities to transport and dispose of their municipal waste to the project at Arecibo.
- (2) The immediate impact to the municipal budget for the costs of transportation and disposal, which may limit the provision of municipal services, as well as its short and medium-term programming.
- (3) Such costs would be damaging, untenable and unacceptable for the municipalities since they would jeopardize the municipal jobs and services that as a municipality we offer our people, particularly the most disadvantaged citizens.
- (4) This project promotes establishing a monopoly to the detriment of the public interest and in violation of existing contractual obligations on the handling, transportation and disposal of our municipal waste, to not recognizes the adverse impact that could represent investment municipal projects and private (made in process or in the future) in each of the municipalities of Puerto Rico.

According to the above, this municipality as autonomous municipality, under the laws of Puerto Rico, expresses that Has objection, reaffirming its jurisdiction and

power to determine public policies and provisions on the handling and disposal of waste solids and related, in that they can be materialized through strategies, programs, and municipal actions that are suitable to the municipality, as well as the environmental public policy of the country.

Cordially;

Héctor O'Neill Garcia  
Major



Plan. Ada E. Bones Berríos  
Director  
Planning Office - Municipality of Guaynabo

Municipio Autónomo de Mayagüez

Oficina de Asuntos Legales

Apartado 447

Mayagüez, Puerto Rico 00681

El Lic. Gregorio Manuel Suárez Igartua comparece en representación del Municipio Autónomo de Mayagüez, Puerto Rico y de su Alcalde el Honorable José Guillermo Rodríguez Rodríguez.

Es de todos conocido que la “Corporación Energy Answers , LL.C” pretende construir en Arecibo, Puerto Rico una planta procesadora de desperdicios sólidos y producción de energía mediante la incineración. También es un hecho conocido que Rural Utility Service or Rural Development como Agencia Federal se propone financiar el proyecto de la planta procesadora de energía y de desperdicios sólidos mediante la incineración. La financiación del proyecto se pretende hacer mediante un préstamo en el que la Corporación Energy Answers, LL.C pretende dar como garantía los fondos que va a obtener de los municipios según el contrato firmado entre la Autoridad de Desperdicios Sólidos y la Corporación Energy Answers, LL.C

El Municipio Autónomo de Mayagüez, Puerto Rico presenta su más férrea y ferviente oposición al proyecto y a la propuesta de financiación por los siguientes fundamentos:

1. El Contrato entre la A.D.S. y la Corporación Energy Answers, LL.C es nulo por los siguientes fundamentos:

1.A. La A.D.S. comparece en el contrato vinculando a los municipios sin que éstos sean partes del contrato. Esto viola el Artículo 1213 del Código Civil de Puerto Rico de 1930 que establece que para que exista un contrato tiene que concurrir el consentimiento de los contratantes. Y el Artículo 1211 del Código Civil de 1930 establece que ninguno puede contratar a nombre de otro sin estar por éste autorizado o sin que tenga por la ley su representación legal. Además establece que el contrato celebrado a nombre de otro por quién no tenga su autorización o representación legal será nulo. También el Municipio de Mayagüez, Puerto Rico entiende que se viola el Artículo 1213 del Código Civil de 1930 que establece que todo contrato debe tener la causa de la obligación que se establezca. El Artículo 1227 del Código Civil de 1930 establece que los contratos sin causa , o con causa ilícita, no producen efecto alguno. Es ilícita la causa cuando se opone a las leyes y a la moral. Y en este contrato no hay causa y si la tiene la misma es ilícita por lo tanto el contrato es nulo. La causa es ilícita cuando se trata

de una lesión a un interés general de orden jurídico o moral por lo que los contratos de esta naturaleza no producen efecto alguno. Véase. Véase, De Jesús v. Autoridad de Carreteras, 148 D.P.R. 255 (1999).

Entendemos que el Contrato es uno ilegal ya que obliga a los municipios a llevar todos los desperdicios sólidos a Arecibo, P.R., pagar un: “tipping fee” de \$ 36.05 a la Corporación Energy Answers LL.C ( “tipping fee”) que ningún municipio paga actualmente) y el Municipio de Mayagüez, Puerto Rico estará obligado a pagar el costoso acarreo de Mayagüez, P.R. a Arecibo, P.R. de dichos desperdicios sólidos.

1.B El contrato también implica que se estarían obligando partidas presupuestarias y disponiéndose de fondos municipales sin la formalización de un contrato a tenor con las normas del contralor y la doctrina que surge de la jurisprudencia del Tribunal Supremo de Puerto Rico sobre la contratación gubernamental la cual exige que toda disposición de fondos públicos desde el punto de vista legal tiene que cumplir con una formalidad legal desde el punto de vista contractual. Ley Orgánica de la Oficina del Contralor Núm. 18 de 30 de octubre de 1975, según enmendada, por la Ley Número 237 de 31 de agosto de 2004.

El contrato también implica que si el municipio no supe la cantidad de toneladas que se comprometía a someter a la

Corporación Energy Answers LL.C, deberá pagar la diferencia de la ausencia en toneladas a base de \$ 36.05 la tonelada. Esto implica que se estaría pagando por un servicio no rendido. Esto viola la Ley para establecer parámetros uniformes en los procesos de contratación de servicios profesionales o consultivos para las agencias y entidades gubernamentales Ley Número 237 de 31 de agosto de 2004: Artículo 3ª A que establece que todo contrato deberá ser prospectivo, formalizarse por escrito, indicar forma precisa y detallada cuáles son los servicios u obligaciones que se requieren por el gobierno, establecer la cuantía máxima a pagarse y únicamente pagar por servicios rendidos. Véase, Carta Circular del Contralor Núm. OC-15-13 de 16 de diciembre de 2014.

1.D Otro fundamento para la objeción de este contrato es que existe una ley que regula específicamente la disposición de desperdicios sólidos la cual confiere plena autoridad a los municipios que es la Ley de Municipios Autónomos Número 81 de 30 de agosto de 1991, según enmendada, 21 L.P.R.A. Sec. 4001, y ss. Sec. 4054 (a).

1.E El Contrato entre la A.D.S. y la Corporación Energy Answers LL.C presenta un problema de menoscabo de relaciones contractuales previas e interfiere entre los términos establecidos con contratos previos entre el Municipio de Mayagüez, P.R. y terceros (los operadores privados) y la

responsabilidad que esto supone para la A.D.S. y los municipios según dispone nuestro ordenamiento jurídico en Puerto Rico y es totalmente inconsistente con la política pública para el manejo de desperdicios sólidos en Puerto Rico. Véase, Constitución de Puerto Rico Artículo II Sección 7: “No se aprobarán leyes que menoscaben las obligaciones contractuales”; Constitución de E.U.A Artículo 1 Sección 10: “aprobará ningún proyecto.....o que menoscabe las obligaciones contractuales”. Por lo que este contrato es contrario a derecho.

1.F Un problema fundamental que presenta el Contrato entre la A.D.S. y la Corporación Energy Answers, LL.C es que provee para que el mismo no entre en vigor hasta que las cantidades de residuos sólidos acordadas sean satisfechas mediante la ejecución de un contrato obligatorio entre los municipios y la Corporación Energy Answers, LL.C por lo que se está obligando a los municipios a contratar cuando no existe consentimiento de estos.

1.G El contrato entre la A.D.S. obliga a los municipios a proveerle diariamente 2,100 toneladas de residuos sólidos a la Corporación Energy Answers , LL.C responsabilizando al municipio del proceso de transportación y entrega de los residuos sólidos a dicha institución privada. Cada municipio vendría obligado a costear de sus fondos, dicha gestión con

dinero de su presupuesto sin estar debidamente ya asignado a esos efectos.

1.H En el contrato entre la A.D.S. y la Corporación Energy Answers, LL.C la A.D.S. se compromete a obligar a los municipios a firmar esos respectivos contratos, disponiéndose a su vez contractualmente que en la eventualidad de que la Corporación Energy Answers, LL.C no logre acuerdo con los municipios que garanticen la entrega de la cantidad de residuo sólido municipal, la A.D.S. deberá promulgar y hacer cumplir órdenes para que la interacción privada en Arecibo, Puerto Rico reciba la cantidad de residuos acordada según dispone el documento, al costo del municipio y de no cubrirla los municipios deberán pagar en efectivo las cantidades adeudadas.

1.I El contrato entre la A.D.S. y la Corporación Energy Answers, LL.C pretende sostener una institución privada con fondos públicos y lamentablemente no son fondos del Gobierno Central sino de los municipios. Esto llevaría a una inevitable quiebra de la mayoría de los municipios en Puerto Rico. Véase la Constitución de P.R. Artículo 6 Sección 9: "Sólo se dispondrá de las propiedades y fondos públicos para fines públicos".

Entonces, el Honorable Luis Sánchez Betances, Ex. Secretario de Justicia, emitió la Opinión del Secretario de Justicia Número 4 de 4 de junio de 2013 en donde concluye que el alegado

contrato es nulo por violar la Ley de Municipios Autónomos Número 81 de 30 de agosto de 1991. (21 L.P.R.A.4001 y ss.) El Ex Secretario de Justicia indicó que el contrato podría provocar un menoscabo de alegaciones contractuales, daños a terceros al interferir con contratos previos y obviamente viola los principios más elementales de contratación ya que está vinculando un municipio contractualmente que no formó parte de dicho vínculo obligacional. A base de esa opinión la A.D.S. determinó el día 6 de junio de 2013 que el contrato con la Corporación Energy Answers, LLC era nulo.

Tal y como surge de la Opinión del Secretario de Justicia Número 4 de 4 de junio de 2013 el contrato concibe ejecución de actuaciones por parte de la A.D.S. que se encuentran fuera de su marco legal de acción para determinar la manera en que los municipios dispondrán de sus desperdicios sólidos.

Lamentablemente, el Tribunal Superior de San Juan, Puerto Rico por voz del Juez Carrasquillo emitió una sentencia declaratoria, la cual raya en lo absurdo, en donde dispuso que el alegado contrato era totalmente válido, por lo que ahora la A.D.S. ha hecho una enmienda del contrato extendiéndolo para su ejecución hasta noviembre de 2020.

Este tipo de contrato según los números estimados le costaría al Municipio de Mayagüez, Puerto Rico sobre 6 Millones de dólares de los E.U.A. anuales adicionales en el procesamiento

de sus desperdicios sólidos. La cantidad es insostenible desde el punto de vista financiero y jurídico.

Igualmente, este contrato está reñido con las legislaciones de política pública del E.L.A. de P.R. ya que el Artículo 5 de la Ley Orgánica de la A.D.S. enumera los poderes y facultades otorgado a la Agencia (12 L.P.R.A. Secciones 1305 (d), (1), (a a), (cc) y (e e). El Artículo 2.005 de la Ley Número 81 de 30 de agosto de 1991, según enmendada, conocida como la Ley de Municipios Autónomos del E.L.A. de P.R. (21 L.P.R.A. Sec. 4055) autoriza a los municipios a reglamentar el manejo de desperdicios sólidos en armonía con la política pública del E.L.A. de P.R. en dicha Ley en ningún lugar dispone que el ejercicio de estas funciones debe ser autorizada por la A.D.S..

La Ley de Municipios Autónomos, supra, fue enmendada por la Ley Número 258 de 7 de septiembre de 2004 que en su Artículo 9 confiere a los municipios un mayor grado de autonomía sobre el manejo de sus residuos sólidos. Por lo que pretende ejercer la A.D.S. con ese contrato es un acto: “ultra vires” ya que no tiene facultad para imponerle esos criterios a los municipios.

Por lo tanto, según los principios básicos de hermeneútica si existe un conflicto irreconciliable entre dos estatutos sobre la misma materia, como existe entre la Ley de la A. D. S. Núm. 70 de 23 de junio de 1978 y la de los Municipios Autónomos,

supra, prevalece la última expresión de la voluntad legislativa que es aprobada con posterioridad. Véase, Guardiola Alvarez v. Departamento de la Familia, 175 D.P.R. 668 (2009) y Opinión del Secretario de Justicia de 1 de septiembre de 2009.

El Tribunal Supremo de Puerto Rico en el Caso Landfill Technologies of Arecibo Corporation v. Gobierno Municipal de Lares, 2013 T.S.P.R. 14 dispuso que los municipios son las entidades jurídicas que tienen control sobre el manejo y disposición de los residuos sólidos municipales, por lo que tienen jerarquía sobre cualquier otra institución del gobierno.

El Tribunal Supremo estableció que los contratos con municipios son contratos con entidades gubernamentales y por ende, sujetos a las exigencias y limitaciones aplicables a contratos con entes públicos. Véase, Hatton v. Municipio de Ponce, 134 D.P.R. 1001 (1994). Igualmente y más importante aún, en Quest Diagnostics v. Municipio de San Juan, 175 D.P.R. 994 (2009) el Tribunal Supremo de Puerto Rico indicó: “mediante estatutos especiales el legislador ha impuesto requisitos y condiciones a la contratación con los municipios. A los contratos con entidades gubernamentales se les examina su validez de acuerdo a los estatutos especiales en lugar de acudir a las teorías generales del contrato”.

En Colón Colón v. Municipio de Arecibo, 170 D.P.R. 718 (2007) se resolvió que para poder desembolsar fondos públicos para el

pago de obligaciones hay que cumplir estrictamente con los procedimientos establecidos por la Ley y la Jurisprudencia interpretativa. Por lo que pretende el contrato entre ADS y Energy Answers, LLC es totalmente ilegal y contrario al ordenamiento jurídico puertorriqueño.

En Hatton v. Municipio de Ponce, 134 D.P.R. 1001 (1994) el Tribunal Supremo señaló: “Los tribunales vienen llamados a velar por las disposiciones legales dirigidas a proteger desembolsos públicos, ya que protegen el interés público y no el de las partes contratantes”.

El contrato también viola la Ley para la Reducción y Reciclaje de Desperdicios Sólidos en Puerto Rico Número 70 de 18 de septiembre de 1992, según enmendada, que establece que será política pública del gobierno de Puerto Rico el desarrollo e implantación de estrategias económicamente viables y ambientalmente seguras que resulten en la disminución del volumen de desperdicios sólidos que requerirán disposición final.

Amerita señalar que este contrato también afecta gravemente la Cláusula de Comercio Interestatal de la Constitución de los Estados Unidos de Norte América ya que violenta el libre flujo de comercio por lo que no permite la libre contratación en una jurisdicción bajo la bandera norteamericana, doctrina que ha sido reiteradamente expuesta por el Tribunal Supremo de los

Estados Unidos de Norte América. Véase, Constitución de los E.U.A. Artículo I Sección 8, Cláusula 3: “El Congreso tendrá facultad para reglamentar el comercio con naciones extranjeras, así como entre los estados y con las tribus indias”.

Igualmente, este contrato viola las Leyes Antimonopolísticas de P.R. y de E.U.A. ya que se está creando un monopolio que obligaría a todos los municipios a utilizar exclusivamente a una empresa conocida como: “Energy Answers, LL.C” la cual tendría el total control de las negociaciones y los aumentos de cuota de disposición de desperdicios sólidos a los municipios. Véase, Ley Antimonopolio de P.R. Núm. 77 de 25 de junio de 1964, s.e. y 15 U.S.C. Sec. 1-7; 15-27.

Advertimos a Rural Utility Service que es la que va a dar el préstamo a Energy Answers, LL.C que los municipios van a radicar demandas impugnando este contrato. Los litigios pueden durar más de cinco o seis años por lo que Rural Utility Service estaría impedido de dar ese tipo de préstamo.

El Municipio de Mayagüez, Puerto Rico bajo ninguna circunstancia le va a dar ni un solo centavo a la Corporación Energy Answers, LL.C por lo que el préstamo se queda sin fondos y la Corporación Energy Answers, LL.C se quedaría sin ningún tipo de capacidad para su financiamiento. El Municipio de Mayagüez, Puerto Rico está claro en que no va a firmar un contrato y que bajo ninguna circunstancia va a aportar fondos

públicos bajo estas circunstancias, y va a ir hasta las últimas consecuencias ante los foros correspondientes para oponerse a ese contrato.

Tél 787-832-1381 (Directo)

Tél 787-265-3636 Ext. 104 (Cuadro Edificio).

Vista: Departamento de Agricultura Federal y Rural Utility Services

Tema: Declaración de Impacto Ambiental Federal de la Incineradora de Arecibo, Puerto Rico.

Fecha: Jueves 20 de agosto de 2015

Hora: 5:00 P.M. a 8:00 P.M.

Lugar: Arecibo Country Club

Teléfono 787-878-0484.

Ref. Ponencia

**From:** [Lourdes Irizarry](#)  
**To:** [McGee Rayburn, Lauren - RD, Barnardsville, NC](#)  
**Subject:** Energy Answers Arecibo, LLC  
**Date:** Monday, August 24, 2015 4:57:18 PM

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Lauren McGee Rayburn,  
USDA  
Environmental Scientist  
[lauren.mcgee@wdc.usda.gov](mailto:lauren.mcgee@wdc.usda.gov)

RE: Energy Answers Arecibo, LLC

I, Lourdes Irizarry resident of Isabela, PR am writing with respect to the abovementioned project seeking funds from the USDA-RD. I am NOT IN FAVOR of said project and have concerns about the damage it will create if built on our island of Puerto Rico, Arecibo, or elsewhere. The idea of creating energy from burning garbage is ironic as it can contaminate the air we breathe, and very possibly vital ground water which our island depends on. I live downwind from Arecibo, and I am very concerned about the small percentage of toxic material they say would be emitted. Regardless how small it is a risk I do not want to have for me or my family. We cannot trust that the EPA will assure compliance to federal regulations as we have the current ongoing issue with many of the islands water treatment plants (PRASA) which have continued in violation even after being fined and given years to correct the violations. The only consequence has been paid for by the island residents whom are now paying the fines through additional charges in our water bill. The incineration facility will produce an enormous amount of ash which is also an environmental concern. According to **Paul Connett, PhD from the GAIA (Global Alliance for incineration alternatives)** “For every four tons of trash burned you get at least one ton of ash: 90% is called bottom ash (that is the ash collected under the furnace) and 10% is the very toxic fly ash”. We are a small island, winds change, as do water currents we cannot allow more toxic material to float around us.

How can the USDA consider this project. Your mission states “helping improve the economy and quality of life in rural America”, this project couldn’t be further from this. The jobs that will be created will not make up for the health risks involved, and the energy the facility is going to generate will not represent any significant price reduction. The residents of Arecibo spoke clearly at the recent public hearings but unfortunately none of the people from Energy Answers spoke or understood Spanish. They clearly are not looking out for the best interest of our residents, only their pockets.

I respectfully ask that the USDA decline and archive the application from Energy Answers.

Lourdes Irizarry  
360 Bajuras  
Isabela, PR 00662  
Tel. (787)645-3275

[Irizarry.lourdes@gmail.com](mailto:Irizarry.lourdes@gmail.com)

**From:** [Jim Crotty](#)  
**To:** [McGee Rayburn, Lauren - RD, Barnardsville, NC](#)  
**Subject:** Public hearing re. Energy Answers WTE incinerator public funding  
**Date:** Monday, August 24, 2015 3:24:18 PM

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Hello Lauren,

The approximately three hour hearing held in Arecibo last Thursday was very disappointing to me as an American citizen. That your agency could hold a public hearing, allegedly to obtain citizens input in order to make an informed decision about the worthiness of funding this private for-profit project, and not hold the proceedings in spanish...makes the hearing a farce. To not send Department employees fluent in spanish, or provide a translator, is an affront to the American citizens who reside in Puerto Rico.

This E.A. WTE project is wrong for Puerto Rico for many reasons: solid waste management-wise, employment development-wise, financially unwise for the municipalities involved, and public and environmental health-wise. Federal funding to make it happen is unwarranted and unwise for the future of Puerto Rico, and would be a waste of this Federal-taxpayer's hard earned tax contributions.

Sincerely,

**Jim Crotty**  
P O Box 2126  
Aguada, PR  
00602

**From:** [Vanessa Cancel](#)  
**To:** [McGee Rayburn, Lauren - RD, Barnardsville, NC](#)  
**Subject:** FW: Resolución primavera 2014-2015  
**Date:** Monday, August 24, 2015 8:54:24 AM  
**Attachments:** [Resolucion de Primavera 2014-2015.pdf](#)

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Buenos dias

Adjunto resolución de Primavera 2014-2015 del CQPR.

Gracias

Vanessa Cancel

-----Original Message-----

From: rebsoler@aol.com [<mailto:rebsoler@aol.com>]  
Sent: Saturday, August 22, 2015 9:53 AM  
To: Vanesa Cancel  
Subject: Resolución primavera 2014-2015

Hola Vanessa

Por favor enviar por email la resolución de primavera 2014-2015 a Rural Utilities Service  
[Lauren.McGee@wdc.usda.gov](mailto:Lauren.McGee@wdc.usda.gov)

Por favor cuando la enojos me copias en el email

Gracias

Sent from my iPhone

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This email has been checked for viruses by Avast antivirus software.  
<http://www.avast.com>

**From:** [Juventud Hostosiana de Arecibo](#)  
**To:** [McGee Rayburn, Lauren - RD, Barnardsville, NC](#)  
**Subject:** Comentarios sobre Borrador DIA  
**Date:** Sunday, August 23, 2015 10:59:50 AM  
**Attachments:** [Ponencia- Evaluacion Borrador DIA \(RUS\).docx](#)

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**From:** [Carlos Gil Navedo](#)  
**To:** [McGee Rayburn, Lauren - RD, Barnardsville, NC](#)  
**Subject:** Written comments about Arecibo Waste to Energy Generation and Resource Recovery Facility in Arecibo, Puerto Rico  
**Date:** Thursday, August 20, 2015 3:32:20 PM  
**Attachments:** [RUSAreciboDraftEIS\\_July2015\\_Span.pdf](#)

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Please, find in the attached copy my comments in relation to the above subject. They are shown within a comments window along the document.

Respectfully;

Carlos A. Gil Navedo, PE

**From:** [Carlos E. Pacheco](#)  
**To:** [McGee Rayburn, Lauren - RD, Barnardsville, NC](#)  
**Subject:** Ponencia COMT  
**Date:** Thursday, August 20, 2015 9:43:21 AM  
**Attachments:** [Ponencia Incinerador Arecibo- COMPT.pdf](#)

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Hi Ms. Lauren:

We are an agriculture cooperative and very concerned with Energy Answers project. This is our statement and hope you can forward our concerns.

Thanks,

Carlos E. Pacheco P.E.

President,

Cooperativa Orgánica Madre Tierra