



VIA EMAIL: Regan.Michael@epa.gov

September 28, 2022

Michael Regan
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

I write you in my capacity of Chairman of the Puerto Rico Emergency Operations Center (PRBEOC). Our organization was organized in the aftermath of Hurricane María's impact on Puerto Rico and is a private not for profit organization following FEMA's response structure. Our mission is to represent the private sector needs in the aftermath of any natural disaster.

On September 17, 2022, the entire territory of Puerto Rico, including Vieques and Culebra, were impacted by the Hurricane Fiona, with rains events up to 23 inches causing catastrophic floods, intakes of potable filtration plants were blocked with debris, 76% of clients were without water service and 100% of Puerto Rico was in Power Black-Out. As of today, September 23, 2022, the company LUMA, responsible for managing the electrical distribution system of Puerto Rico has barely been able to reestablish the electrical service to less than 33% of the population throughout Puerto Rico, sometimes intermittent electricity service or unsafe low voltage is supplied. They are not specific towns affected since all of them are affected. The situation is impacting hospitals, aging centers and critical infrastructure and manufacturing. Throughout the year Puerto Rico suffered several blackouts events that lasted several days as well. As a consequence, the emergency generators were used more than 24 hours this week, which is what is typically considered as monthly emergency use for the purposes of the 500-hour permit limit based on EPA White Paper - Potential to Emit of Emergency Generators.

On September 17, 2022 the Governor of Puerto Rico, Hon. Pedro Pierluisi, signed an Executive Order 2022-045 declaring an State of Emergency throughout Puerto Rico due to emergency conditions resulting from Hurricane Fiona, asking agencies to take action to facilitate the emergency response; on September 18, 2022, the President Joseph R. Biden Jr approved Puerto Rico Emergency Declaration HQ-22-119 beginning on September 17, 2022, and on September 22, 2022 the president signed a Major Disaster Declaration for Puerto Rico, HQ-22-123. On September 18 of 2022 the Department of Natural and Environmental Resources issued the Administrative Order Number 2022-13 that included in the article 11 a No Action Assurance regarding the extended use of emergency generators in case they exceed the permit limits that ends by October 15 of 2022. In Puerto Rico

Due to the extraordinary circumstances caused by the passage of Hurricane Fiona, we are requesting a "No Action Assurance" for the entire federally regulated community regarding the extended use of permitted emergency generators for all the sources as described below:

Sources with Title V Permit Conditions Limiting the Hours of Fuel Consumption for Emergency Use

1. Request to EPA to exercise enforcement discretion and issue a "No Action Assurance" against emission sources that because of the emergency exceed the permitted hours of operation or fuel consumption or emission limits established under Puerto Rico's RCAP and incorporated into the facility's Title V permit;

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2. and/or engine operating hours limits established under 40 CFR60.4211(f), 60.4243(d) or 63.6640(f); and
 3. emergency generators classified as insignificant units exceeding the 500 hours.

Sources with Minor Source Permits Exceeding Potential to Emit and/or Major Source Thresholds

4. EPA is requested to use its discretion to declare "No Action Assurance" against sources with minor or minor synthetic source permits that exceed their Potential to Emit and/or the Major Source threshold, so that the documented hours of emergency use covered under the term of such declaration not be accounted for the Potential to Emit analysis, although if they are reported.

New Stationary Sources- Emergency Generators

5. We are requesting a waiver to operate without an approved permit or "No Action Assurance" for emergency generator installations that in the middle of the hurricane period have become a new stationary source and file a permit application according to applicable requirements withing 30 days.

General


6. It is requested that the NAA be extended from September 17 to October 15, 2022.

The community in general will benefit by maintaining their jobs, their income, the hospitals will be able to continue operating, energize the pump stations and drinking water filtration plants and facilitate the reestablishment of service to the residential sector that has been without water and power since September 17, 2022. This situation caused several deaths, a public health risk and deterioration of the quality of life of people already emotionally affected with this emergency event, they need the restoration of the lost electrical service.

Through the issuance of the NAA the EPA will help address the very difficult circumstances caused by the Hurricane Fiona suffering the people of Puerto Rico. Thank you for EPA's support in the initial, and in advance, for your consideration of this important request.

If you have any questions, please contact me at your convenience at ecz@eczgroup.com.

Cordially,



Emilio Colón-Zavala, PE
Chairman
Puerto Rico Business Emergency Operations Center

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