

(Translation)

Commonwealth of Puerto Rico
Environmental Quality Board

AG-AFR-idn
JUN 11 1993

Mr. Pedro L. Ruberté
Acting Assistant Secretary
Flood Control Area
Department of Natural Resources
Box 5887
Puerta de Tierra, PR 00906

Re: Water Quality Certificate
Flood Control
Río Puerto Nuevo
San Juan, PR

Dear Mr. Ruberté:

We have received and evaluated the above referenced application for a Water Quality Certificate for a Corps of Engineers Permit for the channelization of the Puerto Nuevo River and its five tributary streams: Quebrada Margarita, Josefina, Doña Ana, Buena Vista and Guaracanal. The proposed works include channelization and improvement to existing channels along some 17.9 kilometers of the Puerto Nuevo River and tributaries. The project includes the following:

a. Puerto Nuevo River (main channel). Channelization of 10.4 kilometers, from its mouth at San Juan Bay up to Avenida Winston Churchill in El Señorial. Works include 2.7 km of bulkhead construction on a trapezoidal channel and 7.7 kilometers of concrete channel. Along this channel there will be two energy-dissipating structures, two high-velocity channel junctions, and in the upper watershed, two sediment basins with lateral spillways.

b. Quebrada Margarita. Improvements to this stream will include widening of the existing stream along 2.8 kilometers, of which 1.1 km will consist of a rectangular concrete channel and 1.6 km will consist of trapezoidal earthen channel.

c. Quebrada Josefina. Improvements consist of an earthen channel 2.3 km long from its mouth at the Puerto Nuevo river, upstream to the vicinity of Veterans Hospital.

d. Quebrada Doña Ana. This stream will also be channeled in concrete for 1.0 kilometer.

e. Quebrada Buena Vista. In the case of this stream, it will be re-routed through a concrete channel 1.2 km long, which

will cross undeveloped lands near the Experiment Station and proposed Botanical Garden. Improvements include a high velocity junction with the main channel.

f. Quebrada Guaracanal. In this section a rectangular concrete channel is proposed, 819 feet long. There will be a sediment basin of 6.5 acres, with a 150-foot long lateral spillway.

The proposed improvements will require the excavation of approximately 6.5 million cubic yards of material. It is expected that 2.8 million cubic yards of material from the main channel and 0.7 million cubic yards from the Quebrada Margarita channel will be deposited offshore in the sea. The remaining 3 million cubic yards of excavated material will be deposited in designated land areas. Two such areas have been indicated, one along the Puerto Nuevo River and one along Quebrada Margarita

The proposed channel improvement works require replacement of 17 bridges, modifications to 8 and construction of 5 new bridges (including two new pedestrian bridges).

The bridges to be replaced are: Roosevelt Avenue, Notre Dame Avenue bridge, PR 176 bridge, Avenida Piñeiro bridge, Andalucía Avenue bridge, Josefina pedestrian bridge, Ave. Americo Miranda bridge (over Quebrada Josefina), and bridges on the following streets: 31 SE, 21 SE, 9th SE and 54 SE, second Ave. Américo Miranda bridge (over Quebrada Doña Ana), bridges on streets 29 SE and 21 SE, bridge on street 4 and bridge on PR 21

The mitigation plan for the environmental impact of the proposed works includes planting mangroves along the lower Río Puerto Nuevo, designation of the Constitution Bridge mangroves as a natural reserve and other activities such as wetland restoration in other areas.

The part of the project that will occur in San Juan Bay is in waters classified SC and the rest of the project is in waters classified SD by the Water Quality Standards Regulation.

In conformity with Section 401 (a) (1) of the Federal Clean Water Act (the Law), after due consideration of effluent limitation or standards established under Sections 301, 302, 303, 306, and 307 of the Law, if any, and after taking into consideration the applicable classification and standards that regulate water quality in Puerto Rico, it is certified that there is a reasonable certainty, as determined by the Environmental Quality Board, that the permitted project will not violate applicable water quality standards if the limits cited in Table A-1 are complied with. The conditions specified in the abovementioned table must be incorporated in the federal permit to satisfy the provisions of Section 401 (d) of the Law.

This Certificate applies only to the effects that this activity might have on the quality of waters as defined by regulations, and not to ecological, biological or environmental effects incurred as a result of the project. This Board reserves the right to comment at any future date on any other environmental aspect of the project.

(signed)

Francisco Martín-Caso
Associate Member

Fernanda Roman
Vice President

Hector Russe Martínez
President

cc: Mr. Carmelo Caez

Special Conditions

1. The Environmental Quality Board (EQB), on issuance of this Water Quality Certificate (WQC), does not relieve the applicant, the Department of Natural Resources, of its responsibility for obtaining additional permits and/or authorizations from EQB, as may be required by law. The issuance of the WQC may not be considered as an authorization to carry out any activity that is not specifically covered in the WQC.
2. The Department of Natural Resources must implement the proposed Mitigation Plan.
3. The Department of Natural Resources must comply with the above Special Condition. If it does not, the WQC issued by EQB shall be immediately nullified.



**ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DE LA GOBERNADORA
JUNTA DE CALIDAD AMBIENTAL**

6 de abril de 2001

DADA 1687-01

**SR. JAMES C. DUCK
JEFE
DIVISION DE PLANIFICACION
DEPARTAMENTO DE LA DEFENSA
CUERPO DE INGENIEROS DE LOS ESTADOS UNIDOS
AVE. PONCE DE LEON #400
SAN JUAN, PUERTO RICO 00901-3299**

**Asunto: DN 01-0644 (ARMY)
PROYECTO CONTROL DE INUNDACIONES
CANAL PUERTO NUEVO/AREA INDUSTRIAL BECHARA
SAN JUAN / GUAYNABO, PUERTO RICO**

Estimado señor Duck:

La Junta de Calidad Ambiental ha analizado el documento ambiental sometido para el proyecto de referencia. El mismo consiste en la realización de labores de limpieza, excavación, instalación de pilotes entre otros como parte de las labores remediativas para controlar las inundaciones en el área.

Entendemos que al presentar el mismo su instrumentalidad ha cumplido con la fase de evaluar el posible impacto ambiental de la acción propuesta, de acuerdo con el Artículo 4(c) de la Ley Sobre Política Pública Ambiental, Ley Número 9 del 18 de junio de 1970, según enmendada. No obstante, para una mejor realización de la acción propuesta esta Junta emite las siguientes recomendaciones:

1. Previo a dar comienzo a la construcción o efectuar algún movimiento de tierra, deben obtener de esta Junta los siguientes permisos:
 - a. Permiso de Fuente de Emisión (PFE) para el polvo fugitivo durante la fase de construcción.
 - b. Para realizar una Actividad Generante de Desperdicios Sólidos (Formulario DS-3).
 - c. Permiso para el Control de la Erosión y Prevención de la Sedimentación.
2. De tener alguna descarga de escorrentía a cualquier cuerpo de agua durante la construcción, deberán consultar con la Agencia Federal de Protección Ambiental para determinar si dicha descarga requiere un permiso "NPDES" de acuerdo al Código Federal de Reglamentación Número 40, Sección 122.26 (b) (14) (x).

PÁGINA 2

Sr. James C. Duck

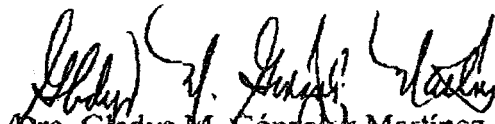
DN-01-0644 (ARMY)

6 de abril de 2001

3. Durante la fase de construcción, deberán tomar las medidas necesarias para evitar que residuos de sustancias orgánicas e inorgánicas tales como: aceites, combustibles u otras sustancias químicas, puedan ser arrastradas por la escorrentía y ganen acceso a cualquier cuerpo de agua o al sistema pluvial.
4. La construcción de la estación de bomba deberá cumplir con el requisito de 15 metros de separación de zona de amortiguamiento de cualquier estructura existente o a construirse. La parcela de la estación de bomba deberá estar pavimentada.
5. Para la remoción de los tanques para almacenar combustible deberán obtener los correspondientes permisos del Area de Calidad de Agua de esta Junta.
6. Cumplir con el Reglamento sobre Zonas Susceptibles a Inundaciones (Reglamento Núm.. 13) de la Junta de Planificación.
7. Deberán mantener los camiones de carga que se utilicen para transportar material, desechos de relleno y/o de construcción cubiertos con toldos, mientras estén en movimiento para evitar generación de emisiones de particulado.
8. El almacenaje, manejo y disposición de los desperdicios sólidos a generarse durante la fase de construcción, debe realizarse en conformidad con la reglamentación vigente
9. Durante la fase de construcción del proyecto, se debe cumplir con el Reglamento para el Control de la Contaminación por Ruido, en lo relacionado al nivel de sonido máximo permitido.
10. Cumplir con las recomendaciones y requerimientos de todas las agencias estatales y federales que han sido consultadas respecto al proyecto propuesto.

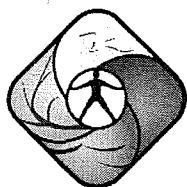
Agradecemos su cooperación por mantener y conservar nuestro ambiente.

Cordialmente,


Dra. Gladys M. González Martínez
Presidenta

DN01-0644(ARMY)-cf-wf

Ag-2005-1-6-a-1



COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD



Water Quality Area

February 3, 2011

Mr. Iván Acosta Vicenty
Chief Special Projects Section, Environmental Branch
Department of the Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

**RE: WATER QUALITY CERTIFICATE
FLOOD CONTROL PROJECT PUERTO NUEVO RIVER
SAN JUAN, PUERTO RICO**

Dear Mr. Acosta:

We have received your letter dated November 23, 2010 in which you requested that we modify, the Water Quality Certificate (WQC) issued by the Environmental Quality Board on June 11, 1993 for the above reference project. The modification requested concerns the limitation for turbidity from 10 NTU to 50 NTU corresponding to the SD water body classification, pursuant the Puerto Rico Water Quality Standard Regulations, as amended.

After an evaluation of your request, we find that this project will impact various water bodies under the SC and SD classifications. Any WQC issued by EQB must comply with the applicable state and federal Rules and Regulations. Such Rules and Regulations impose on EQB the responsibility of establishing, by means of the WQC, the terms and conditions under which the project must take place in order to avoid non-compliance with the applicable water quality standards (WQS) at the receiving water body. Therefore, it is necessary to include in the WQC the more restrictive regulatory limitations between the two mentioned water body classifications. For the aforementioned reason we have determined to maintain the turbidity limitation of 10 NTU established in the WQC corresponding to the SC water body classification.

If you have any question concerning this matter, please contact Eng. Luz Dary Sánchez Tosado, of the Point Sources Permits Division at telephone (787) 767-8181 extension 3456.

Cordially,

Roberto Ayala Prado
Director
Water Quality Area

c: Mr. Sindulfo Castillo, COE; Mrs. Rose Ortiz, JP; DRNA

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