



## REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

GUAYNABO, PR 00968

June 30, 2025

### **Via Electronic Mail**

Hon. Ismael Rodríguez Ramos  
Mayor  
Municipality of Guánica  
PO Box 785  
Guánica, PR 00653  
[alcalde.guanicapr@gmail.com](mailto:alcalde.guanicapr@gmail.com)

**Re: Reconstruction of the Guánica Bay Boardwalk Project at the  
Municipality of Guánica, Puerto Rico**

Dear Mayor Rodríguez Ramos:

Thank you for taking the time on May 29, 2025 to meet with the U.S. Environmental Protection Agency (EPA) team working on the Ochoa Fertilizer Co. Superfund Site (Ochoa Superfund Site). We appreciate that you and your team provided more information on the scope of the Municipality of Guánica's proposed project to reconstruct and rehabilitate the "Malecón" boardwalk infrastructure (the Project) adjacent to Guánica Bay (the Bay), and we look forward to continuing our collaboration, as well as sharing our environmental expertise and knowledge with the Municipality, as you indicated in your May 29, 2025 letter to EPA.

In line with this, we must re-emphasize the importance of conducting a proper assessment of the areas that will be impacted by the Project to ensure that reconstruction activities do not pose a risk to human health and the environment, particularly given the known contamination in nearby areas and in the Bay. As such, we ask that you carefully review Attachment A to this correspondence, which provides a comprehensive response to your May 29, 2025 letter.

EPA understands your valid concerns regarding the potential expiration of funding availability for the Project and is prepared to support the Municipality in this regard. EPA staff are available to assist in facilitating communication with relevant agencies, including the Puerto Rico Department of Housing and, if necessary, the United States Department of Housing and Urban Development, to advocate for an extension of the deadline to maintain the availability of your funding for the proposed Project, so that a proper assessment of the contamination in the area can be performed. Should a grant extension prove unobtainable or infeasible, we advise that you consider modifying the scope of the proposed Project to focus on areas that will not interfere with any known or potential contamination at the Ochoa Superfund

Site, including in the Bay. This approach will ensure that the proposed Project does not compromise the health and safety of the community and the environment.

EPA understands, from previously collected data at the Ochoa Superfund Site, that contamination in the area includes the presence of polychlorinated biphenyl (PCB) contamination in sediments in the Bay as well as in soils upland of the Bay. See the “Zone of Contamination” and “Area of Observed Contamination” identified on the Ochoa Superfund Site map included as Attachment B. As presented to EPA, and discussed during our meeting, the proposed Project involves activities, such as disturbing underwater sediments in the Zone of Contamination and soils in and nearby the “Area of Observed Contamination,” activities that could further exacerbate and spread contamination in the community and the Bay.

In your May 29, 2025 letter, you proposed that EPA oversee the construction at the proposed Project and monitor all materials extracted, including those from foundations and excavations. This would allow for proper characterization and disposal according to regulations. You also suggested storing the extracted demolition material in a designated area for sampling and subsequent disposal according to the results of the characterization. However, to ensure the safe execution of the work in the Bay or near the Area of Observed Contamination, EPA must first obtain the necessary data to assess the risks at the Ochoa Superfund Site. Proceeding with construction activities without the required data could result in unintended exposure and harm to the public, project workers and the environment, even with the monitoring and waste characterization measures that you propose.

EPA values the Municipality’s ongoing commitment to safeguarding public health from the contamination at the Ochoa Superfund Site. In your May 17, 2024 letter to EPA, you expressed concerns about the serious situation of PCB contamination affecting the community. You also stressed the urgency of addressing this problem since studies performed by Dr. Naresh Kumar from the University of Miami revealed elevated levels of PCBs in fish from the Bay and in residents’ blood, which demands the need to take immediate action to protect the health of the community. EPA could not agree more with your assessment.

As discussed during our recent meeting, it is essential to conduct a thorough remedial investigation (RI) before undertaking any activities that involve disturbing contaminated or uncharacterized soil or sediment to ensure the protection of public health and the environment. During the meeting, we explored the option of entering into an administrative agreement (Order) with the Municipality that would allow the Municipality to conduct the necessary investigation along the boardwalk and in the Bay area before commencing the proposed Project. However, the time needed to negotiate such an Order, develop a work plan, and initiate the investigation, would likely be as long as, or longer than, EPA undertaking the investigatory work by itself. Given the complexity and cost of the investigatory work required, EPA has determined it will be more practicable to proceed with its initial plan to conduct the Site-wide remedial investigation, rather than entering into an Order with the Municipality. EPA anticipates that the remedial investigation will include areas related to the proposed Project and thus generate the necessary data to inform whether and how the proposed Project could be executed safely. Please note that these efforts are complex and will take time to complete. The investigatory work is also costly, and proceeding in this way will help the Municipality avoid the need to secure substantial additional funding.

In your May 29, 2025 letter to EPA, you also indicated that a goal of the Municipality's proposed Project is to provide your constituents with the Guánica Boardwalk and its boat ramp so that fishermen can launch their boats into the Bay. EPA urges the public to exercise extreme caution in the use of the Bay and in consuming any fish caught in the Bay until EPA completes its remedial investigation to determine the nature and extent of contamination at the Ochoa Superfund Site and any impacts to fish or other seafood in the Bay.

Please see Attachment A for EPA's responses to all concerns raised in your letter, including the twelve points you raised for EPA's consideration. EPA is available to meet to discuss our recommendations and responses highlighted in this letter.

In summary, EPA anticipates that our remedial investigation will generate the necessary data to inform whether and how the proposed Project could be executed safely but these efforts are complex and will take time. In the meantime, EPA recommends that the Municipality proactively seeks an extension to any spending deadline imposed by your grant providers to maintain eligibility for Project funding beyond 2027, in order to accommodate the time that may be necessary for a proper assessment. EPA will gladly assist in facilitating communication with the relevant agencies and support your efforts in seeking an extension, including the Puerto Rico Department of Housing and the US Department of Housing and Urban Development.

We appreciate your understanding and hope to have your cooperation in prioritizing the health and safety of the community. Please do not hesitate to contact me with any questions or for further assistance at 787-977-5865 or [guerrero.carmen@epa.gov](mailto:guerrero.carmen@epa.gov).

Sincerely,



Carmen R. Guerrero Pérez  
Director

Attachments

## Attachment A

We would like to take this opportunity to address the twelve points you raised for EPA's consideration in your letter dated May 29, 2025. Below are EPA's specific responses:

- A. You stated in point #1 that the boardwalk area is not within the two demarcations of the Ochoa Site and in point #2 that there is no empirical or analytical evidence to consider that there is any toxic material under the boardwalk slab, constructed in the 1950s. EPA interprets the phrase "two demarcations" to mean the areas referred to as the "Historical Eastern Lot" and "Historical Western Lot" in the Superfund Hazard Ranking System (HRS) Documentation Record Cover Sheet (HRS Doc) for the Ochoa Site.<sup>1</sup> Please note that the Ochoa Site is not limited to these two areas but also includes contaminated sediments in the Bay and any other areas where contamination has come to be located. Figure #4 of the HRS Doc Record shows a "Probable Point of Entry" for the contamination that is co-located with the approximate location of the boardwalk involved in the proposed Project and a "Zone of Contamination" in the Bay located directly adjacent to and contemplated as part of the area to be disturbed during the proposed Project.<sup>2</sup> Additionally, EPA sampling at a property nearby the boardwalk revealed extensive PCB contamination in the soil. EPA has reason to believe that a drainage ditch was used to move contaminants from the industrial properties to the east into this boardwalk area (before parts of it were covered up) and such contaminants were ultimately released into the Bay. As such, EPA believes that the soil underneath the boardwalk, which is adjacent to these other contaminated areas, is also likely contaminated with PCBs.
- B. You stated in point #3 that despite knowledge of the incident and the Superfund site, EPA has not managed or conducted sampling tests to identify the presence and location of any toxic material, in point #4 that EPA has no plans to clean the soils or the Bay, and in point #5 that if there is any material related to the Superfund Site, then EPA itself will determine at least three ways to handle it in case of interventions. EPA has conducted several investigations at the Ochoa Site, including pre-remedial assessments between 2018 and 2019 and several removal assessments between 2021 and 2022. Based on the pre-remedial assessments, EPA proposed the Ochoa Site for addition to the Superfund National Priorities List (NPL) in September 2021 and added the Site on to the NPL in September 2022. Once a site is placed on the NPL, further investigation into the problems at the site and the best way to address them is required. This process is known as the Remedial Investigation (RI) and Feasibility Study (FS). As you are aware, EPA has also been overseeing a time-critical removal action since March 2023 by Guánica-Caribe Land Development Corporation (Guánica-Caribe) to address the most immediate threats to public health and the environment. The removal action includes the removal of PCB-contaminated soil from residential and commercial properties identified during EPA's previous investigations, additional investigations of nearby properties for potential contamination and soil removal, if necessary, and investigation and identification of a method to control potentially contaminated runoff from the Historical Eastern Lot to the residential/commercial area to the west of PR-333. Concurrently, EPA is proceeding with longer-term remedial activities at the Ochoa Superfund Site, including preparing for the performance of a RI/FS to determine the nature and extent of the contamination at the overall Ochoa Superfund Site. During the RI/FS stage, additional data will be collected to

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<sup>1</sup> See Ochoa HRS Doc, Page 17, available at: <https://semspub.epa.gov/work/HQ/400983.pdf#page=17>.

<sup>2</sup> See Ochoa HRS Doc, Page 34, available at: <https://semspub.epa.gov/work/HQ/400983.pdf#page=36>.

identify contamination in impacted media, such as soil, sediments, groundwater, and surface water, as well as biota that may be consumed by the local population. The RI/FS work will also include assessments of the risk to human health and the environment, as well as evaluations of different cleanup options for the Ochoa Superfund Site, which may include the three potential interventions you mention in your letter. In April 2024, EPA began negotiations with four potentially responsible parties (PRPs) seeking their performance of the RI/FS at the Ochoa Site with EPA oversight. EPA has a longstanding policy to pursue "enforcement first" to ensure that those who are responsible for Superfund sites conduct the investigations and cleanup actions, when appropriate, throughout the Superfund process. EPA did not reach an agreement with the PRPs to perform the RI/FS, and in February 2025, we made the decision to proceed with this work using federal funds. Following the RI/FS, EPA expects to present a cleanup plan for public comment and thereafter select a remedy for the Ochoa Superfund Site that will be documented in a Record of Decision (ROD).

- C. You stated in point #6 that life in Guánica and its Bay continues its daily routine without interruption from this situation, and in point #7 that the boardwalk suffered severe structural damage from the 2020 earthquakes, which today pose a serious threat to the health, safety, and well-being of residents, merchants, and visitors. In point #8, you propose to reconstruct the boardwalk from inland to minimize the impact on the edge that adjoins the Bay, and in point #9, you indicate that the postponement of the boardwalk reconstruction also presents significant damage to the already precarious economy of the municipality. To protect public health and the environment, any activities related to disturbing contaminated or uncharacterized soil or sediment must not be performed until a thorough remedial investigation has been conducted. This includes reconstruction work performed inland, as opposed to on the edge of the Bay, as proposed by the Municipality. EPA anticipates that the remedial investigation will generate the necessary data to inform whether and how the proposed Project could be executed safely. In the meantime, EPA urges the public to exercise extreme caution in the use of the Bay and in consuming any fish from the Bay until EPA completes its remedial investigation to determine the nature and extent of contamination at the Ochoa Superfund Site and any impacts to fish and other seafood in the Bay. Uncontrolled releases of hazardous substances can threaten the health of entire communities. Some groups of people, such as children, pregnant women, and the elderly, may be at particular risk. Superfund cleanup actions prevent or reduce these risks by cleaning up or isolating the hazardous substances, keeping them away from people and the environment. The reuse of Superfund sites provides a wide range of benefits to local communities. Restored areas can have a positive effect on local property values, tax revenues, and tourism, and facilitate healthy lifestyles. They also reduce flood control and stormwater management costs and improve air and water quality.
- D. You stated in point # 10 that the postponement of approvals for the boardwalk reconstruction could represent a ban on the construction and reconstruction of any improvements or buildings in the Municipality of Guánica. EPA is eager to gain a clearer understanding of this statement and would appreciate any additional clarification you can provide. While EPA is not directly involved with the approval for the boardwalk reconstruction process, EPA has some serious concerns about the work. The proposed Project, as currently presented to EPA, involves actions such as disturbing contaminated sediments in the Bay and impacting soil in and nearby the Ochoa Superfund Site's Area of Observed Contamination, which could further exacerbate and spread

contamination in the community and the Bay. Without the necessary data to analyze the risks, proceeding with these activities could lead to unintended exposure and harm to the public and environment. Similarly, while EPA is not directly involved in approving or banning the construction and reconstruction of improvements or buildings in the Municipality of Guánica, EPA has serious concerns about any work to be performed in areas where EPA has identified contamination and nearby areas where EPA suspects to also be contaminated. As EPA indicated in its prior July 21, 2023 letter to the Municipality, it is important that demolition work is halted at properties where EPA has identified soil contamination because that work will disturb soil before that contamination has been addressed. It continues to be imperative for the protection of public health and the environment that potentially contaminated soil at the Ochoa Superfund Site, such as the soil within and nearby the Area of Observed Contamination, including the soil under and around the Malecón boardwalk, not be disturbed for any reason prior to completion of EPA's remedial investigation to determine nature and extent of contamination there, as this is critical to avoiding any potential exposures to contaminants. EPA's July 21, 2023 letter also mentioned that work that may disturb contaminated soil could create a hazardous environment and potentially spread contamination beyond already contaminated properties, which could also result in potential liability for the parties involved in that work.

- E. You stated in point #11 that the EPA, as an entity with environmental expertise, should indicate to the municipality the best ways to remediate the situation without removing the operational and economic viability of the proposed Project, and in point #12 that, otherwise, the EPA should present its schedule for cleaning the lands related to the Superfund and adjacent areas for the proper reconstruction of the boardwalk and other improvements to the town of Guánica. EPA is committed to performing the remedial investigation (RI) in the near future. EPA anticipates that the RI will generate the necessary data to inform whether and how the proposed Project could be executed safely but these efforts are complex and will take time. In the meantime, EPA recommends that the Municipality proactively seeks an extension to any spending deadline imposed by your grant providers to maintain eligibility for Project funding beyond 2027 to accommodate the time that may be necessary for a proper assessment. Our EPA team will gladly assist in facilitating communication with the relevant agencies and support your efforts in seeking an extension. As always, EPA remains available to discuss any further concerns or questions that you may have.



