

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

1492 PONCE DE LEON AVE. - SUITE 417

SAN JUAN, PR 00907-4127

Public Notice No. 2011-38

Date: July 1, 2011

NOTICE: PREPARATION OF DRAFT NPDES PERMITS AND NPDES DRAFT
PERMIT MODIFICATION

Notice is hereby given that the following parties:

Puerto Rico Aqueduct and Sewer Authority (PRASA)

P.O. Box 7066
Barrio Obrero Station
San Juan, Puerto Rico 00916

and

Bacardí Corporation

P.O. Box 363549
San Juan, Puerto Rico 00936-3549

have applied to the United States Environmental Protection Agency (EPA) under the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq. (the Act), for a National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants from the following facilities into waters of the United States.

PRASA Puerto Nuevo Regional Wastewater Treatment Plant

Road #2 km 2, John F. Kennedy Avenue
San Juan, PR 00926
NPDES No. PR0021555
Flow: 144.0 MGD*
Receiving Water: Atlantic Ocean; Waterbody Classification: SC

PRASA Bayamón Regional Wastewater Treatment Plant

Road 869 KM. 2.9 BO Palmas
Catano, PR 00962
NPDES No. PR0023728
Flow: 88.0 MGD*
Receiving Water: Atlantic Ocean; Waterbody Classification: SC

Bacardí Corporation

State Road No. 165, Km 2.6
Industrial Area
Cataño, Puerto Rico 00632
NPDES No. PR0000591
Flow: 2.0 MGD*
Receiving Water: Atlantic Ocean; Waterbody Classification: SC

*Million gallons per day.

The PRASA – Puerto Nuevo and Bayamón Wastewater Treatment Plants are publicly owned treatment works with primary treatment process which treat sanitary and industrial discharges for the municipalities of San Juan, Trujillo Alto, Cataño, Guaynabo Bayamón, parts of Carolina, Toa Alta and Toa Baja. This activity has a standard classification (SIC) code of 4952. The wastewater treatment process of the facilities mentioned above consists in the screening, sedimentation and chlorination of its effluent.

This notice is being given to inform the public that the EPA has prepared draft permits for these facilities. The Puerto Rico Environmental Quality Board (EQB) has provided the certifications required by Section 401 of the Act. The draft permits contains effluent limitations, standards, prohibitions, and other conditions necessary to carry out the provisions of the Act. The draft

permits for the two PRASA facilities contain modifications of secondary treatment requirements pursuant to Section 301(h) of the Act. If, after the conclusion of the proceeding summarized below, the Regional Administrator of Region II of EPA makes a final decision to issue these permits, the applicants will be required to comply with all the conditions in the permits.

The draft permits and draft permit modification prepared by EPA are based on the respective administrative records. Among other documents, the administrative record required by §124.9 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 124.9, 45 Federal Register 33488 (May 19, 1980), consists of the application, draft permit, and statement of basis or fact sheet describing the reasons for the conditions in the permit. All data submitted by the applicant is available as part of the administrative record. The administrative records (with the exception of material readily available at EPA, Region II, or published material which is generally available) are filed at the EPA Region 2 Caribbean Environmental Protection Division Office in Centro Europa Building, Suite 417, 1492 Ponce de León Avenue, San Juan, Puerto Rico 00907-4127 and may be inspected at anytime between 8:30 A.M. and 4:00 P.M., Monday through Friday. A copy of the draft permits and other available information may be obtained at a charge of \$0.15 per page by writing to the above address, by calling (787) 977-5870, or by visiting the EPA website and downloading the draft permit and fact sheet at the following web address:

<http://www.epa.gov/region02/water/permits.html>.

Interested persons may submit written comments on the draft permits with NPDES numbers PR0021555 and PR0023728 to the Director, Caribbean Environmental Protection Division, at the above address by no later than 30 days from the date of this notice. Interested persons may

submit written comments on the draft permit for PR0000591 and the draft permit modification for PR0001660 to the Chief, Clean Water Regulatory Branch, USEPA Region II, 290 Broadway, 24th Floor, New York, NY 10007, by no later than 30 days from the date of this notice.

All persons, including the applicant, who believe that preparation of the draft permits was inappropriate or that any of the conditions of the draft permits are not appropriate either because any one of the variances or modifications listed in 40 C.F.R. §122.21(m)-(n) should be granted or for some other reason, have an obligation to raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position, by the close of the public comment period. Any supporting materials which are submitted must be submitted in full unless they have already been included in the administrative record. If the EPA finds that comments timely submitted appear to raise substantial new questions the EPA may reopen the public comment period for that permit.

In lieu of, or in addition to, the submission of comments as above provided, any interested persons may request a public hearing. Any request for a public hearing under 40 C.F.R. §124.11 on EPA's draft permits must be in writing, state the nature of the issues proposed to be raised in the hearing, and be submitted to the Director, Caribbean Environmental Protection Division Office in Edif. Centro Europa, Suite 417, 1492 Ponce de León Avenue, San Juan, Puerto Rico 00907-4127, by no later than 30 days from the date of this notice. EPA's decision on the question of whether to hold a public hearing on the draft NPDES permits, the administration of any hearing and the rights and obligations of participants are governed by regulations at 40 C.F.R. §124.12. If EPA holds a public hearing, the public comment period in this Notice shall

automatically be extended to the close of the public hearing.

If EPA does not hold a public hearing or reopen the comment period, EPA shall consider the issuance of a final permit to the applicant as soon as possible after the date indicated above for the submission of comments. All timely comments, submitted by interested persons in response to this Notice, and statements and other evidence properly submitted at any public hearing held by EPA shall be considered in making the final decision with respect to these permit applications. All comments shall be answered as provided in 40 C.F.R. §124.17.

The applicant and any other person who submits timely written comments or requests notice of final permit decision shall receive notice of EPA's final decision. Within 30 days of service of such notice, any interested person who has submitted timely written comments may file a notice of appeal and petition for review to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for review only to the extent of the changes from the draft to the final permit decision. Any such request must meet the requirements of 40 C.F.R. §124.19. All pleadings filed by mail must be addressed to U.S. EPA, Clerk of the Board, Environmental Appeals Board (MC 1103B), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001. Documents that are hand-carried must be delivered to the Board at: U.S. EPA, Clerk of the Board, Environmental Appeals Board, Colorado Building, 1341 G Street, N.W., Suite 600, Washington, D.C. 20005. Documents may be filed with the Clerk of the Environmental Appeals Board only between the hours of 8:30 a.m. and 4:30 p.m. eastern time Monday through Friday (excluding federal holidays).

Carl-Axel P. Soderberg, Director

Caribbean Environmental Protection Division

U.S. Environmental Protection Agency