

**ATTACHMENT I**  
**RESPONSIVENESS SUMMARY AND CHANGES**  
**FOR THE FOLLOWING DRAFT PERMIT**

**Mayaguez RWWTP (PR0023795)**

On June 10, 2016, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permit for a Wastewater Treatment Plant (WWTP) owned by the Puerto Rico Aqueduct and Sewer Authority (PRASA) listed above.

According to 40 Code of Federal Regulations (CFR) §124.17, at the time that any final permit decision is issued under §124.15, EPA shall issue a response to comments. This response shall (1) specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change; and (2) briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

Comments on behalf of PRASA were received from the following addresses:

Puerto Rico Aqueduct and Sewer Authority  
PO Box 7066  
Barrio Obrero Station  
San Juan, PR 00916

All the comments received have been reviewed and considered in this final permit decision. A summary of and response to the comments received follows:

**A. GENERAL COMMENT**

**1. Comment:** In its comment letter PRASA has raised a number of issues, many of which address inclusion in the permit of conditions contained in the Water Quality Certificate (WQC) issued by EQB.

**Response:**

EPA is providing a generalized response to PRASA's comments which relate to requirements in EQB's WQCs.

Section 301(b)(1)(C) of the Clean Water Act (CWA) requires that there be achieved effluent limitations necessary to assure that a discharge will meet Water Quality Standards (WQS) of the applicable State and Federal laws and regulations where those effluent limitations are more stringent than the technology-based effluent limitations required by Section 301(b)(1)(A) of the CWA. Section 401(a)(1) of the CWA requires that the State certify that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the CWA. Pursuant to Section 401(d) of the CWA any certification shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal permit will comply with any applicable effluent limitations and other limitations under section 301

or 302 of the CWA, and with any other appropriate requirement of State law set forth in such certification. Also, 40 C.F.R. 122.44(d) requires that each NPDES permit shall include requirements which conform to the conditions of a State Certification under Section 401 of the CWA that meets the requirements of 40 C.F.R. 124.53. Similarly, 40 C.F.R. 124.55 requires that no final NPDES permit shall be issued unless the final permit incorporates the requirements specified in the certification under § 124.53. Concerning the certification requirements in 40 C.F.R. 124.53(e)(1), they specify that all Section 401(a)(1) State certifications must contain conditions which are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law.

EQB issued final WQCs certifying that pursuant to Section 401(a)(1) of the CWA, after due consideration of the applicable provisions established under Sections 208(e), 301, 302, 303, 304(e), 306 and 307 of the CWA concerning water quality requirements, there is reasonable assurance that the discharge will not cause violations to the applicable WQCs, provided that the effluent limitations set forth in the WQCs are met by the above facility.

The effluent limitations (where more stringent than technology-based effluent limitations), monitoring requirements and other appropriate requirements of State law (including footnotes, Special Conditions, etc.) specified in the final WQC issued by the EQB were incorporated by EPA into the NPDES permit as required by Section 301(b)(1)(C) and 401(d) of the CWA and the applicable regulations. Therefore, concerns and comments regarding the WQC must be directed to EQB or to the Superior Court.

Also, in the event that EPA receives a revised or modified WQC, we would consider modification of this permit, subject to all applicable federal requirements, to include revised WQC requirements and conditions.

**2. Comment:** PRASA has raised various typographical errors through their comments.

**Response:** All typographical errors were revised.

**3. Comment:** The page numbering needs to be corrected. Some pages indicate that the document has a total of 20 pages, but others indicate a total of 15 pages. Also, some pages were not numbered. Pagination is inconsistent after page 7 (the first occurrence of page 7). Additionally, the enumeration of the Water Quality Certificate (WQC) Special Conditions (Part IV.B.1) is confusing and difficult to reference. EPA must also revise the footnotes as apparently some notes are unnecessary because there are no parameters identified with them.

**Response:** This was a typographical error. The pages were revised.

## B. PERMIT COVER

**1. Comment:** Based on the most recent outfall inspections, the mid-point of the diffuser is at the following coordinates: latitude 18°14'23.04"; longitude 67°11'22.62" compared to the permit values of latitude 18°14'33"; longitude 67°11'27."

**Response:** The coordinates were revised.

### **2. Comment: Mixing Zone/Dilution Allowance.**

This section must be included similar to the Arecibo RWWTP NPDES permit (#PR0023736) issued in 2015. PRASA requests that it read as follows:

*"EQB has approved a mixing zone or dilution allowance for this discharge. On **December 17, 2015**, EQB issued a mixing zone approval at \_\_\_\_\_. A detailed discussion of any dilution allowance is included in the Fact Sheet for this permit."*

**Response:** The final permit has been revised to read: "On December 17, 2015 EQB issued a mixing zone approval at 116:1."

## C. Part II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

**1. Comment: Fecal coliforms:** The current version (amended in May 2016) of the PRWQSR does not regulate coliforms in Class SC waters except in relation to "shellfish growing and harvesting", which does not occur in the discharge area. PRASA requests that fecal coliform limitations be removed from the final version of the permit.

If for any reason fecal coliforms are included in the final permit, note that this parameter is regulated ONLY in two instances: the geometric mean and in the percent exceeding 400 colonies/100 ml. The 400 colonies/100 ml value is not a daily maximum limit. It is only part of the language used for the calculation of the "% Exceeding Limit". Therefore, PRASA requests that dashes (--) be included in the "Maximum daily" column, instead of the 400 value. Please refer to the language of the applicable water quality standard. Also see Footnote (3).

**Response:** This was a typographical error. The final permit has been revised to read as the final WQC.

**2. Comment: Enterococci:** PRASA requests that the limitation be specified as the geometric mean of five sequential samples to be consistent with PRWQSR guidance. It is noted that although the PRWQSR also specifies a single sample limitation, none is cited in the draft permit. Further, PRASA requests that the final permit incorporate a 3-year compliance plan for enterococci, as stipulated in the Fact Sheet.

**Response:** The effluent limitation will be considered as a monthly average. Footnote 6 now clarifies the Enterococci limitation.

**3. Comment: Nitrogen:** The current PRWQSR criterion is stated in terms of total nitrogen (TN). PRASA requests that the final permit reference TN so that it is consistent with the latest PRWQSR criterion for nitrogen; that is: “Nitrogen (NO<sub>2</sub>, NO<sub>3</sub>, NH<sub>3</sub>)”.

**Response:** Table A-1 was revised to address PRASA’s concern.

**4. Comment: Residual Chlorine:** The limitation in Table A.1 (7.5 µg/L) is consistent with the latest PRWQSR, but is not consistent with Table A-5 and Special Condition z.a., both of which reference 11 µg/L. PRASA requests that the final permit be consistent with respect to the limitation being applied. Also, this parameter must be eliminated from Table A-1, as it has an interim limit in Table A-4.

**Response:** Residual chlorine was eliminated from Table A-1, but its detailed on Table A-4 and A-5 to avoid any confusion. We have used 7.5 as the limit as it is reflected in the new PRWQSR.

**5. Comment: Sulfide:** Should reference footnote 4.

**Footnotes 2 and 4** are not referenced in the table, although footnote 4 is applicable to sulfide as mentioned above. PRASA requests that the intent of footnote 2 be clarified.

**Response:** Footnote 2 does not apply to Sulfide in the final NPDES permit and footnote 4 was added to reflect EQB’s WQC.

#### **6. Comment: Cyanide - Table A.2**

It is unclear why there is a “monitor only” limitation for average monthly and average weekly values, but a numerical limitation for daily values of cyanide at the mixing zone boundary. PRASA requests that the intent of the differing limitations be clarified.

Footnote 2 is not used or referenced in the table. PRASA requests that the intent of footnote 2 be clarified.

**Response:** There is no need to monitor Cyanide at the edge of the mixing zone. Table A-2 was revised.

#### **7. Comment: pH and DO - Table A.3**

Minimum sampling frequency for pH and DO is not specified. PRASA requests that the required sampling frequencies be specified.

Footnote 2 is not used or referenced in the table. PRASA requests that the intent of footnote 2 be clarified.

**Response:** Table A-3 was revised.

**8. Comment:** Footnote \* - **Table A.4**

Footnote \* is not defined. PRASA requests that the intent of footnote \* be clarified.

Footnote 2 is not used or referenced in the table. PRASA requests that the intent of footnote 2 be clarified.

**Response:** Footnote\* was revised and its now Footnote 1.

**9. Comment:** Footnote \* - **Table A.5**

Footnote \* refers to Part IV.B Special Condition b. However, the special condition references are very confusing. As the draft permit is currently structured it should be Part IV.B.1 Special Condition u)z.b. The WQC Special conditions (Part IV.B.1) are listed in a confusing manner. PRASA requests that the organization and numbering of this section of the permit be better organized and numbered.

Footnote 2 is not used or referenced in the table. PRASA requests that the intent of footnote 2 be clarified.

**Response:** These were typographical errors. Footnotes were revised.

**10. Comment: Monitoring Locations**

The specification for the influent sampling point states the following:

*“The sampling point for influent 001 shall be located at a point representative of the municipal water supply influent prior to mixing with sanitary wastewater from the facility.”*

Reference to “municipal water supply influent” is confusing. PRASA requests that the final permit clarify the desired point of influent sampling.

**Response:** The language on this section refers to the Influent parameters, so it refers to *municipal* water supply influent for BOD and TSS. No revisions are needed at this moment.

**11. Comment:A.2. Monitoring Data Submission**

This indicates that the Permittee may submit monitoring data in hard copy form if it so chooses. PRASA requests that EPA clarify whether this is still an option and to modify the final permit accordingly if it is not still an option.

**Response:** At this moment we are not ready to modify the language condition in the permit. It is EPA interest that PRASA starts using NetDMR as soon as possible but there are still issues to be resolved. In the meantime, EPA will accept hard copies DMR for all its NPDES facilities every month.

## **12. Comment: A.5 Bacterial Monitoring**

The requirement for geometric mean discussed here should probably be referenced in Table A.1 for the bacterial monitoring specified in that table. However, the requirement of 5 samples per month is inconsistent with EQB's requirement for five sequential samples. PRASA requests EPA to clarify in the final permit the basis of the bacterial monitoring as either that provided in this draft NPDES permit or that stipulated by EQB.

**Response:** Table A-1 requirements supersedes this general condition of the NPDES permit. No revisions will be made in this section of the final permit.

## **13. Comment: B.1 Special Conditions from the Water Quality Certificate**

Special Condition (SC) e) includes a footnote 5, which is not defined anywhere else in the draft permit. PRASA requests that EPA clarify the intent of this footnote.

**Response:** This was a typographical error. Footnote was deleted.

**14. Comment:** SC u) includes a footnote 3, which is not defined anywhere else in the draft permit. PRASA requests that EPA clarify the intent of this footnote.

**Response:** This was a typographical error. Footnote was deleted.

**15. Comment:** SC h) requires acute and chronic bioassays for three species (quarterly for the first year and annually thereafter. (Note there is no limitation of trigger point in the permit.) See discussion under Part IV.B.2 below for more discussion.

**Response:** Special condition h was eliminated. Please refer to Part IV.B.2.

**16. Comment:** SC B.1.u)d. states that the Permittee "...shall use the procedure established in the EPA-QA/QC for 301(h) Document (Table D-1 Example ZID Boundary Stations Locations)" to identify the location of the sampling points of the mixing zone and the background. The NPDES permit for the Mayagüez RWWTP does not incorporate a 301(h) waiver. PRASA requests that EPA clarify why reference to a 301(h) QAPP is incorporated in the draft permit and which specific QAPP is being referenced.

**Response:** This special condition is written as established in EQB's final WQC. See response A.1 above. Even though Mayaguez RWWTP is not a 301(h) facility, the condition uses an approved 301(h) document as reference.

**17. Comment:** SC B.1.u)t. 1. and 2. indicate that a one year mixing zone monitoring program AND a dye study are to be performed to validate the interim mixing zone (IMZ). PRASA requests that the language be changed to indicate that either a one year mixing zone monitoring program OR a dye study as described in the mark-up of item B.1.u)t.,2. and B.1,u)u. will be used to validate the IMZ.

**Response:** EPA has incorporated this special condition pursuant to the final WQC mandated by EQB. See response to A.1., above.

**18. Comment:** SC B.1.u),z.a. indicates a final limit for residual chlorine of 11 µg/L. PRASA requests that the final permit be consistent with respect to the compliance limitation for residual chlorine.

**Response:** We have revised the limitation for Residual Chlorine according to the limitations by the 2016 PRWQSR.

**19. Comment: B.2 Whole Effluent Toxicity Testing**

In addition to IV.B.1.h), this section requires semiannual acute toxicity testing [Part (IV B.2. a.3)] using two species that are not the same as under Part IV.B.1 h) above. This section conflicts with the WET test guidance provided in section B.1.u) h. PRASA requests that EPA not include it in the final permit.

**Response:** Draft permit was revised to include the three species in EQB's WQC.

**20. Comment:** SC B.2.a.4) indicates that EQB has not authorized a mixing zone or dilution credits for acute toxicity. In the past EQB has not explicitly authorized a mixing zone or dilution credits, but they were included by EPA based on the critical initial dilution. This statement is, therefore, inconsistent with past practices, and is not consistent with the granting of an IMZ by EQB in the final WQC. PRASA requests that EPA not include this comment in the final permit.

**Response:** EPA revised the language in the final permit since EQB did authorize a mixing zone in the final WQC.

**21. Comment:** SC B.2.c. requires accelerated testing if the acute or chronic testing exceeds the effluent limitation or trigger, but there is no effluent limitation or trigger listed. PRASA requests that the trigger for accelerated testing be specified in the final permit.

**Response:** Since there is not effluent limit or trigger listed there is no requirement for accelerated testing. If, based on monitoring results it should become necessary to establish a limit or trigger, the permit would be reopened to include the limit and the accelerated testing would be in effect.

**22. Comment: B.5 Whole Effluent Toxicity Testing**

SC B.5.a.1) References the Toa Alta WWTP. PRASA requests that the reference be changed to the Mayagüez RWWTP.

**Response:** This was a typographical error. It was revised.

**D. CHANGES TO THE FINAL PERMIT**

1) Effective Date of the Permit (EDP) has been revised to September 1, 2012.

2) The Monitoring Frequency for BOD and TSS have been modified in the final permit from twice a month to twice a week. This is the same frequency as the previous permit for this facility, and is consistent with the frequency of all PRASA WWTP with flow  $\geq 5$  MGD.