



**United States Environmental Protection Agency  
Region 2**

Caribbean Environmental Protection Division  
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Guaynabo, Puerto Rico 00968-8069

**FACT SHEET**

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
MAYAGUEZ RWWTP  
PERMIT No. PR0023795**

This Fact Sheet sets forth the principle facts and technical rationale that serve as the legal basis for the requirements of the accompanying draft permit. The draft permit has been prepared in accordance with Clean Water Act (CWA) section 402 and its implementing regulations at Title 40 of the *Code of Federal Regulations* (CFR), Parts 122 through 124, and the Water Quality Certificate (WQC) issued by the Puerto Rico Environmental Quality Board (EQB) pursuant to CWA section 401 requirements.

Pursuant to 40 CFR 124.53, the Commonwealth of Puerto Rico must either grant a certification pursuant to CWA section 401 or waive this certification before the U.S. Environmental Protection Agency (EPA) may issue a final permit. On December 17, 2015, EQB provided in the WQC that the allowed discharge will not cause violations to the applicable water quality standards at the receiving water body if the limitations and monitoring requirements in the WQC are met. In accordance with CWA section 401, EPA has incorporated the conditions of the WQC into the draft permit. The WQC conditions are discussed in this Fact Sheet and are no less stringent than allowed by federal requirements. Additional requirements might apply to comply with other sections of the CWA. Review and appeals of limitations and conditions attributable to the WQC were made through the applicable procedures of the Commonwealth of Puerto Rico and not through EPA procedures.

**PART I. BACKGROUND**

**A. Permittee and Facility Description**

The Puerto Rico Aqueduct and Sewer Authority (PRASA) (referred to throughout as the Permittee) has applied for renewal of its Mayaguez National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. PR0023795. The Permittee submitted Application Form 1, and 2A, dated June 3, 2011, and applied for an NPDES permit to discharge treated wastewater from Mayaguez RWWTP, Mayaguez, called the facility. The facility is classified as a major discharger by EPA in accordance with the EPA rating criteria.

The Permittee owns and operates wastewater treatment plant which provides secondary treatment. Attachment A of this Fact Sheet provides a map of the area around the facility and a flow schematic of the facility.

The treatment system consists of the following:

The Mayaguez RWWTP is a publicly owned treatment work (POTW) that treats domestic and industrial wastewater. The facility serves the municipalities of Mayaguez, Cabo Rojo, Añasco and Hormigueros. It has a capacity of 28.0 MGD (monthly average), provides secondary treatment and discharge its effluent to the Atlantic Ocean.

Sanitary wastewater is processed through the following units:

- Raw influent screening.
- Influent pump system.
- Grit removal system.
- Primary sedimentation.
- Secondary treatment.
- Effluent disinfection and sampling.

- Gravity thickening.
- Sludge dewatering.

Sludge is thickened, dewatered and hauled to a composting facility or a landfill for disposal.

**Summary of Permittee and Facility Information**

<b>Permittee</b>	Puerto Rico Aqueduct and Sewer Authority (PRASA)
<b>Facility contact, title, phone</b>	Mrs. Irma Lopez, Executive Director Compliance and Quality Control (787) 620-2270
<b>Permittee (mailing) address</b>	Puerto Rico Aqueduct and Sewer Authority P.O. Box 7066 Barrio Obrero Station Santurce, Puerto Rico 00916-7066
<b>Facility (location) address</b>	Road 342, km 0.5 Mayaguez, PR 00680
<b>Type of facility</b>	Publically-owned Treatment Works
<b>Pretreatment program</b>	N/A
<b>Facility monthly average flow</b>	22.5 MGD (in million gallons per day)
<b>Facility design flow</b>	28.0 MGD (in million gallons per day)
<b>Facility classification</b>	Major

**B. Discharge Points and Receiving Water Information**

**Wastewater is discharged from Outfall 001 to the Atlantic Ocean, a water of the United States.**

The draft permit authorizes the discharge from the following discharge point(s):

<b>Outfall</b>	<b>Effluent description</b>	<b>Outfall latitude</b>	<b>Outfall longitude</b>	<b>Receiving water name and classification</b>
001	Secondary municipal wastewater.	18 °, 14 ', 33 " N	67 °, 11 ', 27 " W	Atlantic Ocean, Class SC waters

As indicated in the Puerto Rico Water Quality Standards (PRWQS) Regulations, the designated uses for Class SC receiving waters include:

- Segments of coastal and estuarine waters at the Mayaguez Bay, from Punta Guanajibo to Punta Algarrobo sectors.

CWA section 303(d) requires the Commonwealth of Puerto Rico to develop a list of impaired waters, establish priority rankings for waters on the list, and develop TMDLs for those waters. The receiving water has not been determined to have water quality impairments for one or more of the designated uses as determined by section 303(d) of the CWA.

**C. Compliance Orders/Consent Decrees**

The Permittee has a Consent Decree with the Agency (civil action no 06-16-24 (sec)) in which the facility is included. This consent decree does not affect this permit action.

#### **D. Mixing Zone/Dilution Allowance**

As part of its CWA section 401 certification of the modified permit application, the EQB has authorized a mixing zone or dilution allowance for this discharge in accordance with Rule 1305 of PRWQS. The mixing zone or dilution allowance is defined as both the critical initial dilution (CID) ratio of seawater-to-wastewater and a geometric size. In 2014, PRASA submitted an application for a mixing zone to the EQB. No action was taken by EQB on this application. PRASA determined a CID of 105:1 using the UDKHDEN model based on the diffuser configuration and speed and effluent flow rates. The main outfall is of 1.52 meters (60 inches) in diameter, which extends to 3,727 meters (12,228 feet) from the plant and connects to a "T" shaped diffuser. The diffuser is approximately 640 ft (195 meters) long. The diffuser body is 36 inches (0.91 meter) in diameter and extends approximately 320 feet (100 meters) to the north and south of, and perpendicular to, the end of the outfall pipe. Each diffuser leg has fifteen (15) 6 inches (0.152 meter) diameter vertical risers, 7.8 feet (2.4 meters) high, spaced at 16 feet (4.88 meters) intervals. The diffuser barrel is buried and the risers extend approximately 3 feet (1 meter) above the seabed. Each riser terminates in a 90 degree elbow with a 6 inches (0.152 meter) port. Ports discharge perpendicular to the diffuser barrel in alternating directions. A total of sixteen (16) risers along the diffuser shall be open.

Under PRWQS, mixing zones are authorized for specific parameters and do not apply to the entire effluent discharged. Therefore, as indicated in its CWA 401 certification, EQB has authorized a mixing zone for the following parameters for the next permit term:

- Non-conventional pollutants (nitrogen, cyanide, sulfide (as H<sub>2</sub>S), pH and dissolved oxygen);
- Metals (copper); and
- Acute and chronic toxicity.

Water quality-based effluent limitations have been developed for the parameters listed above based on a CID of 105:1. All other parameters limited in the permit have been established with no dilution allowances. Additional information on the basis of these limitations is provided in Part II.A of this Fact Sheet.

As part of authorizing a mixing zone, EQB requires that PRASA conduct annual receiving water monitoring to ensure that water quality standards are met at the edge of the mixing zone. Consistent with EQB's CWA 401 certification on this permit action, in addition to CWA section 301(h) requirements, receiving water monitoring on an annual basis has been established in the permit.

#### **E. Summary of Basis for Effluent Limitations and Permit Conditions - General**

The effluent limitations and permit conditions in the permit have been developed to ensure compliance with the following, as applicable:

- Clean Water Act section 401 certification requirements;
- NPDES regulations (40 CFR Part 122); and
- PRWQS (March 2014).
- Biosolids (Sewage Sludge) Requirements (40 CFR Part 257, 258, and 503); and
- Pretreatment Requirements (40 CFR Part 403).

### **PART II. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

CWA section 301(b) and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable technology-based requirements where necessary to achieve applicable water quality standards. In addition, 40 CFR 122.44(d)(1)(i) requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that cause, have the reasonable potential to cause, or contribute to an exceedance of a water quality criterion, including a narrative criterion. The process for determining reasonable potential and calculating water quality-based effluent limits (WQBELs) is intended to protect the designated uses of the receiving water, and achieve applicable water quality criteria. Where reasonable potential has been established for a pollutant, but there is no numeric criterion for the pollutant, WQBELs must be established using (1) EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

The effluent limitations and permit conditions in the permit have been developed to ensure compliance with all federal and state regulations, including PRWQS. The basis for each limitation or condition is discussed below.

#### A. Effluent Limitations

The permit establishes **Technology-based Effluent Limitations (TBELs) and WQBELs** for several pollutants and the basis for these limitations are discussed below.

1. **Flow:** An effluent limitation for flow **has** been established in the permit for 28.0 MGD as a Daily Maximum. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and EQB's Water Quality Certificate.  
The frequency monitoring for flow shall be continuous with a flow meter.
2. **5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 CFR 133.102(a). The permit also requires influent monitoring and reporting in accordance with 40 CFR 122.44(i) to meet the requirement of the percent removal limitation (see section C.1.—Monitoring Requirements— of this Part).
3. **Total Suspended Solids (TSS):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(b). The permit also requires influent monitoring and reporting in accordance with 40 CFR 122.44(i) to meet the requirement of the percent removal limitation (see section C.1.—Monitoring Requirements— of this Fact Sheet).
4. **pH:** The effluent limitation for pH is based on technology-based secondary treatment standards for POTWs specified for Class SC Rule 1303.C.2d. of PRWQS, and the WQC. In no case the pH will lie outside of 6.0 to 9.0, standard pH units, except when it is altered by natural causes.
5. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for all waters in Puerto Rico as specified in Rule 1303.1 D of PRWQS, and the WQC.
6. **Fecal Coliform:** The discharge consists of domestic sewage that is a source of pathogens. To ensure that the recreational use of the water body is met, effluent limitations for fecal coliform are established in the permit and are based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C. 2.b of PRWQS, and the WQC. Consistent with the expression of the water quality criteria for fecal coliform, EPA establishes a monitoring frequency of 5 grab samples per month to calculate a geometric mean and to monitor and report the single sample result of each of the 5 samples to comply with the effluent limitation of no more than 20 percent of the single samples must be above the single-sample maximum of 400 colonies per 100 mL.
7. **Enterococci Density:** The discharge consists of domestic sewage that is a source of pathogens. To ensure that the recreational use of the water body is met, a compliance schedule for the first 3 years of the permit and an effluent limitations for fecal coliform were developed in the permit and are based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C. 2.c of PRWQS, and the WQC. EPA establishes a monitoring frequency of the enterococci density in terms of geometric mean of at least five representative samples taken sequentially shall not exceed 35 colonies/100 mL. No single sample should exceed the upper confidence limit of 75% using 0.7 as the log standard deviation until sufficient site data exist to establish a site specific log standard deviation.
8. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C.2.a of PRWQS, and the WQC.
9. **Color:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.e of PRWQS, and the WQC.
10. **Turbidity:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 f of PRWQS, and the WQC.
11. **Taste and Other Producing Substances:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.g of PRWQS, and the WQC.
12. **Oil and Grease:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.H of PRWQS, and the WQC.

13. **Suspended, Colloidal or Settleable Solids:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.E of PRWQS, and the WQC.
14. **Solids and Other Matters:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.A of PRWQS, and the WQC.
15. **TKN:** The monitoring requirement for this parameter is needed for the assessment of Fairfield dissolved oxygen demand in a mixing zone discharge.
16. **Residual Chlorine, Mercury, Nitrogen, Copper, Free Cyanide, and Sulfide:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.I.1 of PRWQS; Rule 1305 Mixing Zones, and the WQC.

## B. Effluent Limitations Summary Table

### 1. Outfall Number 001

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
BOD <sub>5</sub>	mg/L	Average monthly Average weekly	45 19	30.0 45.0	n/a	30.0 45.0	TBEL
BOD <sub>5</sub> percent removal	%	Daily minimum	85	85	n/a	85	TBEL
Color	Pt-Co	Daily Maximum	10.6	Monitor only	n/a	Monitor only	WQBEL
Copper	µg/L	Daily maximum	4.2	157	n/a	18.42	WQBEL
Cyanide, Free	µg/L	Daily maximum	4.99	--	n/a	14.11	WQBEL
Dissolved Oxygen	mg/L	Daily Maximum	6.48	≥ 4.0	n/a	--	WQBEL
Enterococci	col/100 mL	Daily maximum	--	--	n/a	35/100 mL	WQBEL
Fecal Coliform	col/100 mL	Daily maximum	3.4	2,000 col / 100 mL	n/a	200 col / 100 mL	WQBEL
Flow	MGD	Daily maximum	15.5	28.0	n/a	28.0	WQBEL
Mercury	µg/L	Daily maximum	0.006	0.3	n/a	0.051	WQBEL
Nitrogen (NO <sub>3</sub> , NO <sub>2</sub> , NH <sub>3</sub> )	mg/L	Daily maximum	9.3	62.9	n/a	21.974	WQBEL
Oil and grease	mg/l	Maximum Daily	1.4	15.0	n/a	Monitor	WQBEL
pH	SU	Daily maximum	7.63	6.0-9.0	n/a	6.0-9.0	WQBEL
Residual Chlorine	µg/L	Daily maximum	277.08	500	500	7.5	WQBEL
Solids and Other Matter	--	--	--	--	n/a	Monitor only	WQBEL
Sulfide	µg/L	Daily maximum	6.83	2	n/a	7.88	WQBEL
Suspended, Colloidal or Settleable Solids	ml/L	Daily maximum	--	--	n/a	Monitor only	WQBEL
Temperature	°C	Daily maximum	30.4	32.2	n/a	32.2	WQBEL
TKN	µg/L	--	--	--	n/a	Monitor only	WQBEL
TSS	mg/L	Average monthly Average weekly	66 21	30.0 45.0	n/a	30.0 45.0	TBEL
TSS percent removal	%	Daily minimum	97	85	n/a	85	TBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Turbidity	NTU	Daily maximum	1.6	75	n/a	10	WQBEL

**Notes, Footnotes and Abbreviations**

Note: Dashes (--) indicate there are no effluent data, no limitations, or no monitoring requirements for this parameter.

(1) Wastewater data from DMRs dated January 1, 2014 to December 31, 2015.

**2. Outfall 001 Narrative Limitations**

- a. The waters of Puerto Rico shall not contain any substance, attributable to the discharge at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in humans, fish, or other fauna or flora.
- b. The waters of Puerto Rico shall be substantially free from floating non petroleum oils and greases as well as petroleum derived oils and greases.
- c. The waters of Puerto Rico shall not contain floating debris, scum, or other floating materials attributable to discharges in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
- d. Solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the waters.
- e. Taste and odor-producing substances shall not be present in amounts that will interfere with primary contact recreation, or will render any undesirable taste or odor to edible aquatic life.
- f. No toxic substances shall be discharged, in toxic concentrations, other than those allowed as specified in the NPDES permit, Those toxic substances included in the permit renewal application, but not regulated by the NPDES permit, shall not exceed the concentrations specified in the applicable regulatory limitations.

**C. Monitoring Requirements**

NPDES regulations at 40 CFR 122.48 require that all permits specify requirements for recording and reporting monitoring results. The Part III of the Permit establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements for this facility.

**1. Influent Monitoring Requirements**

**To calculate percent removal values, influent monitoring is required for BOD<sub>5</sub> and TSS in accordance with 40 CFR 133.102. Influent monitoring must be conducted before any treatment, other than de-gritting, and before any addition of any internal waste stream.**

**2. Effluent Monitoring Requirements**

Effluent monitoring frequency and sample type have been established in accordance with the requirements of 40 CFR 122.44(i) and recommendations in EPA's TSD. Consistent with 40 CFR Part 136 monitoring data for toxic metals must be expressed as total recoverable metal. Effluent monitoring and analyses shall be conducted in accordance with EPA test procedures approved under 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act, as amended. For situations where there may be interference, refer to Solutions to Analytical Chemistry Problems with Clean Water Act Methods (EPA 821-R-07-002). A licensed chemist authorized to practice the profession in Puerto Rico shall certify all chemical analyses. All bacteriological tests shall be certified by a microbiologist or licensed medical technologist authorized to practice the profession in Puerto Rico.

The sampling point for Outfall 001 shall be located immediately after the primary flow measuring device of the effluent of the treatment system.

#### D. Compliance with Federal Anti-Backsliding Requirements and Puerto Rico's Anti-Degradation Policy

Federal regulations at 40 CFR 131.12 require that state water quality standards include an anti-degradation policy consistent with the federal policy. The discharge is consistent with the anti-degradation provision of 40 CFR 131.12, 72 Federal Register 238 (December 12, 2007, pages 70517-70526) and EQB's *Anti-Degradation Policy Implementation Procedure* in Attachment A of PRWQS. In addition, CWA sections 402(o)(2) and 303(d)(4) and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. Further, the Region 2 Antibacksliding Policy provides guidance regarding relaxation of effluent limitations based on water quality for Puerto Rico NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit with some exceptions where limitations may be relaxed.

- The effluent limitations in the permit are at least as stringent as the effluent limitations in the existing permit, with the exception of effluent limitations for **Dissolved Oxygen, Oil and Grease, and Sulfide**. The effluent limitations for these pollutants are less stringent than those in the existing permit. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of CWA section 401(o), 40 CFR 122.44(l), EPA Region 2's Anti-backsliding Policy dated August 10, 1993, and Puerto Rico's Anti-Degradation Policy Implementation Procedure established in PRWQS. **CWA Sec. 402(o)(2)(B)(i)** allows backsliding if information is available which was not available at the time of permit issuance and would have justified a less stringent effluent limitation at the time of permit issuance. EPA has determined that it is appropriate to relax the effluent limitation for these parameters without violating anti-backsliding provisions of the CWA, in accordance with section 402(o)(2), since one of the exceptions to the provisions has been satisfied; and section 402(o)(3) since it complies with EQB's WQS which include antidegradation requirements. The EQB WQC constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.
- Existing effluent limitations for **Arsenic, Barium, Bis (2-Ethylexyl) Phtalate, Cadmium, Fluoride, Lead, Lindane, Managnese, Nickel, Phenolic Substances, Radioactive materials, Selenium, Silver, Surfactants, Total Coliforms, and Zinc** have been removed based on CWA section 402(o)(2)(B)(i). CWA section 402(o)(2)(B)(i) authorizes the backsliding of effluent limitations if information is available which was not available at the time of permit issuance that would have justified the application of a less stringent effluent limitation at the time of permit issuance. Based on review of effluent data since issuance of the existing permit, the modified discharge does not show a reasonable potential for the exceedance of water quality criteria for these parameters. Rationale for Standard and Special Conditions
- The water quality-based effluent limitation from the previous permit for **Copper, Fecal Coliforms, Mercury, Nitrogen, Residual Chlorine, and Turbidity** have been replaced with a more stringent water quality-based limitation in the Intent to Issue a IWQC issued by the EQB. Pursuant to Section 401 (d) of the Act and 40 C.F.R. 122.44 (d) and 124.55, all State certified limitations and requirements contained in a Section 401 certification must be incorporated into a NPDES permit issued by EPA. The water quality-based effluent limitations referenced in this paragraph have been included in the draft NPDES permit, based on EQB's IWQC.

### PART III. RATIONALE FOR STANDARD AND SPECIAL CONDITIONS

#### A. Standard Conditions

In accordance with 40 CFR 122.41, standard conditions that apply to all NPDES permits have been incorporated by reference in Part IV.A.1 of the permit and expressly in Attachment B of the permit. The Permittee must comply with all standard conditions and with those additional conditions that are applicable to specified categories of permits under 40 CFR 122.42 and specified in Part IV.A.2 of the Permit.

#### B. Special Conditions

In accordance with 40 CFR 122.42 and other regulations cited below, special conditions have been incorporated into the permit. This section addresses the justification for special studies, additional monitoring requirements, Best Management Practices, Compliance Schedules, and/or special provisions for POTWs as needed. The special conditions for this facility are as follows:

**1. Special Conditions from the Water Quality Certificate**

In accordance with 40 CFR 124.55, EPA has established Special Conditions from the WQC in the permit that EQB determined were necessary to meet PRWQS. The Special Conditions established in this section are only those conditions from the WQC that have not been established in other parts of the permit.

**2. Whole Effluent Toxicity Testing**

EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.

**3. Best Management Practices (BMP) Plan**

In accordance with 40 CFR 122.2 and 122.44(k), BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to waters of the United States. The Permittee is required to develop a BMP Plan in Part IV.B.3.a of the permit to control or abate the discharge of pollutants.

**4. Compliance Schedules**

**A compliance schedule has not been authorized for any pollutant or parameter in the permit on the basis of 40 CFR 122.47.**

**PART IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF OTHER FEDERAL LAWS OR EXECUTIVE ORDERS**

**A. Coastal Zone Management Act**

Under 40 CFR 122.49(d), and in accordance with the Coastal Zone Management Act of 1972, as amended, 16 *United States Code* (U.S.C.) 1451 *et seq.* section 307(c) of the act and its implementing regulations (15 CFR Part 930), EPA may not issue an NPDES permit that affects land or water use in the coastal zone until the Permittee certifies that the proposed activity complies with the Coastal Zone Management Program in Puerto Rico, and that the discharge is certified by the Commonwealth of Puerto Rico to be consistent with the Commonwealth's Coastal Zone Management Program. The Permittee has indicated the outfall is in a coastal area managed by the Commonwealth's Coastal Zone Management Program which has been consistent with the program.

**B. Endangered Species Act**

Under 40 CFR 122.49(c), EPA is required pursuant to section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.* and its implementing regulations (50 CFR Part 402) to ensure, in consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) that the discharge authorized by the permit is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. On April 16, 2009, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, according to 50 CFR 402.8. In the past, no federally listed endangered or threatened species, or critical habitat, are in the vicinity of the discharge. Therefore, it has been determined that the discharge is not likely to affect species or habitat listed under the ESA.

### **C. Environmental Justice**

EPA has performed an Environmental Justice (EJ) Analysis for the discharge in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations*, and EPA's Plan EJ 2014. EJ is the right to a safe, healthy, productive and sustainable environment for all, where "environment" is considered in its totality to include the ecological, physical, social, political, aesthetic and economic environments. In the NPDES permitting program, the public participation process provides opportunities to address EJ concerns by providing appropriate avenues for public participation, seeking out and facilitating involvement of those potentially affected, and including public notices in more than one language where appropriate. The facility is in an area characterized as a Community of Concern and therefore is subject to the EJ requirements. In the EJ Analysis, EPA determined that a potential exists for a disproportionate and/or adverse environmental burden in Mayaguez since it has more facilities that report on the TRI and RCRIS systems than the average municipality in the Island. As a result, EPA has established conditions in the permit to minimize the impact(s) on the Community of Concern affected by the discharge. These conditions include providing public notice of the availability of the administrative record of the draft permit and a notification for a public hearing to solicit comments on the proposed permit in Mayaguez on June 16, 2016. EPA is committed to taking all necessary actions to minimize potential adverse effects on Mayaguez from the Mayaguez RWWTP. A detailed discussion of the EJ Analysis is provided in the Administrative Record and is available for review upon request.

### **D. Coral Reef Protection**

Under Executive Order 13089, *Coral Reef Protection*, EPA is required to ensure that discharge authorized under the permit will not degrade any coral reef ecosystem. Corals or coral ecosystems are in the vicinity of the discharge. In a letter dated August 13, 2013 from National Marine Fisheries Services (NMFS) concluded that the project is not likely to adversely affect corals in critical habitat. Also, coral species proposed for listing in PR are not present in the area of the outfall discharge. Therefore, the continued operation of the outfalls will have no effect on the species.

### **E. Climate Change**

EPA has considered climate change when developing the conditions of the permit. This is in accordance with the draft *National Water Program 2012 Strategy: Response to Climate Change* that identifies ways to address climate change impacts by NPDES permitting authorities (77 Federal Register 63, April 2, 2012, 19661-19662). Climate change is expected to affect surface waters in several ways, affecting both human health and ecological endpoints. As outlined in the draft National Water Program 2012 Strategy, EPA is committed to protecting surface water, drinking water, and ground water quality, and diminishing the risks of climate change to human health and the environment, through a variety of adaptation and mitigation strategies. These strategies include encouraging communities and NPDES permitting authorities to incorporate climate change strategies into their water quality planning, encouraging green infrastructure and recommending that water quality authorities consider climate change impacts when developing water load and load allocations for new TMDLs, identifying and protecting designated uses at risk from climate change impacts. The 2010 *NPDES Permit Writers' Manual* also identifies climate change considerations for establishing low-flow conditions that account for possible climatic changes to stream flow. The conditions established in the permit are consistent with the draft National Water Program 2012 Strategy.

### **F. National Historic Preservation Act - Not applicable since this is a renovation.**

### **G. Magnuson-Stevens Fishery Conservation and Management Act**

Under 40 CFR 122.49, EPA is required to ensure that the discharge authorized by the permit will not adversely affect Essential Fish Habitat (EFH) as specified in section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 *et seq.* On April 16, 2009, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, according to 50 CFR 402.8. On a letter dated August 7, 2013, in relation to the NMFS responsibilities under Section 7, determines that the outfall is and will be insignificant in the area of the discharge.

## **PART V. PUBLIC PARTICIPATION**

The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the draft permit, which is published in El Vocero. Included in the public notice are requirements for the submission of comments by a specified date, procedures for requesting a hearing and the nature of the hearing, and other procedures for participation in the final agency decision. EPA will consider and respond in writing to all significant comments received during the public comment period in reaching a final decision on the draft permit. Requests for information or questions regarding the draft permit should be directed to

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A copy of the draft permit is also available on EPA's website at [www.epa.gov/region02/water/permits.html](http://www.epa.gov/region02/water/permits.html).

### ATTACHMENT A — FACILITY MAP AND FLOW SCHEMATIC

The facility map and flow schematic are attached as provided by the discharger in the application.



