

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 Broadway
New York, New York 10007

**STATEMENT OF BASIS
DRAFT NPDES PERMIT TO DISCHARGE
INTO THE WATERS OF THE UNITED STATES**

NPDES Application No. **PR0022781**

Name and Address of Applicant:

PRASA Ponce Vieja Water Treatment Plant
P.O. Box 7066
Barrio Obrero Station
San Juan, Puerto Rico 00916

Name and Address of Facility where Discharge Occurs:

Borinquen Ward Main Street
Ponce, Puerto Rico

Receiving Water: Portugues River

Classification: SD

Name of Preparer: Viviana Colón

I. LOCATION OF DISCHARGE

The above named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) permit, to the U.S. Environmental Protection Agency (EPA) to discharge into the designated receiving water. The location of the discharge, Outfall 001, is described by the following U.S.G.S. coordinates are:

Latitude 18° 01' 34''
Longitude 66°36' 37''

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is a water filtration plant which treats raw water for potable uses. This activity has a Standard Industrial Classification (SIC) code of 4941. The applicant proposes to discharge 969.07 m³/day (0.256 MGD) as a daily maximum of wastewater consisting of filters and settling tanks washwaters from outfall serial number 001 to a

drainage channel tributary to Cienaga River. The receiving water has been classified SD by the Environmental Quality Board (EQB) of Puerto Rico.

III. DESCRIPTION OF LIMITATIONS AND CONDITIONS

A brief summary of the basis of each effluent limitation and other conditions in the draft permit is provided in Attachment I.

IV. STATE CERTIFICATION REQUIREMENTS

State Certification requirements, based upon an Intent to issue a Water Quality Certificate (IWQC) issued by the Environmental Quality Board (EQB) of the Commonwealth of Puerto Rico, are described in the draft permit. Review and appeals of limitations and conditions attributable to this certification shall be made through the applicable Commonwealth procedures and may not be through EPA procedures.

V. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

These procedures, which are set forth in 40 CFR 124, are described in the public notice of preparation of this draft permit. 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.

VI. EPA CONTACT

Additional information concerning the draft permit may be obtained between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday from:

Mr. Jaime Geliga, Chief
Municipal Water Program Branch
U.S. Environmental Protection Agency-Region II
Centro Europa Building, Suite 417
1492 Ponce de Leon Avenue, Stop 22
San Juan, Puerto Rico 00907
787- 977-5870

Mr. Carl Soderberg, Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency - Region II
Centro Europa Building, Suite 417
1492 Ponce de León Avenue, Stop 22
San Juan, Puerto Rico 00909
787- 977-5870

ATTACHMENT II

DESCRIPTION OF DISCHARGE / DRAFT PERMIT CONDITIONS

Discharge 001

The treatment plant effluent is discharged through outfall No. 001 into the **Portugues River (SD)**.

The following are the proposed effluent limitations / permit conditions:

1. The effluent limitations, monitoring requirements, and other conditions of this permit are described in the draft permit. The effluent limitations in the permit are equivalent to the most stringent values specified in the applicable technology-based guidelines or water quality-based limitations. All anti-backsliding decisions are made in accordance with EPA Region II Antibacksliding Policy.
2. Maximum daily discharge: **0.256 MGD**
3. The effluent limitation for **2-Methyl-4,6-Dinitrophenol; 2-Chlorophenol; 2,4-Dichlorophenol; 2,4-Dimethylphenol; 2,4-Dinitrophenol; 2,4,6-Trichlorophenol; Arsenic; BOD; Color; Copper; Cyanide; Dissolved Oxygen; Fecal Coliforms; Flow; Lead; Mercury; Oil & Grease; Pentachlorophenol; pH; Residual Chlorine; Solids and Other Matter; Sulfide; Suspended, Colloidal or Settleable Solids; Taste and Odor Producing Substances; Temperature; Total Ammonia; Turbidity; and Zinc** are based on EQB's IWQC.
4. The water quality-based effluent limitation from the previous permit for **Fluoride and Phenolics** are not included in the IWQC issued by EQB. EPA has determined that it is appropriate to remove the effluent limitation for this parameter without violating the anti-backsliding provisions of the CWA, in accordance with section 402(o), since one of the exceptions to the provisions has been satisfied. 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. Information submitted in the NPDES application and the Discharge Monitoring Reports submitted during the previous permit indicate that the discharge from outfall 001 cannot reasonably be expected to contribute to a water quality exceedance for this parameter. Therefore, a water quality-based effluent limitation is not necessary for this parameter. Antidegradation requirements are not violated by removing the limits for this parameter. Since the permittee will be discharging the pollutant at the same level, the discharge would not contribute to further degradation of the receiving water and existing uses would be maintained.
5. The water quality-based numerical limitation from the existing permit for **Arsenic** has been replaced with a less stringent water quality-based limitation in the IWQC issued by the EQB. EPA has determined that it is appropriate to relax these limitations without

violating the anti-backsliding provisions of the CWA, in accordance with Section 402 (o), since the exceptions to the provisions has been satisfied. The EQB water quality certificate constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.

6. The water quality-based effluent limitation from the previous permit for **Copper and Lead**, have been replaced with a more stringent water quality-based limitation in the 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 final Water Quality Certificate.
7. The proposed NPDES permit contains water quality-based effluent limitations for **2-Methyl-4, 6-Dinitrophenol; 2-Chlorophenol; 2, 4-Dichlorophenol; 2, 4-Dimethylphenol; 2, 4-Dinitrophenol; 2, 4, 6-Trichlorophenol, Mercury; Pentachlorophenol; and Zinc**, which were not included in the previous NPDES permit. 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 limitations referenced in this paragraph have been included in the draft NPDES permit, based on EQB's IWQC.
8. Special Condition 17 was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. 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.

Special Condition 17 was also modified to make clarify the right of EPA to reopen this permit to include additional toxicity requirements if warranted.