

ATTACHMENT I

RESPONSIVENESS SUMMARY AND CHANGES FOR THE FOLLOWING DRAFT PERMITS

Barranquitas WWTP (PR0025861)
Jayuya WWTP (PR0026531)
Las Marias WWTP (PR0020583)
Morovis WWTP (PR0020711)
Yabucoa WWTP (PR0021717)
Jaguas y Pesas WTP (PR0025968)

On August 24, 2012, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTP's) and Wastewater Treatment Plants (WWTPs) 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

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 1:

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 WQs, 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.

B. PRASA GENERAL COMMENTS FOR BARRANQUITAS WWTP (PR0025861), JAYUYA WWTP (PR0026531), LAS MARIAS WWTP (PR0020583), AND MOROVIS WWTP (PR0020711)

- 1) **Comment:** A. Flow (the following comment was received for all the above permits except for Morovis WWTP, PR0020711)

EQB's and EPA's practice to establish the design flow of the plant as a daily maximum limit reduces the range of flow of the plant as a daily maximum limit reduces the range of flow that the plant was really design to manage.

According to PRASA's design criteria contained in "Normas de Diseño de los Sistemas de Acueductos y Alcantarillados de Puerto Rico", Chapter 6, Sections 6.04.06 (Hydraulic Loads) and 6.04.07 (maximum and Minimum Flows) pages V!-3 and VI-4, treatment units design is based on future average flow except in special cases; and minimum and maximum flows are considered in order to avoid negative effects in the detention time of the treatment units. Prolonged maximum and minimum flows can adversely affect the detention time in the treatment units or the flow characteristics in the pipes, for that reason they must be considered in the design.

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

- 2) **Comment:** **B. BOD₅** (the following comment was received for all the above permits except for Morovis WWTP, PR0020711)

These are secondary treatment facilities. They were design to obtain an effluent concentration of 30 mg/L of BOD₅, as set forth in the 40 CFR 133.12. Even though, the draft permit establishes a lower limit for this parameter in Table A-1, PRASA requests that eh 30 mg/L secondary treatment requirement be established in the final permit.

Response: EPA has incorporated this limitation pursuant to the final WQC mandated by EQB and PR Water Quality Standards Article 3.1.5. See response to A.1., above.

- 3) **Comment:** **Sulfide:** (the following comment was received for all the above permits except for Las Marias WWTP, PR0020583)

Based on its continuous compliance for more than six (6) years, PRASA requests that this parameter be deleted from Table A-1. The data clearly shows that the plant has consistently complied with the applicable water quality standards of 2 µg/l. Therefore, PRASA requests that Sulfide (undissociated H₂S) be deleted from the permit.

Response: EPA has revised the final permit to reflect EQB's modification to the final WQCs. The numeric limitation of Sulfide has been kept form the original draft NPDES permit as 2µg/l but its monitoring frequency has been modified from Monthly to Quarterly in the Barranquitas WWTP (PR0025861), and Jayuya WWTP (PR0026531).

In the case of Morovis WWTP (PR0020711), EQB does not agree in modifying this parameter since it has reasonable potential to exceed water quality standards in the receiving waterbody. For this reason, EPA will maintain the limit and its monitoring frequency pursuant to the final WQC mandated by EQB. See response to A.1., above.

4) **Comment: SPECIAL CONDITIONS; Special Condition 1**

Based on our comment I.A., PRASA requests that the 0.6 MGD flow discharge limitation included in this special condition be referred as monthly average.

Response: EPA has incorporated this Special Condition pursuant to the final WQC mandated by EQB. See response to A.1. and B.1., above.

C. LAS MARIAS WWTP COMMENTS

1) **Comment: Arsenic (As)**

Based on its continuous compliance for more than six (6) years, PRASA requests that this parameter be deleted from Table A-1. The data clearly shows that the plant has consistently complied with the old and new applicable water quality standards of 0.18 µg/l and 10 µg/l, respectively. Therefore, PRASA requests that Arsenic be deleted from the permit.

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

D. MOROVIS WWTP COMMENTS

1) **Comment: Flow**

PRASA understands that the referenced draft permit was erroneously based on the old NPDES permit renewal application submitted to EPA on June 3, 2008. That application indicated that the plan was designed for a monthly average flow on 0.5 MGD.

The Morovis WWTP was designed in 1973 to serve the urban area of the municipality of Morovis. Maximum influent flows, currently exceed the plant's design capacity. As a result of the Consent Decree of April 2006, PRASA agreed with the EPA to bring the Morovis WWTP into compliance by year 2016. Given the higher influent flows and the anticipated future stricter effluent discharge limits, new and different treatment process and units are required. The sequencing Batch Reactor (SBR) technology was selected as the recommended technology was selected as the recommended technology to provide secondary treatment.

The new 1.7 MGD Morovis WWTP was constructed based on SBR technology for nitrogen removal, while phosphorus is removed by chemical means. Therefore, on April 12, 2012 PRASA submitted to EPA a NPDES permit modification request since the plant was updated and expanded.

Based on the above, PRASA reuests the revision of Table A-1 to reflect the correct plant's design flow of 1.7 MGD (monthly average).

Response: EPA has revised Flow limitation and Special Condition 1 accordingly with EQB's final WQC.

E. CHANGES TO THE FINAL PERMITS FOR MOROVIS WWTP

- 1) Special Condition 10 included in the Draft permit regarding samples for the analysis of Mercury, has been eliminated from the Final Permit according to EQB's revision of Morovis WWTP Final WQC.
- 2) Due to the increase in Flow, EQB recalculated the Waste Load Allocation requested for this discharge according to procedures established in Rule 1310 of the PR Water Quality Standards Regulation which established new limits for:

<u>Parameter</u>	<u>Discharge Limitations</u>	
	<u>Old Limitation</u>	<u>New Limitation</u>
Dissolved Oxygen (mg/L)	2.0	4.0
Total Phosphorus (mg/L)	1.57	1.06
Surfactants (mg/L)	217	117

F. CHANGES TO THE ALL PERMITS PUBLISHED ON AUGUST 24, 2012.

- 1) EDP has been revised to **December 1, 2012**.
- 2) The date of the first DMR report submittal must be no later than **January 28, 2013** in the Monitoring and Reporting Requirements section.