

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. PR0023094

Name and Address of Applicant:

Office for the Improvement of Public Schools
Puerto Rico Department of Education
PO Box 195644
San Juan, Puerto Rico 00919-5644

Name and Address of Facility where Discharge Occurs:

Yaurel Elementary and Intermediate School
State Road No. 753, Km. 5.9
Arroyo, Puerto Rico

Receiving Water: Quebrada Palmarejo

Classification: SD

Name of Preparer: Sergio Bosques

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° 21' 76"
Longitude 66° 40' 06"

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

Yaurel Elementary and Intermediate School is a public educational institution with discharge treated domestic sanitary wastewater to Quebrada Palmarejo in Arroyo, PR.

The school is owned by The Department of Education, a Government Agency. This activity has a Standard Industrial Classification (SIC) code of 8211. 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 II.

IV. STATE CERTIFICATION REQUIREMENTS

State Certification requirements, based upon a Water Quality Certificate (WQC) issued by the Environmental Quality Board (EQB) of the Commonwealth of Puerto Rico, are described in Attachment III. 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:

Kate Anderson, Chief
Clean Water Regulatory Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway, 24th Floor
New York, New York 10007-1866
(212) 637-3754

Mr. José C. Font, Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency - Region II
City View Plaza II – Suite 7000
48 RD. 165 Km. 1.2
Guaynabo, P.R. 00968-8069
787- 977-5870

ATTACHMENT I

DESCRIPTION OF DISCHARGE / DRAFT PERMIT CONDITIONS

Discharge 001

The treatment plant effluent is discharged through outfall No. 001 into the **Quebrada Palmarejo (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: **0.015 MGD**
3. The effluent limitation for **BOD₅; Color; Dissolved Oxygen; Fecal Coliforms; Flow; Nitrate + Nitrite; Oil and Grease; Other Pathogenic Organisms; pH; Residual Chlorine; Solids and Other Matter; Sulfide (Undissociated H₂S); Surfactants; Suspended, Colloidal or Settleable Solids; Taste and Odor-producing Substances; Temperature; Total Ammonia; Total Coliforms; Total Dissolved Solids; Total Phosphorus; Total Suspended Solids and Turbidity** are based on EQB's Water Quality Certificate.
4. The water quality-based effluent limitation from the previous permit for **Fluoride** is not included in the Final WQC 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. 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 proposed NPDES permit contains water quality-based effluent limitations for **Other Pathogenic Organisms** which was 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 Water Quality Certificate.

6. The water quality-based numerical limitation from the existing permit for **Total Dissolved Solids** has been replaced with a less stringent water quality-based limitation in the Final WQC 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.
7. The water quality-based effluent limitation from the previous permit for **Fecal Coliforms and Oil and Grease** have been replaced with a more stringent water quality-based limitation in the WQC 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.

8. General Conditions

These conditions apply to all permits as required by 40 CFR Part 122.41.

9. Special Conditions

Special Conditions No. 1 through 20 are part of the Final WQC.