

## ATTACHMENT I

### RESPONSE TO COMMENTS ON DRAFT NPDES PERMIT FOR EcoEléctrica, L.P. (PR0025984)

On July 31, 2014, the United States Environmental Protection Agency (EPA) issued a draft National Pollutant Discharge Elimination System (NPDES) permit (PR0025984) for the EcoEléctrica, L.P. facility (EcoEléctrica). Public notice of the draft permit was provided in the *El Vocero* of July 31, 2014.

According to 40 Code of Federal Regulation (CFR) §124.17, at the time that any final permit decision is issued under 40 CFR §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 EcoEléctrica were received in a letter dated August 26, 2014 from Ms. Damaris Negrón at the following address:

EcoEléctrica, L.P.  
Adm. Building  
641 Road 337 Firm Delivery  
Peñuelas, PR 00624-9804

All comments received have been reviewed and considered in this final permit decision. The comments are included as Attachment II. A discussion and response to the comments received is as follows:

**1. General Comment**

EPA has modified the description of the discharges at the request of the applicant.

**2. Comment for Iron Parameter**

EPA deleted the technology based-effluent limitation for iron at the request of the applicant. The iron limitation, based on 40 CFR §423.12, is not applicable to the discharge at EcoEléctrica and was mistakenly included in the draft permit.

**3. Comment for Oil and Grease Parameter**

EPA modified the sampling frequency for the numeric oil and grease effluent limitation from daily to twice monthly, at the request of the applicant. The applicants request that the sampling for the narrative limitation will not be required, and the facility deemed in compliance with the narrative limitation, when sampling indicates that the facility is in compliance with the numeric limitation has been denied by EPA.

#### **4. Comment for Whole Effluent Toxicity, Acute Parameter**

EPA has corrected the discrepancy between the sampling frequencies – quarterly sampling will be required in the permit. EPA has reviewed the 2000-2001 whole effluent toxicity data submitted by the applicant. As EPA requires recent data to determine toxicity, EPA has required quarterly WET testing for the period of one year in the permit. EPA has clarified the acute WET trigger of 0.3 TUa in Part IV.B.2.a.4 to indicate that acute test results with LC50 values greater than 100% shall be interpreted as “pass” and meeting the acute trigger of 0.3 TUa.

#### **Additional Permit Changes**

Upon further discussion with NOAA regarding the endangered species consultation, EPA expects that NOAA will request changes to the current *EcoEléctrica NPDES BMPP Proposal*, as approved by EPA on May 30, 2008, as a result of the ESA consultation. To expediate successful completion of the review, EPA has revised the language in the Endangered Species Act Reopener Clause (Part IV.B.5.d) to read “The permittee must continue to implement the *EcoEléctrica NPDES BMPP Proposal* as approved by EPA on May 30, 2008 or subsequent revisions of the *BMPP Proposal* approved by EPA”.