

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
Prepared by Andrea B. Coats

NPDES Application No. PR0022659

Name and Address of Applicant:

PRASA Water Treatment Plant - Cedro Arriba
P.O. Box 7066
Barrio Obrero Station
Santurce, Puerto Rico 00916

Name and Address of Facility
where Discharge Occurs:

State Road No. 152 Int.
Km 10
Naranjito, Puerto Rico

Receiving Water: Unnamed Creek Tributary to Rio Frio

Classification: SD

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: 18°14'52" latitude X 66°16'38" longitude. A map showing the location of the facility is found in Attachment I.

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 436.08 M³/day (0.1152 MGD) as a daily maximum of wastewaters

consisting of filter backwash and settling tanks wastewater through discharge point 001 to Unnamed Creek Tributary to Rio Frio.

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:

Walter E. Andrews, Chief
Water Programs Branch
U.S. Environmental Protection Agency
290 Broadway, 24th Floor
New York, New York 10007
(212) 637-3876

Carl-Axel Soderberg, Director
US EPA REGION II
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
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(787) 977-5814

ATTACHMENT II

DESCRIPTION OF LIMITATIONS AND CONDITIONS

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.

Discharge Outfall 001: Filter Backwash and Settling Tanks Wastewaters

[Table A-1]

The water quality-based effluent limitations from the previous permit for **Fecal Coliforms, Manganese, Total Coliforms, and Zinc** are not included in the WQC issued by EQB. EPA has determined that it is appropriate to remove the effluent limitations for these parameters 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. The CWA Sec. 402(o)(2)(B)(i) new information exception applies since the EQB reasonable potential analyses conducted in developing a new WQC and associated background materials (i.e. NPDES application and the Discharge Monitoring Report (DMR) data) constitute new information. 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.

The WQC issued by EQB includes an effluent limitation and monitoring requirement for **Arsenic**. Although the WQC does not specify an analytical method for this substance, Special Condition No. 8 of the WQC requires that the analytical method which achieves the lowest possible detection level must be utilized. In addition, EPA has specified in Table A-1 that Method 420.1, using the chloroform extraction procedure, must be used to analyze samples for **Phenolic Substances**.

Special Condition 14 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. This Special Condition is 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. This Special Condition is also consistent with the "Region 2 Whole Effluent Toxicity Implementation Strategy". Federal

ATTACHMENT II

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 if reasonable potential to exceed water quality standards is determined.

Special Condition 14 also asserts the right of EPA and EQB to require additional monitoring based on the results of the quarterly samples, and the right of EPA to reopen this permit to include additional toxicity requirements, such as identification of toxic sources and treatability, and/or effluent limitations if warranted.

All effluent limitations and monitoring requirements of parameters listed in Table A-1 are as imposed in the intent to issue a WQC by the EQB, dated September 26, 2006. A footnote was added in Table A-1 under the parameter Suspended, Colloidal, or Settleable Solids to clarify that testing for these parameters should be conducted for Settleable Solids. The WQC was issued by the EQB for the purpose of assuring compliance with EQB's water quality standards and compliance with other appropriate requirements of State law as provided by Section 401(d) of the Clean Water Act.

This permit is being issued for a term of five years.

General Conditions

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

Special Conditions

Special Conditions No. 1 through 17 are part of the WQC.