

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. **PR0026484**

Name and Address of Applicant:

PRASA Fajardo Wastewater Treatment Plant
P.O. Box 7066
Barrio Obrero Station
San Juan, Puerto Rico 00916

Name and Address of Facility where Discharge Occurs:

PR 53 (Int.) Quebrada Vueltas Ward
Las Carolinas Sector Fajardo, Puerto Rico 00738

Receiving Water: Río Fajardo

Classification: SD

Name of Preparer: Lalitssa López-Burgos

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° 27' 20.18"
Longitude 65° 39' 53.33"

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

This is a facility designed to provide tertiary treatment for an average daily flow of **9.2** million gallons per day (MGD) of wastewater. This activity has a Standard Industrial Classification (SIC) code of 4952.

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 a Water Quality Certificate (WQC) 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 Géliga, Chief
Municipal Water Program Branch
U.S. Environmental Protection Agency-Region II
City View Plaza II
#48 RD, 165, K1.2
Guaynabo, Puerto Rico 00968-8069
787- 977-5870

Mr. José C. Font, Acting Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency - Region II
City View Plaza II
#48 RD, 165, K1.2
Guaynabo, Puerto Rico 00968-8069
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 **Río Fajardo (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: **9.2 MGD**
3. The effluent limitation for **BOD; Cadmium; Color; Copper; Cyanide, Free; Dissolved Oxygen; Fecal Coliforms; Lead; Nitrate plus Nitrite; Oil & Grease; pH; Silver; Solids and Other Matters; Sulfide; Surfactants; Suspended, Colloidal or Settleable Solids; Taste and Odor Producing Substances; Temperature; Total Ammonia; Total Coliforms; Total Dissolved Solids; Total Phosphorous; Total Suspended Solids; Turbidity and Zinc** are based on EQB's WQC.
4. The water quality-based effluent limitation from the previous permit for **2-Chlorophenol; 2,4-Dichlorophenol; 2,4-Dimethylphenol; 2,4-Dinitrophenol ; 2-Methyl-4,6-Dinitrophenol ; 2,4,6-Trichlorophenol; Arsenic, Fluoride, Mercury; Nickel, Pentachlorophenol ; and Phenol** are not included in the 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. 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 **Color; and Total Phosphorous** have been replaced with a less stringent water quality-based limitation in the WQC issued by the EQB. 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. EPA has determined that it is appropriate to relax the effluent limitation for these parameters without violating anti-backsliding provisions of the CWA, in accordance with section 402(o)(2), since one of the exceptions to the provisions has been satisfied; and section 402(o)(3) since it complies with EQB's WQS which include antidegradation requirements. The EQB WQC 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 **BOD; Cadmium; Copper; Cyanide, Free; Lead; Silver; Total Dissolved Solids; and Zinc** have been replaced with a more stringent water quality-based limitation in the Intent to Issue a 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 WQC.

7. **Special Condition 15** 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 15 was also modified to make clarify the right of EPA to reopen this permit to include additional toxicity requirements if warranted.