

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 Broadway
New York, New York 10007-1866

FACT SHEET/STATEMENT OF BASIS
DRAFT NPDES PERMIT TO DISCHARGE
INTO THE WATERS OF THE UNITED STATES

NPDES No. PR0023396 Date:

NPDES Permit Writer: Stephen Venezia - 12/18/06

Name and Address of Applicant:

Mayaguez Municipal Government
Public Works Center
P.O. Box 447
Mayaguez, Puerto Rico 00681-0447

Name and Address of Facility
where Discharge Occurs:

Mayaguez Municipal Government
Public Works Center
State Road No. 108, Km 3.2
Mayaguez, Puerto Rico 00680

Receiving Water: Caño Boquilla

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 waters. The location of each discharge is described by the following U.S.G.S. Coordinates:

	<u>Latitude</u>	<u>Longitude</u>
Outfall 001	N 18° 14' 14"	W 67° 08' 38"

A description and/or sketch of the location of the discharges is appended as Attachment I.

II. DESCRIPTION OF FACILITY

The Mayaguez Municipal Government Public Works Center is a municipal government office. This activity has standard industrial classification (SIC) codes of 9199 and 4951. The applicant proposes to discharge 14.20 m³/day (0.00375 mgd) as a daily maximum of waste waters consisting of tertiary treated sanitary wastewater through discharge point 001 to the Caño Boquilla. The treatment includes screening, sedimentation, activated sludge, filtration, and disinfection. The receiving water has been classified SD by the Environmental Quality Board (EQB) of Puerto Rico.

III. DESCRIPTION OF DISCHARGE

Outfall 001:

The discharge consists of a daily maximum of 0.00375 million gallons per day (MGD) of wastewater from the Mayaguez Municipal Government Public Works Center.

A description of the type and quantity of pollutants which are to be discharged is listed in Table A-1 of the draft permit.

IV. DESCRIPTION OF DRAFT PERMIT CONDITIONS

The effluent limitations, monitoring requirements, schedules of compliance and other conditions of the draft permit are described in Attachment II. Also included in Attachment II is a brief summary of the basis for each effluent limitation and other conditions in the draft permit.

V. STATE CERTIFICATION REQUIREMENTS

State Certification requirements are based upon a draft Water Quality Certificate (WQC) issued on October 19, 2006, by the Environmental Quality Board (EQB) of the Commonwealth of Puerto Rico. Review and appeals of limitations and conditions attributable to this certification shall be made through the applicable procedures of the Commonwealth of Puerto Rico and may not be made through EPA procedures.

VI. 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.

VII. ENDANGERED SPECIES ACT

In letters dated May 27, 2003, and December 5, 2002, respectively, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service provided written concurrences that the revisions to the Puerto Rico Water Quality Standards (PRWAS) are not likely to adversely affect threatened or endangered species. As a minor facility and a renewal permit, no effects determination for Mayaguez Municipal Government Public Works Center, has been made and the PRWQS approved by the services mentioned above will be adequate.

VIII. 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
USEPA-REGION 2
290 BROADWAY - 24TH FLOOR
NEW YORK, NEW YORK 10007-1866
(212) 637-3876

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DESCRIPTION OF DRAFT PERMIT CONDITIONS FOR OUTFALL 001

The effluent limitations, monitoring requirements, and other conditions 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.

I. Water Quality-based Limits

The effluent limitations listed in Table A-1 for all contaminants, unless otherwise specified, and all special conditions are as imposed in the draft Water Quality Certificate (WQC) issued by the EQB, dated October 19, 2006. The draft 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.

1. Antibacksliding Parameters - All water quality-based antibacksliding decisions are made in accordance with EPA Region II Antibacksliding Policy dated August 10, 1993. Policy decisions, applicable to pollutants regulated by water quality-based effluent limitations for which antibacksliding is applicable, are provided as follows:

Outfall 001:

-WQC Limit Absent - The water quality-based effluent limitations (concentration) from the "effective permit" (permit which was effective on July 1, 2000, and expired midnight, June 30, 2005) for Chloride and Total Residual Chloride are not included in the draft Water Quality Certificate (WQC) October 19, 2006.

For the above parameters EPA has determined that it is appropriate to remove the effluent limitations for these parameters without violating antibacksliding provisions of the Clean Water Act (CWA), in accordance with section 402(o), since one of the exceptions to the provisions has been satisfied. CWA §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. The reasonable potential analysis conducted by the Environmental Quality Board of Puerto Rico (EQB) in developing a new WQC and the associated background materials (i.e., NPDES application, Discharge Monitoring Report (DMR) data) can be considered new information and the absence of a limited parameter in an EQB WQC constitutes a determination that a limit is not necessary and that the water quality standard is or will be attained. Antidegradation requirements are not violated by removing all of these above parameters. 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.

II. Monitoring Requirements

The monitoring requirements listed in Table A-1 for all contaminants, unless otherwise specified, are as imposed in the draft Water Quality Certificate (WQC) issued by the EQB, dated October 19, 2006. The draft 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.

The draft WQC does not specify an analytical method for undissociated H₂S. EPA is therefore providing a footnote requiring use of the approved EPA analytical method with the lowest possible detection limit to establish the concentration of Sulfide (undissociated H₂S). Also, EPA is providing clarifying wording in the draft permit for Special Condition number 7 in the EQB draft WQC to ensure that the permittee performs the analytical test and calculations specified by EPA for Undissociated H₂S and provides compliance with the terms of this Special Condition in the cover letter submitted with the Discharge Monitoring Report.

III. Special Conditions - All special conditions are as imposed in the draft WQC issued by the EQB, dated October 19, 2006.

IV. General Conditions - These conditions apply to all permits as required by 40 CFR Part 122.7.