



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 28 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. José Ortiz, P.E.  
President  
Puerto Rico Aqueduct and Sewer Authority  
P.O. Box 7066  
San Juan, Puerto Rico 00916-7066

Re: **Applications for two NPDES Permits with Modified Secondary Treatment Requirements Pursuant to Section 301(h) of the Clean Water Act for the Bayamón and Puerto Nuevo Regional Wastewater Treatment Plants (NPDES Permit Nos. PR0023728 and PR0021555)**

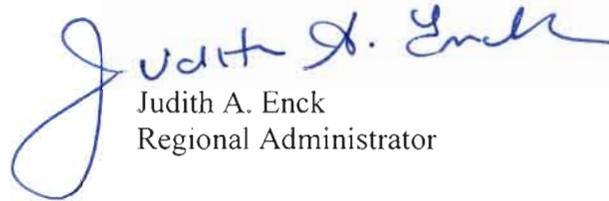
Dear Mr. Ortiz:

In 2010, the Puerto Rico Aqueduct and Sewer Authority submitted two applications for renewal of its modified National Pollutant Discharge Elimination System (NPDES) permits for the Bayamón and Puerto Nuevo Regional Wastewater Treatment Plants (RWWTPs), NPDES Nos. PR0023728 and PR0021555, under section 301(h) of the Clean Water Act (the Act), 33 U.S.C. section 1311(h). The modified NPDES permits became effective July 1, 2008 and will expire on June 30, 2013, and incorporate a modification from the secondary treatment requirements contained in section 301(b)(1)(B) of the Act, 33 U.S.C. section 1311(b)(1)(B). PRASA has submitted applications requesting modifications to the permitted flow limitations in the current permits for the RWWTPs to meet the needs of an expanded service area and specific flow transfer requirements from a 2010 Mega Consent Decree (*U.S. v. Puerto Rico Aqueduct and Sewer Authority*, Civil Action No. 06-1624). The Environmental Protection Agency has reviewed the permit applications and all relevant information submitted to the EPA in support of renewal of the two modified NPDES permits for the Bayamón and Puerto Nuevo RWWTPs.

On July 1, 2011, the EPA public noticed the draft NPDES permits for the Bayamón and Puerto Nuevo RWWTPs containing modifications to secondary treatment requirements pursuant to Section 301(h) of the Act and 40 CFR Part 125, Subpart G, in accordance with the tentative decision to grant the 301(h) waiver. The comment period on the draft permits closed on August 15, 2011. All comments received during the public comment period have been reviewed and considered in this final permit decision. This letter is to inform you of my decision to revoke the existing permits and to grant a final approval of PRASA's applications for renewal of the two modified NPDES permits for the Bayamón and Puerto Nuevo RWWTPs, in accordance with the Act, regulations promulgated pursuant thereto, and the terms, conditions, and limitations of the decision document. Enclosed is a copy of the final decision. You will receive a copy of the final permits separately.

If you have any questions, please feel free to contact me at (212) 637-5000 or Mr. John Filippelli, Acting Director, Division of Environmental Planning and Protection, at (212) 637-3725.

Sincerely,



Judith A. Enck  
Regional Administrator

Enclosure

cc: Mr. José Capeles  
Executive Director, Compliance and Quality Control, Puerto Rico Aqueduct and Sewer Authority (w/enclosure)  
Ms. Wanda E. García Hernández  
Deputy Director, Water Quality Area, Puerto Rico Environmental Quality Board (w/enclosure)



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FINAL DECISION OF THE REGIONAL ADMINISTRATOR  
PURSUANT TO SECTION 301(h) OF THE CLEAN WATER ACT AND  
40 CFR PART 125, SUBPART G - APPROVING THE PUERTO RICO AQUEDUCT  
AND SEWER AUTHORITY'S APPLICATIONS FOR A WAIVER FROM SECONDARY  
TREATMENT REQUIREMENTS FOR THE BAYAMON REGIONAL WASTEWATER  
TREATMENT PLANT (NPDES PERMIT No. PR0023728) AND THE PUERTO NUEVO  
WASTEWATER TREATMENT PLANT (NPDES PERMIT No. PR0021555)

The United States Environmental Protection Agency (EPA) has reviewed the comments received during the public comment period for the draft National Pollutant Discharge Elimination System (NPDES) permits, prepared in accordance with the tentative decision to approve the Puerto Rico Aqueduct and Sewer Authority's (PRASA's) applications for modification of secondary treatment requirements pursuant to Section 301(h) of the Clean Water Act (CWA), 33 U.S.C. §1311(h) for the Bayamón and Puerto Nuevo Regional Wastewater Treatment Plants (RWWTP), which share a common outfall. These draft permits also modified other provisions such as flow. After thorough review of the comments, I am issuing this final decision to approve the Section 301(h) modification for the Bayamón and Puerto Nuevo RWWTPs and to revoke the current NPDES permits and reissue two individual NPDES permits with the appropriate modifications to their treatment requirements in accordance with Section 301(h) of the CWA and 40 Code of Federal Regulations (CFR) Part 125, Subpart G, as well as other modifications made pursuant to 40 CFR Part 122, such as to the flow limits.

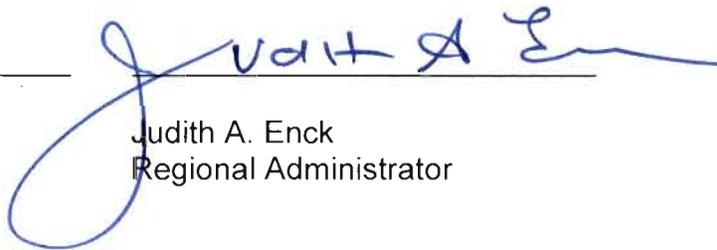
On July 1, 2011, the EPA public noticed the draft NPDES permits for these facilities, NPDES Permit Nos. PR0023728 and PR0021555, containing the modifications to secondary treatment requirements pursuant to Section 301(h) of the CWA and 40 CFR Part 125, Subpart G, and the tentative decision to grant a 301(h) waiver. The comment period on the draft permits closed on August 15, 2011. All comments received during the public comment period have been reviewed and considered in this final permit decision.

The basis for the decision to approve PRASA's 301(h) applications and to issue final NPDES permits with modified treatment requirements is set forth in the administrative record compiled in these proceedings, including the Decision Document entitled "Analysis of the Section 301(h) Secondary Treatment Waiver Applications for the Bayamón and Puerto Nuevo Regional Wastewater Treatment Plants NPDES Permit No. PR0023728 and PR0021555, Puerto Rico" and the document entitled "Responsiveness Summary for the Draft Permits for the Bayamón Regional Wastewater Treatment Plant (NPDES Permit No. PR0023728) and Puerto Nuevo Regional Wastewater Treatment Plants (NPDES Permit No. PR0021555)."

The current NPDES permits shall be revoked and the new NPDES permits shall be reissued upon the date of my signature and shall become effective on December 1, 2011, unless a petition has been filed with the Environmental Appeals Board to review any condition of the permit decision pursuant to the provisions of 40 CFR 124.19. All contested conditions and any uncontested condition(s) that are inseverable from the contested conditions shall be stayed. All other conditions shall become effective thirty (30) days after the date of the notification specified in 40 CFR 124.16(a)(2)(ii). For purposes of judicial review under Section 509(b) of the CWA, final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under 40 CFR Part 124. Any party which neglects or fails to seek review under 40 CFR 124.19, thereby waives its opportunity to exhaust available agency administrative remedies.

Dated: \_\_\_\_\_

9/28/11

A handwritten signature in blue ink, appearing to read "Judith A. Enck", written over a horizontal line.

Judith A. Enck  
Regional Administrator