

ATTACHMENT I
RESPONSIVENESS SUMMARY AND CHANGES
FOR THE FOLLOWING DRAFT PERMITS

La Plata WTP (PR0025755)
Guilarte WTP (PR0026191)
Roncador WTP (PR0026271)
Guayanes WTP (PR0026409)
Guzman Arriba WTP (PR0022471)
Cedro Arriba WTP (PR0022659)
Luquillo WTP (PR0022802)
Ceiba Sur WTP (PR0025119)
Rio Prieto WTP (PR0025411)
Cayey Farallon WTP (PR0026077)
Maricao WTP (PR0022969)
Parcelas Borinquen WWTP (PR0025101)
Guayama WWTP (PR0025445)
Superacueducto Norte WTP (PR0026085)
Puerto Nuevo WWTP (PR0021555)

On **June 28, 2013**, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTP's) and Wastewater Treatment Plants (WWTPs) owned by the Puerto Rico Aqueduct and Sewer Authority (PRASA) listed above.

According to 40 Code of Federal Regulations (CFR) §124.17, at the time that any final permit decision is issued under §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 PRASA were received from the following addresses:

Puerto Rico Aqueduct and Sewer Authority
PO Box 7066
Barrio Obrero Station
San Juan, PR 00916

All the comments received have been reviewed and considered in this final permit decision. A summary of and response to the comments received follows:

A. **GENERAL COMMENT**

In its comment letter PRASA has raised a number of issues, many of which address inclusion in the permit of conditions contained in the Water Quality Certificate (WQC) issued by EQB.

Response 1:

EPA is providing a generalized response to PRASA's comments which relate to requirements in EQB's WQCs.

Section 301(b)(1)(C) of the Clean Water Act (CWA) requires that there be achieved effluent limitations necessary to assure that a discharge will meet Water Quality Standards (WQS) of the applicable State and Federal laws and regulations where those effluent limitations are more stringent than the technology-based effluent limitations required by Section 301(b)(1)(A) of the CWA. Section 401(a)(1) of the CWA requires that the State certify that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the CWA. Pursuant to Section 401(d) of the CWA any certification shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal permit will comply with any applicable effluent limitations and other limitations under section 301 or 302 of the CWA, and with any other appropriate requirement of State law set forth in such certification. Also, 40 C.F.R. 122.44(d) requires that each NPDES permit shall include requirements which conform to the conditions of a State Certification under Section 401 of the CWA that meets the requirements of 40 C.F.R. 124.53. Similarly, 40 C.F.R. 124.55 requires that no final NPDES permit shall be issued unless the final permit incorporates the requirements specified in the certification under §124.53. Concerning the certification requirements in 40 C.F.R. 124.53(e)(1), they specify that all Section 401(a)(1) State certifications must contain conditions which are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law.

EQB issued final WQCs certifying that pursuant to Section 401(a)(1) of the CWA, after due consideration of the applicable provisions established under Sections 208(e), 301, 302, 303, 304(e), 306 and 307 of the CWA concerning water quality requirements, there is reasonable assurance that the discharge will not cause violations to the applicable WQSs, provided that the effluent limitations set forth in the WQCs are met by the above facility.

The effluent limitations (where more stringent than technology-based effluent limitations), monitoring requirements and other appropriate requirements of State law (including footnotes, Special Conditions, etc.) specified in the final WQC issued by the EQB were incorporated by EPA into the NPDES permit as required by Section 301(b)(1)(C) and 401(d) of the CWA and the applicable regulations. Therefore, concerns and comments regarding the WQC must be directed to EQB or to the Superior Court.

Also, in the event that EPA receives a revised or modified WQC, we would consider modification of this permit, subject to all applicable federal requirements, to include revised WQC requirements and conditions.

B. CAYEY – FARALLON COMMENTS

1) **Comment 1:** The "receiving waters name" of the plant's discharge 001, in the first page of the permit, must be corrected to "Unnamed creek_tributary **to Quebrada Grande**" as included in EQB's Final WQC of January 28, 2013.

Response: This was a typographical error. The final permit has been revised to read as the final WQC.

2) **Comment 2:** Special Condition No. 16 - During the previous permit period, PRASA conducted various toxicity analyses and the results of these tests demonstrate that **no toxicity exists in the effluent of Cayey-Farallón WTP**. PRASA has clearly shows that the Cayey-Farallón WTP's discharge has not 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). Please refer to the toxicity test results submitted to EPA and EQB. Copy of all of them will be included in another emails due to PRASA's email space restrictions of less than 5 MB.

Based on the above, PRASA requests that Special Condition No. 16 be deleted from the permit or in the alternative include the following statement as appear in EQB's Final WQC of January 28, 2013:

"This special condition shall not become in effect until EQB has determined the applicability to the respective facility and has notified the permittee and EPA, in writing, of the necessity to comply with this special condition".

Response: Water quality based permitting requirements at 40 CFR 122.44(d)(1) require 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. 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 if reasonable potential to exceed water quality standards is determined.

EPA examined the results submitted by PRASA for their potential to cause or contribute to an excursion of the Puerto Rico water quality criterion for chronic and acute toxicity.

And the results showed that no effluent limitation is needed since the results were greater than 100% survival for acute toxicity, which corresponds to less than 1.0 acute toxic units (TUa). EPA has chosen to continue to require monitoring to ensure that there is no unacceptable toxicity or reasonable potential to exceed the water quality standard of 0.3 TUa. For this reason, we are keeping the WET condition as established in the draft permit.

3) **Comment 3:** Special Condition No. 19 - the number of this special condition must be moved. The condition must begin reading as follows:

"The permittee must request and obtain from the EQB the corresponding permit for the operation of the septic tanks..."

Response: This was a typographical error.

C. CEDRO ARRIBA WTP COMMENTS

1) **Comment 1:** Zinc - By email of December 21, 2012, PRASA submitted comments on EQB's Draft WQC of December 7, 2012. As a result of our comments EQB responded the following:

"After reviewing the data, we found that this parameter was included by mistake in Table A-1. Therefore, Zinc will be eliminated from the WQC"

Based on EQB's Final WQC of January 28, 2013 (copy included), the parameter of Zinc must be eliminated from Table A-1 of the NPDES permit.

[attachment "PF Cedro Arriba - PR0022659 - CCA Final.PDF" deleted by Victor RIVERA RIVERA/Cmplmto/Sede/AAA]

Response: This was a typographical error. The final permit has been revised to read as the final WQC.

D. CEIBA SUR WTP COMMENTS

1) **Comment 1:** Special Conditions - the numerical order of special conditions must be corrected. For example in Page 6 of 27, the reader goes from Special Condition No. 8 to Special Condition No. 10. It can bring confusion and a false interpretation that Special Condition No. 9 is missing.

Response: This was a typographical error.

E. **GUAYANES WTP COMMENTS**

1) **Comment 1:** The plant's physical address in the first page of the permit is incomplete. It must read as "State Road 386 **Km. 0.3 Jaguas Ward**".

Response: This is a typographical error; the referenced item has been modified according to PRASA's comments.

F. **GUZMAN ARRIBA WTP COMMENTS**

1) **Comment 1:** The "receiving waters name" of the plant's discharge 001, in the first page of the permit, must be corrected to "**Unnamed creek** tributary to Canóvanas River".

Response: This was a typographical error. The final permit has been revised to read as the final WQC.

2) **Comment 2:** Cadmium - The chemical nomenclature of Cadmium in Table A-1 must be corrected to "**Cd**".

Response: This is a typographical error; the referenced item has been modified according to PRASA's comments.

G. **LUQUILLO WTP COMMENTS**

1) **Comment 1:** Residual Chlorine - The footnote (γ) of Residual Chlorine must be corrected, since it makes reference incorrectly to Special Conditions 7 and 8. It must make reference to Special Conditions **6 and 7**.

Response: This was a typographical error; the referenced item has been modified according to PRASA's comments.

2) **Comment 2:** Special Condition No. 15 - During the previous permit period, PRASA conducted various toxicity analyses and the results of these tests demonstrate that **no toxicity exists in the effluent of Luquillo WTP**. PRASA has clearly shows that the Luquillo WTP's discharge has not 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). Please refer to the toxicity test results submitted to EPA and EQB. Copy of all of them will be included in another emails due to PRASA's email space restrictions of less than 5 MB.

Based on the above, PRASA requests that Special Condition No. 15 be deleted from the permit or in the alternative include the following statement as appear in EQB's Final WQC of January 28, 2013:

"This special condition shall not become in effect until EQB has determined the applicability to the respective facility and has notified the permittee and EPA, in writing, of the necessity to comply with this special condition".

Response: Water quality based permitting requirements at 40 CFR 122.44(d)(1) require 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. 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 if reasonable potential to exceed water quality standards is determined.

EPA examined the results submitted by PRASA for their potential to cause or contribute to an excursion of the Puerto Rico water quality criterion for chronic and acute toxicity. And the results showed that no effluent limitation is needed since the results were greater than 100% survival for acute toxicity, which corresponds to less than 1.0 acute toxic units (TUa). EPA has chosen to continue to require monitoring to ensure that there is no unacceptable toxicity or reasonable potential to exceed the water quality standard of 0.3 TUa. For this reason, we are keeping the WET condition as established in the draft permit.

H. RONCADOR WTP COMMENTS

1) **Comment 1:** The plant's physical address in the first page of the permit must be corrected. The draf permit indicates "Street 603 Km. 4.8" and it must be "**State Road** 603 Km. 4.8".

Response: This was a typographical error. The final permit has been revised to read as the final WQC

I. GUAYAMA WWTP COMMENTS

1) Comment 1: Table A-1: The header of this table makes reference to language pertaining to water treatment plants ("*filters and settling tanks washwater*"). This must be corrected.

Response: This was a typographical error; the language was revised to read "*treated wastewaters*".

2) Comment 2: Cyanide, Free (CN) - the symbol that makes reference to Special Condition No. 10 must be added to this parameter, as it appears in the parameter of mercury.

Response: This was a typographical error, the symbol was revised and now is "**β**".

J. PARCELAS BORINQUEN WWTP COMMENTS

1) Comment 1: Table A-1: The header of this table makes reference to language pertaining to water treatment plants ("*filters and settling tanks washwater*"). This must be corrected.

Response: This was a typographical error; the language was revised to read "*treated wastewaters*".

2) Comment 2: BOD5 - the type of limit (Daily Max) and the measurements frequency (Monthly) include in Table A-1 are different from those ones established in Table I (Average Monthly and Twice per Month, respectively).

Response: This was a typographical error. The table was revised and now references Table I.

3) Comment 3: Nitrate plus Nitrites - this parameter appears without measurement units. The units of **µg/L** must be included.

Response: This was a typographical error; the parameter now includes the units, **µg/L**, according to its final WQC.

4) Comment 4: Sulfide (undissociated H₂S) - The monitoring frequency for this parameter must be changed from "Monthly" to "**Quarterly**" as included in EQB's Final WQC of February 4, 2013.

Response: This was a typographical error; the monitoring frequency was revised to read "Quarterly", according to its final WQC.