

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. PR0024155

Name and Address of Applicant:

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

Name and Address of Facility where Discharge Occurs:

State Road No. 111, Km. 5.4
Vivi Arriba Ward, Utuado, Puerto Rico 00641

Receiving Water: Quebrada Jordan

Classification: SD

Name of Preparer: Carlos R. Villafañe, P.E.

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°14' 47"
Longitude 66°40' 15"

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is a high rate 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 545.09 m³/day (0.144 MGD) as a daily maximum of wastewater consisting of filters and settling tanks washwaters treated in a sludge treatment system prior to be discharge from outfall serial number 001 to the Quebrada Jordan. 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 Intent to Issue a Water Quality Certificate (IWQC) 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:

Mr. Walter E. Andrews, Chief
Water Programs Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 24th Floor
New York, New York 10007-1866
(212) 637-3876

Mr. Jaime A. Géliga, Chief
Municipal Water Programs Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
Centro Europa Building, Suite 417
1492 Ponce de León Avenue, Stop 22
San Juan, Puerto Rico 00909
(787) 977-5840

ATTACHMENT II

DESCRIPTION OF LIMITATIONS AND CONDITIONS

1. The effluent limitations, monitoring requirements, and other conditions of this permit are described in the draft permit. The effluent limitations in the draft 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 2 Antibacksliding Policy.
2. Discharge Outfall 001: Filters and Settling Tank Washwaters Treated in Sludge Treatment System [Table A-1].
3. The effluent limitation for **2-Chlorophenol; 2,4- Dichlorophenol; 2,4-Dimethylphenol; 2,4- Dinitrophenol; 2-Methyl-4,6 –Dinitrophenol; 2,4,-6 Trichlorophenol; BOD₅; Cadmium; Color; Copper; Cyanide (Free); Dissolved Oxygen; Flow; Fluoride; Lead; Oil & Grease; Pentachlorophenol; pH; Phenol; Residual Chlorine; Solids and Other Matter; Sulfide (undissociated H₂S), Suspended, Colloidal or Settleable Solids; Taste and Odor Producing Substances; Temperature; Total Ammonia; Total Dissolved Solids; Total Phosphorus; Turbidity; and Zinc** are based on EQB's Intent to Issue of a Water Quality Certificate (IWQC).
4. The water quality-based numerical limitation from the existing permit for **Cadmium, Cyanide, and Flow** have been replaced with a less stringent water quality-based limitation in the IWQC issued by the EQB. EPA has determined that it is appropriate to relax these limitations without violating the anti-backsliding provisions of the CWA, in accordance with Section 402 (o), since the exceptions to the provisions has been satisfied. Section 303(d)(4) of the CWA allows relaxation of water quality-based effluent limitations, provided that attainment of water quality standards is assured and antidegradation requirements are considered. The EQB's IWQC constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.
5. The water quality-based numerical limitation from the existing permit for **Fecal Coliform** has been eliminated in the IWQC issued by the EQB. EPA has made the decision to impose the new 2003 EQB's Water Quality Standard for Fecal Coliform. This decision is made in accordance with EPA Region 2 Antidegradation/Antibacksliding Policy.
6. The water quality-based numerical limitation from the existing permit for **Zinc** has been replaced with a less stringent water quality-based limitation in the IWQC issued by the EQB. EPA has determined that it is appropriate to relax these limitations without violating the anti-backsliding provisions of the CWA, in accordance with Section 402 (o), since the exceptions to the provisions has been satisfied. This parameter was relaxed

according to the new EQB's 2003 Water Quality Standards calculations based on a hardness parameter.

7. The water quality-based effluent limitation from the previous permit for **Nitrate plus Nitrite** is not included in the IWQC 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 back-sliding if information is available which was not available 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 these parameters. 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.
8. The water quality-based effluent limitations from the previous permit for **Manganese and Phenolic Substances** are not included in the IWQC issued by EQB. EPA has determined that it is appropriate to remove the effluent limitation 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. CWA Sec. 402(o)(2)(B)(i) allows back-sliding 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 these parameters. Therefore, a water quality-based effluent limitation is not necessary for these parameters. Antidegradation requirements are not violated by removing the limits for these 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.
9. The water quality-based effluent limitation from the previous permit for **Copper** has been replaced with a more stringent water quality-based limitation in the IWQC 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 IWQC.

10. The proposed NPDES permit contains water quality-based effluent limitations for **2-Chlorophenol; 2, 4-Dichlorophenol; 2, 4-Dimethylphenol; 2, 4-Dinitrophenol; 2-Methyl-4, 6-Dinitrophenol; 2, 4, 6-Trichlorophenol, Pentachlorophenol, Phenol, and Total Ammonia**, which were not included in the previous NPDES permit. 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 limitations referenced in this paragraph have been included in the draft NPDES permit, based on EQB's IWQC.
11. All effluent limitations and monitoring requirements of parameters listed in Table A-1 are as imposed in the IWQC issued by the EQB, dated September 26, 2006. The IWQC 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.
12. General Conditions
These conditions apply to all permits as required by 40 CFR Part 122.41.
13. Special Conditions

Special Condition 14 was modified from the requirement imposed in the IWQC 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 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.

Special Conditions No. 1 through 19 are part of the IWQC.