



United States Environmental Protection Agency
Region 2
Caribbean Environmental Protection Division
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Guaynabo, Puerto Rico 00968-8069

FACT SHEET

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
LAS MARIAS WTP
PERMIT No. PR0026930**

This Fact Sheet sets forth the principle facts and technical rationale that serve as the legal basis for the requirements of the accompanying draft permit. The draft permit has been prepared in accordance with Clean Water Act (CWA) section 402 and its implementing regulations at Title 40 of the *Code of Federal Regulations* (CFR), Parts 122 through 124, and the final Water Quality Certificate (WQC) issued by the Puerto Rico Environmental Quality Board (EQB) pursuant to CWA section 401 requirements.

Pursuant to 40 CFR 124.53, the Commonwealth of Puerto Rico must either grant a certification pursuant to CWA section 401 or waive this certification before the U.S. Environmental Protection Agency (EPA) may issue a final permit. On **DECEMBER 29, 2016** EQB provided in the WQC that the allowed discharge will not cause violations to the applicable water quality standards at the receiving water body if the limitations and monitoring requirements in the WQC are met. In accordance with CWA section 401, EPA has incorporated the conditions of the **final** WQC into the draft permit. The WQC conditions are discussed in this Fact Sheet and are no less stringent than allowed by federal requirements. Additional requirements might apply to comply with other sections of the CWA. Review and appeals of limitations and conditions attributable to the WQC were made through the applicable procedures of the Commonwealth of Puerto Rico and not through EPA procedures.

PART I. BACKGROUND

A. Permittee and Facility Description

The Puerto Rico Aqueduct and Sewer Authority (PRASA) (referred to throughout as the Permittee) has applied for renewal of its Las Marias WTP National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. **PR0026930**. The Permittee submitted **Application Form 1 and Form 2C**, dated **February 14, 2012**, and applied for an NPDES permit to discharge **treated** wastewater from **Las Marias WTP, Las Marias, PR**, called the facility. The facility is classified as a **minor** discharger by EPA in accordance with the EPA rating criteria.

The Permittee **owns and** operates the **water treatment plant**. Attachment A of this Fact Sheet provides a map of the area around the facility and a flow schematic of the facility.

The treatment system consists of the following:

The Las Marias WTP is a water supply that provides conventional treatment to raw water from the Rio Grande de Añasco River, to supply potable water to sectors of the Municipality of Las Marias. It has a capacity of 2.5 MGD (monthly average), and has a Sludge Treatment System (STS) to treat the filter backwashes and ballasted-flocculation-clarification system (BFCS) washwaters which are discharged into the Rio Grande de Añasco River.

Water is processed through the following units:

- **Raw Water Strainers**
- **Coagulation**
- **Ballasted Flocculation Clarification System (BFCS - HydroCyclones)**
- **Filters**

- **Chlorination System**
- **Dechlorination System**

Summary of Permittee and Facility Information

Permittee	Puerto Rico Aqueduct and Sewer Authority (PRASA)
Facility contact, title, phone	Mrs. Irma Lopez, Executive Director Compliance and Quality Control (787) 620-2270, ext. 2131
Permittee (mailing) address	Puerto Rico Aqueduct and Sewer Authority P.O. Box 7066 Barrio Obrero Station Santurce, Puerto Rico 00916-7066
Facility (location) address	State Road 119, Km. 35.8, Las Marias Ward, Las Marias, PR 00670
Type of facility	Water Supply
Pretreatment program	N/A
Facility monthly average flow	0.5184 MGD
Facility design flow	2.5 MGD
Facility classification	Minor

B. Discharge Points and Receiving Water Information

According to a visit memorialized in a Memo from EQB personnel dated May 9, 2017, Wastewater is discharged only from Outfall **001** to The Rio Grande de Añasco River, a water of the United States.

The draft permit authorizes the discharge from the following discharge point(s):

Outfall	Effluent description	Outfall latitude	Outfall longitude	Receiving water name and classification
001	filter backwashes and ballasted-flocculation-clarification system (BFCS) washwaters	18°, 16', 31" N	66°, 58', 45" W	Rio Grande de Añasco River (SD)

As indicated in the Puerto Rico Water Quality Standards (PRWQSR) Regulations, the designated uses for Class SD receiving waters include:

- Use as a raw source of public water supply; and
- Propagation and preservation of desirable species, including threatened or endangered species.

CWA section 303(d) requires the Commonwealth of Puerto Rico to develop a list of impaired waters, establish priority rankings for waters on the list, and develop TMDLs for those waters. The receiving water **has not** been determined to have water quality impairments for one or more of the designated uses as determined by section 303(d) of the CWA.

C. Mixing Zone/Dilution Allowance: N/A

D. Compliance Orders/Consent Decrees

The Permittee has a Consent Decree with the Agency (**Civil Action No 3:15-CV-02283(JAG)**) in which the facility is included. This consent decree does not affect this permit action.

E. Summary of Basis for Effluent Limitations and Permit Conditions - General

The effluent limitations and permit conditions in the permit have been developed to ensure compliance with the following, as applicable:

- Clean Water Act section 401 certification requirements;
- NPDES regulations (40 CFR Part 122); and
- PRWQSR (August, 2016).

PART II. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

CWA section 301(b) and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable technology-based requirements where necessary to achieve applicable water quality standards. In addition, 40 CFR 122.44(d)(1)(i) requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that cause, have the reasonable potential to cause, or contribute to an exceedance of a water quality criterion, including a narrative criterion. The process for determining reasonable potential and calculating water quality-based effluent limits (WQBELs) is intended to protect the designated uses of the receiving water, and achieve applicable water quality criteria. Where reasonable potential has been established for a pollutant, but there is no numeric criterion for the pollutant, WQBELs must be established using (1) EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

The effluent limitations and permit conditions in the permit have been developed to ensure compliance with all federal and state regulations, including PRWQSR. The basis for each limitation or condition is discussed below.

A. Effluent Limitations

The permit establishes **WQBELs** for several pollutants and the basis for these limitations are discussed below.

1. **Flow:** An effluent limitation for flow has been established in the permit. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and EQB's Water Quality Certificate.
2. **Copper, Cyanide and Total Residual Chlorine (TRC):** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.J.1 of PRWQSR, and the WQC.
3. **5-Day Biochemical Oxygen Demand (BOD₅):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 CFR 133.102(a). The permit also requires influent monitoring and reporting in accordance with 40 CFR 122.44(i) to meet the requirement of the percent removal limitation (see section C.1. —Monitoring Requirements— of this Part).
4. **Solids and Other Matters:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.A of PRWQSR, and the WQC.
5. **pH:** The effluent limitation for pH is based on the water quality standards as specified in Rule 1303.2.D.2.d of PRWQSR, and the WQC.
6. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for Class **SD** waters as specified in Rule 1303.1.D of PRWQSR, and the WQC.
7. **Suspended, Colloidal or Settleable Solids:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.E of PRWQSR, and the WQC.
8. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for Class **SD** waters as specified in Rule 1303.2.D.2.a of PRWQSR, and the WQC.
9. **Turbidity:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.1.B of PRWQSR, and the WQC.

10. **Sulfates:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2.D.2.j of PRWQSR, and the WQC.
11. **Taste and Odor Producing Substances:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2.D.2.h of PRWQSR, and the WQC.
12. **Total Phosphorus:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2.D.2.n of PRWQSR, and the WQC.
13. **Total Ammonia Nitrogen:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.l of PRWQSR, and the WQC.

B. Effluent Limitations Summary Table

1. Outfall Number 001

Parameter	Units	Effluent limitations					Notes
		Averaging period	Highest Reported Value (1)	Existing limits	Final limits	Basis	
BOD ₅	mg/L	Daily maximum	6.8	--	26.0	WQBEL	(5)
Copper (Cu)	µg/L	Daily maximum	970	--	8	WQBEL	(5)
Cyanide (Cn) (Free)	µg/L	Daily maximum	--	--	Monitor	WQBEL	(4), (6)
Dissolved Oxygen	mg/L	Daily minimum	3.38	--	>5	WQBEL	
Flow	MGD	Daily maximum	0.115	--	0.5184	WQBEL	
pH	SU	Daily minimum Daily maximum	7.8-8.27	--	6.0 – 9.0	WQBEL	
Residual Chlorine	µg/L	Daily maximum	3000	--	11	WQBEL	(2), (3)
Sulfates (SO ₄)	mg/L	Daily maximum	--	--	Monitor	WQBEL	(4)
Total Ammonia Nitrogen	µg/L	Daily maximum	--	--	Monitor	WQBEL	
Total Phosphorus (P)	µg/L	Daily maximum	4700	--	160	WQBEL	(5)
Turbidity	NTU	Daily maximum	8700	--	50	WQBEL	

Notes, Footnotes and Abbreviations

- Notes:
- Dashes (--) indicate there are no effluent data, no limitations, or no monitoring requirements for this parameter.
 - To comply with the monitoring requirements specified above, samples shall be taken at the sampling point for discharge serial number 001.
 - All flow measurements shall achieve accuracy within the range of plus or minus (±) 10%.
- (1) Wastewater data from DMRs dated December 1, 2004 to February 29, 2008 included in the February 14, 2012 application.
 - (2) The Permittee must at all times operate the plant to achieve the lowest possible residual chlorine.
 - (3) See Special Conditions 5 & 6 of the Permit.
 - (4) The permittee shall implement a monthly monitoring program using the analytical method approved by EPA with the lowest possible detection level, in accordance with Rule 1306.2(C) of the PRWQSRR, as amended, for one (1) year period, after which they will be conducted annually. The monitoring program shall commence not; later than thirty (30) days after the EDP. The results of the monitoring program shall be submitted to EQB and EPA-Region 2 no later than sixty (60) days of completion of the one (1) year monitoring program. Based on the evaluation of the results obtained, EQB will determine if an effluent limitation is necessary for this parameter. In such case, the IWQC will be reopened to include the applicable effluent limitation.
 - (5) No Net Addition Limitation
 - If the applicable water quality standard is not exceeded in the inlet, the established effluent limitation shall not be exceeded at the discharge point 001.
 - If the applicable water quality standard is exceeded in the inlet, the same measurement shall be achieved at the discharge point 001.

In order to demonstrate compliance with the No Net Addition Limitation, influent (raw water from Río Grande de Añasco) and effluent (filters backwashes and balasted-floculation-clarification system (BFCS) washwaters) monitoring must be conducted at the frequency specified herein. The permittee shall take into consideration the residence time of the influent when scheduling influent and effluent monitoring. The permittee shall report the results of these measurements in the Discharge Monitoring Reports. Alternately, the permittee may forego influent monitoring and comply with the applicable water quality standard as effluent limitation at the end of the pipe of the discharge.

- (6) The samples shall be analyzed using the method approved by EPA in letter of February 20, 2007.

2. Outfall 001 Narrative Limitations

- a. The waters of Puerto Rico shall not contain floating debris, scum or other floating materials attributable to the discharge in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
- b. Solids from wastewaters sources shall not cause deposition in or be deleterious to the existing or designated uses of the water body.
- c. Taste and Odor producing substances shall not be present in amounts that will interfere with the use for potable water supply, or will render any undesirable taste or odor to edible aquatic life.
- d. Except by natural causes, no heat may be added to the waters of Puerto Rico, which would cause the temperature of any site to exceed 90°F (32.2°C).

C. Monitoring Requirements

NPDES regulations at 40 CFR 122.48 require that all permits specify requirements for recording and reporting monitoring results. The Part III of the Permit establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements for this facility.

1. Influent Monitoring Requirements

This facility is not subject to influent monitoring requirements.

2. Effluent Monitoring Requirements

Effluent monitoring frequency and sample type have been established in accordance with the requirements of 40 CFR 122.44(i) and recommendations in EPA's TSD. Consistent with 40 CFR Part 136 monitoring data for toxic metals must be expressed as total recoverable metal. Effluent monitoring and analyses shall be conducted in accordance with EPA test procedures approved under 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act, as amended. For situations where there may be interference, refer to Solutions to Analytical Chemistry Problems with Clean Water Act Methods (EPA 821-R-07-002). A licensed chemist authorized to practice the profession in Puerto Rico shall certify all chemical analyses. All bacteriological tests shall be certified by a microbiologist or licensed medical technologist authorized to practice the profession in Puerto Rico.

The sampling point for Outfall 001 shall be located immediately after the primary flow measuring device of the effluent of the treatment system.

D. Compliance with Federal Anti-Backsliding Requirements and Puerto Rico's Anti-Degradation Policy

Federal regulations at 40 CFR 131.12 require that state water quality standards include an anti-degradation policy consistent with the federal policy. The discharge is consistent with the anti-degradation provision of 40 CFR 131.12, 72 Federal Register 238 (December 12, 2007, pages 70517-70526) and EQB's *Anti-Degradation Policy Implementation Procedure* in Attachment A of PRWQSR. In addition, CWA sections 402(o)(2) and 303(d)(4) and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. Further, the Region 2 Antibacksliding Policy provides guidance regarding relaxation of effluent limitations based on water quality for Puerto Rico NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit with some exceptions where limitations may be relaxed.

- These anti-backsliding provisions are not required for this permit; this is **not** a reissued permit, but a new permit that has not been issued before.

A. Standard Conditions

In accordance with 40 CFR 122.41, standard conditions that apply to all NPDES permits have been incorporated by reference in Part IV.A.1 of the permit and expressly in Attachment B of the permit. The Permittee must comply with all standard conditions and with those additional conditions that are applicable to specified categories of permits under 40 CFR 122.42 and specified in Part IV.A.2 of the Permit.

B. Special Conditions

In accordance with 40 CFR 122.42 and other regulations cited below, special conditions have been incorporated into the permit. This section addresses the justification for special studies, additional monitoring requirements, Best Management Practices, Compliance Schedules, and/or special provisions for POTWs as needed. The special conditions for this facility are as follows:

1. Special Conditions from the Water Quality Certificate

In accordance with 40 CFR 124.55, EPA has established Special Conditions from the WQC in the permit that EQB determined were necessary to meet PRWQSR. The Special Conditions established in this section are only those conditions from the WQC that have not been established in other parts of the permit.

2. Whole Effluent Toxicity Testing

Part IV. Standard and Special Condition B.2 Whole Effluent Toxicity Testing was included in the permit 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.

This Condition also includes language to clarify the right of EPA to reopen this permit to include additional toxicity requirements if warranted.

3. Best Management Practices (BMP) Plan

In accordance with 40 CFR 122.2 and 122.44(k), BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to waters of the United States. The Permittee is required to develop a BMP Plan in Part IV.B.3.a of the permit to control or abate the discharge of pollutants.

4. Compliance Schedules

A compliance schedule has not been authorized for any pollutant or parameter in the permit on the basis of 40 CFR 122.47.

PART III. COMPLIANCE WITH APPLICABLE PROVISIONS OF OTHER FEDERAL LAWS OR EXECUTIVE ORDERS

A. Coastal Zone Management Act

Not Applicable.

B. Endangered Species Act

Under 40 CFR 122.49(c), EPA is required pursuant to section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.* and its implementing regulations (50 CFR Part 402) to ensure, in consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) that the discharge authorized by the permit is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. On April 16, 2009, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, according to 50 CFR 402.8. In the past, no federally listed endangered or threatened species, or critical habitat, are in the vicinity

of the discharge. Therefore, it has been determined that the discharge is not likely to affect species or habitat listed under the ESA.

C. Environmental Justice

EPA has performed an Environmental Justice (EJ) Analysis for the discharge in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations*, and EPA's Plan EJ 2014. EJ is the right to a safe, healthy, productive and sustainable environment for all, where "environment" is considered in its totality to include the ecological, physical, social, political, aesthetic and economic environments. In the NPDES permitting program, the public participation process provides opportunities to address EJ concerns by providing appropriate avenues for public participation, seeking out and facilitating involvement of those potentially affected, and including public notices in more than one language where appropriate. The facility is in an area characterized as a Community of Concern (COC) and therefore is subject to the EJ requirements. In the EJ Analysis, EPA determined that there is no potential for a disproportionate and/or adverse environmental burden in the COC since the conditions are similar through the Island. Nevertheless, EPA is committed to taking all necessary actions to minimize any possible and/or potential adverse effects on COC from the **Las Marias WTP**.

D. Coral Reef Protection

Not Applicable.

E. Climate Change

EPA has considered climate change when developing the conditions of the permit. This is in accordance with the draft *National Water Program 2012 Strategy: Response to Climate Change* that identifies ways to address climate change impacts by NPDES permitting authorities (77 Federal Register 63, April 2, 2012, 19661-19662). Climate change is expected to affect surface waters in several ways, affecting both human health and ecological endpoints. As outlined in the draft National Water Program 2012 Strategy, EPA is committed to protecting surface water, drinking water, and ground water quality, and diminishing the risks of climate change to human health and the environment, through a variety of adaptation and mitigation strategies. These strategies include encouraging communities and NPDES permitting authorities to incorporate climate change strategies into their water quality planning, encouraging green infrastructure and recommending that water quality authorities consider climate change impacts when developing water load and load allocations for new TMDLs, identifying and protecting designated uses at risk from climate change impacts. The 2010 *NPDES Permit Writers' Manual* also identifies climate change considerations for establishing low-flow conditions that account for possible climatic changes to stream flow. The conditions established in the permit are consistent with the draft National Water Program 2012 Strategy.

F. National Historic Preservation Act

Under 40 CFR 122.49(b), EPA is required to assess the impact of the discharge authorized by the permit on any properties listed or eligible for listing in the National Register of Historic Places (NRHP) and mitigate any adverse effects when necessary in accordance with the National Historic Preservation Act, 16 U.S.C. 470 et seq. EPA's analysis indicates that no soil disturbing or construction-related activities are being authorized by approval of this permit; accordingly, adverse effects to resources on or eligible for inclusion in the NHRP are not anticipated as part of this permitted action.

G. Magnuson-Stevens Fishery Conservation and Management Act

Not Applicable.

PART IV. PUBLIC PARTICIPATION

The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the draft permit, which is published in *El Vocero*. 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. EPA will consider and respond in writing to all significant comments received during the public comment period in reaching a final decision on the draft permit. Requests for information or questions regarding the draft permit should be directed to

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A copy of the draft permit is also available on EPA's website at www.epa.gov/region02/water/permits.html.

ATTACHMENT A — FACILITY MAP AND FLOW SCHEMATIC

The facility map and flow schematic are attached as provided by the discharger in the application.



