

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II

City View Plaza II – Suite 7000
48 Road 165 Km 1.2
Guaynabo, Puerto Rico 00968-8069

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

NPDES Application No. PR0000418

Name and Address of Applicant:

Peñuelas Technology Park, LLC
683 State Road No. 337
Peñuelas, Puerto Rico 00624

Name and Address of Facility
where Discharge Occurs:

State Road 337, Km 1.1
Tallaboa Ward
Peñuelas, Puerto Rico

Receiving Water: Guayanilla Bay

Classification: SC

Name of Preparer: Sergio Bosques

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: 17° 58' 49.11" latitude X 66° 45' 46" longitude.

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is engaged in treatment of groundwater and sanitary waters at wastewater treatment plant. The applicant proposes to discharge 234.68 m³/day (0.062 MGD) as a daily maximum flow of wastewater consisting of treated wastewaters from recovery of the groundwater control system at the facility's industrial landfill and the wastewater treatment plant areas and sanitary wastewaters, treated in a wastewater treatment system from outfall serial number 001 to Guayanilla Bay. The receiving water has been classified SC 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 I.

IV. STATE CERTIFICATION REQUIREMENTS

State Certification requirements, based upon a Water Quality Certificate (WQC) issued 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 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 Title 40 Code of Federal Regulation (40 CFR) Part 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:

Douglas Pabst, Acting Chief
Clean Water Regulatory Branch
U.S. Environmental Protection Agency
Region 2
290 Broadway, 24th Floor
New York, New York 10007-1866
(212) 637-3876

José C. Font, Director
US EPA Region II
Caribbean Environmental Protection
Division
City View Plaza II – Suite 7000
48 Road 165 Km. 1.2
Guaynabo, Puerto Rico 00968-8069
(787) 977-5870

ATTACHMENT I

DESCRIPTION OF LIMITATIONS AND CONDITIONS FOR OUTFALL 001

The effluent limitations, monitoring requirements, and other conditions of this permit 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. All anti-backsliding decisions are made in accordance with EPA Region II Antibacksliding Policy dated August 10, 1993.

- I. Technology-based Limits – EPA review the Effluent Limit Guideline for the Landfills Points Source Category under 40 CFR Part 445. In accordance with 40 CFR Part 445.1(d) states that the provisions of this part do not apply to discharges of contaminated groundwater or wastewater from recovery pumping wells. Therefore, EPA determined no technology-based effluent limitations are applicable to the facility's discharge through Outfall 001.

II. Water Quality-based Limits

The effluent limitations listed in Tables A-1, A-2 and A-3 for all contaminants, unless otherwise specified and all special conditions are as imposed in the Water Quality Certificate (WQC) issued by the EQB, dated September 28, 2011. The 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 water quality-based effluent limitation from the previous permit for **Total Suspended Solids, Chromium, Acenaphthene, Benzene, Chloroform, 2,4-Dinitrotoluene, Ethylbenzene, Fluoranthene, Methylene Chloride, Naphthalene, Di-n-butyl Phthalate, Diethyl Phthalate, Acenaphthylene, Anthracene, Fluorene, Phenanthrene, Pyrene, Toluene, Xylene, Phenol, Barium, Cadmium, Total Coliform, Fecal Coliform, Selenium, Sulfate, Sulfide, Turbidity, Manganese, Iron, Detergent (MBAS), Nitrogen, Zinc, Arsenic, and Phenolic Substances** are not included in the WQC 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 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. 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 limit 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.

The water quality-based numerical limitation from the existing permit for **Oil & Grease** has an interim and final water quality-based limitation. The final water quality-based numerical limitation for this parameter has been replaced with a less stringent water quality-based limitation in the draft WQC issued by the EQB. EPA has determined that it is appropriate to relax 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 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. 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 limit 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. The EQB water quality certificate constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.

All effluent limitations and monitoring requirements of parameters listed in Table A-1, A-2 and A-3 are as imposed in the WQC issued by the EQB, dated September 28, 2011. A footnote was added in Table A-1 under the parameter Suspended, Colloidal, or Settleable Solids to clarify that testing for these parameters should be conducted for Settleable Solids. The 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.

General Conditions

These conditions apply to all permits as required by 40 CFR Part 122.41.

Special Conditions

Special Conditions No. 1 through 18 are part of the WQC.