

**United States Environmental Protection Agency****Region 2**

Clean Water Division
290 Broadway
New York, New York 10007

FACT SHEET**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PUMA Energy Caribe. LLC
PERMIT No. PR000370**

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 interim 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 March 19, 2014, 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 interim WQC into the draft permit. Any changes to the interim WQC will be incorporated into the final issuance of the 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.

Background**A. Permittee and Facility Description**

The Puma Energy Caribe, LLC (referred to throughout as the Permittee) has applied for renewal of its National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. PR0000370. The Permittee submitted Application Form 1 dated November 14, 2011 and Form 2C, and 2F dated November 14, 2011, and applied for an NPDES permit to discharge treated wastewater (from underground storage tank water from service stations, above ground storage tanks cleaning, refinery cleaning – process sewer, laboratory discharges, tanks secondary containment drain to pit #1, stormwater from process dikes area, underground recovery system, dock's stormwater collection tank, loading rack process sewer stormwater/tank truck spill, and aboveground storage tanks condensate drainage) and waters composed of entirely stormwater from The Puma Energy Caribe, LLC, Bayamon, called the facility. The facility is classified as a major discharger by EPA in accordance with the EPA rating criteria.

The Permittee owns and operates wholesale petroleum bulk station and terminal. 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 for outfall 001 consists of the following:

The wastewater treatment plant contains facilities for the treatment of oily wastewater and contaminated stormwater. The treatment facilities are; a knockout pit, two primary oil/water/solids separators, a secondary oil/water/solids separator, a biological treatment plant and sand filters.

Solids generated from the system are managed as hazardous waste upon removal from the treatment units.

An administrative compliance order was issued on May 11, 2011 by the EPA to the Permittee following acquisition of the property from Caribbean Petroleum Refining, L.P. Two applications were submitted, one corresponding to present operations and another corresponding to proposed future operations. The Permittee intends to demolish the refinery and then demolish the wastewater treatment plant which will eliminate Outfall 001. The only remaining discharge to waters will correspond to noncontact stormwater runoff through Outfall 002.

Summary of Permittee and Facility Information

Permittee	Puma Energy Caribe, LLC
Facility contact, title, phone	Mr. Victor Dominguez, General Manager 787-622-6499
Permittee (mailing) address	P.O. Box 11961, San Juan, PR 00922
Facility (location) address	State Road No. 28 KM 2.0, Luchetti Industrial Park, Bayamon, PR 00961
Type of facility	Industrial with SIC code 5171 and 2911
Pretreatment program	N/A
Facility monthly average flow	0.720
Facility design flow	0.720
Facility classification	Major

B. Discharge Points and Receiving Water Information

Wastewater is discharged from Outfall 001 to the San Juan Bay and stormwater is discharged from Outfall 002 to Las Lajas Creek 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	Wastewater	18.00°, 25.00', 6.72"N	66.00°, 8.00', 10.73" W	San Juan Bay, SC
002	Stormwater	18.00°, 25.00', 8.37"N	66.00°, 8.00', 3.39" W	Las Lajas Creek, SD

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

Class SC - Coastal waters intended for primary contact recreation use from the zone subject to ebb and flow of tides (mean sea level) to 3 miles seaward, and secondary contact recreation from 3 miles seaward to 10.35 miles seaward, and for the propagation and preservation of desirable species, including threatened or endangered species.

Class SD - Surface waters intended for use as a raw source of public water supply, propagation and preservation of desirable species, including threatened or endangered species, as well as primary and secondary contact recreation. Primary contact recreation is precluded in any stream or segment that does not comply with Rule 1302.2 (D) (2) (I) until such stream or segment meets the goal of the referred section.

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

The WQC has authorized an interim mixing zone for this discharge in accordance with Rule 1305 of PRWQS which was included in the previous permit.

D. Compliance Orders/Consent Decrees

The Permittee has an administrative compliance order (ACO) CWA-02-2011-3119 that was issued on May 11, 2011 by EPA. The ACO addresses the facility acquisition as it relates to the applicability of the NPDES program to the facility.

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:

1. Clean Water Act section 401 Certification
2. NPDES Regulations (40 CFR Part 122)
3. PRWQS (March 2010), and
4. Secondary Treatment Requirements (40 CFR 133).

PART I. 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 PRWQS. The basis for each limitation or condition is discussed below.

A. Effluent Limitations

The permit establishes Technology-based Effluent Limitations (TBELs) and WQBELs for several pollutants and the basis for these limitations are discussed below.

1. **Flow:** Effluent limitations for flow has been established in the permit. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and the WQC.
2. **5-Day Biochemical Oxygen Demand (BOD₅):** The effluent concentrations are based on technology-based secondary treatment standards for biological treatment.
3. **pH:** The effluent limitation for pH is based on the water quality criterion for Class SC and SD waters as specified in Rule 1303 and 1306 of PRWQS, and the WQC.
4. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for Class SC and SD waters as specified in Rule 1303 and 1306 of PRWQS, and the WQC.
5. **Fecal Coliform and Total Coliform:** The discharge consists of process water outfall 001 and stormwater outfall 002 that is a source of pathogens. To ensure that the recreational use of the water body is met, effluent limitations for fecal coliform and total coliform are established in the permit and are based on the water quality criterion for Class SC and SD waters as specified in Rule 1301, 1303 and 1306 of PRWQS, and the WQC. Consistent with the expression of the water quality criteria for fecal coliform, EPA establishes a monitoring frequency of 5 grab samples per month to calculate a geometric mean and to monitor and report the single sample result of each of the 5 samples to comply with the effluent limitation of no more than 20 percent of the single samples must be above the single-sample maximum of 400 colonies per 100 mL.
6. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for Class SC and SD waters as specified in Rule 1301, 1303 and 1306 of PRWQS, and the WQC.
7. **Whole Effluent Toxicity (WET):** CWA section 101(a) establishes a national policy of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Specifically, CWA section 101(a)(3) and PRWQS Rule 1303(l) prohibit the discharge of toxic pollutants in toxic amounts. Federal regulations at 40 CFR 122.44(d) also require that where the permitting authority determines, through the analysis of site-specific WET data, that a discharge causes, shows a reasonable potential to

cause, or contributes to an excursion above a water quality standard, including a narrative water quality criterion, the permitting authority must establish effluent limits for WET. To satisfy the requirements of the CWA, its implementing regulations, and the PRWQS, a reasonable potential analysis for WET was conducted for this discharge.

PRWQS do not provide a numeric criterion for toxicity. Therefore, consistent with the recommendations of section 2.3.3 of EPA's *Technical Support Document (TSD) for Water Quality-Based Toxics Control* (EPA-505-2-90-001), values of 0.3 acute toxic unit (TU_a) and 1.0 chronic toxic unit (TU_c) were used to interpret the narrative water quality criteria for WET established in PRWQS Rule 1303(l). No limits have been established, however, the permit establishes monitoring requirements which will be evaluated by EQB to determine if effluent limitations are necessary.

In addition, the permit establishes a requirement for the Permittee to conduct accelerated testing and develop a Toxicity Reduction Evaluation (TRE) Workplan as Special Conditions. These requirements are necessary to ensure that the Permittee has a process for addressing effluent toxicity if toxicity is observed.

8. **Toxic Metals, Organic Compounds, Sulfide and Cyanide:** In accordance with 40 CFR 122.44(d), a WQBEL must be established if the discharge of a pollutant demonstrates that it is or might be discharged at a level that will cause, have the reasonable potential to cause, or contributes to an excursion above any state water quality standard. The need for WQBELs is based on the procedures specified in section 5 of EPA's TSD and by comparing effluent data and water quality criteria established in PRWQS Rule 1303 and the National Toxics Rule at 40 CFR 131.36(d)(4). On the basis of review of effluent and other data, EPA has determined the following:

- Copper has been identified as a contaminant of concern for the facility.
- Ammonia, total and hexavalent Chromium, Nitrogen, Selenium and Barium were found to be not present in amounts that would exceed the PRWQS, therefore, they have not been included in the Draft WQC.
- Chemical Oxygen Demand was not found in amounts that would exceed the water quality criterion, therefore, they have not been included in the Draft WQC.
- Manganese and Barium are not regulated in the PRWQS, therefore, they have not been included in the Draft WQC.
- Zinc has been identified as contaminants of concern for the facility.
- Mercury was found to be discharged in quantifiable amounts in the effluent. No dilution allowances exist for mercury; therefore EPA has applied water quality criterion at the end-of-pipe. The mercury criteria is less stringent than the existing permit limit. The permittee has exceeded the current limit in the existing permit, therefore relaxation of the mercury limit is consistent with the EPA's antibacksliding policy.
- Total Phenolics is not regulated in the PRWQS regulations as a parameter itself, however, a monitoring program has been established for Pentachlorophenol, 2-Chlorophenol, 2-Methyl-4,6-Dinitrophenol, 2,4,6-Trichlorophenol and 2,4-Dichlorophenol to obtain data to determine discharge 001 violation potential for the above mentioned parameters. The decision about phenolics was based on the results of a review process of the reported values for Total phenolics, compared to the WQS of each substance.
- Cyanide, Nickel, Surfactants and Turbidity limitations remain in the permit. Interim limits have been allowed for these parameters. However, following EDP + 8 months and 1 day, more stringent water quality based effluent limits will be imposed based on the compliance schedule.
- Sulfide has been identified as a contaminant of concern for the facility.
- Acids, Base/Neutrals, pesticides, metals (excluding silver, copper and zinc), and volatiles were not found to be discharged in the effluent. Thus, these toxic pollutants do not have effluent limitations proposed in the permit. However, monitoring and reporting requirements have been established as authorized by 40 CFR 122.44(d) and the need to reevaluate the necessity for a WQBEL upon renewal of the permit.

B. Effluent Limitations Summary Table**Outfall Number 001**

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Effluent Flow	mgd	Continuous recording	0.68	0.72	-- --	0.72	TBEL
Effluent BOD, 5-day (20°C)	mg/L	Average Monthly Daily Maximum	-- 63	-- 45	-- --	30 45	TBEL
	kg/day	Average Monthly Daily Maximum	-- 113.94	100.16 180.40	-- --	81.65 122.47	TBEL
Color	Pt-C Units	Maximum Daily Average Monthly	-- --	-- --	-- --	--	WQBEL
Copper	µg/L	Maximum Daily	--	--	--	3.73	WQBEL
Dissolved Oxygen	mg/L	Daily Minimum	4.1 (2)	4.0	--	4.0	WQBEL
Effluent TSS	mg/L	Average Monthly Daily Maximum	-- --	-- --	-- --	30 45	TBEL
	kg/day	Average Monthly Daily Maximum	-- 106.81	80.24 125.77	-- --	81.65 122.47	TBEL
pH	standard units	Minimum Maximum	7.32 (2) 8.48	7.3 8.5	--	7.3 8.5	WQBEL
Enterococci	(colonies/100 ml)	--	--	--	--	Monitor only	WQBEL
Fecal Coliforms	(colonies/100 ml)	Average Monthly Maximum Daily	605.47	2000 4000	--	200 400	WQEL
	% Exceeding Limit	Daily Maximum	--	20	--	20	WQBEL
Mercury	µg/L	Daily Maximum	0.195	0.025	--	0.051	WQBEL
Solids and other Matter	N/A	N/A	--	--	--		WQBEL
Suspended, Colloidal or Settleable Solids	(mL/L)	Daily	--	--	--	Narrative	WQBEL
Taste and Odor Producing Substances	N/A	N/A	--	--	--	Narrative	WQBEL
Temperature	°F (°C)	Daily Maximum	(32.1°C)	90° (32.2°) and Narrative	--	90° (32.2°) and Narrative	WQBEL
Oil and Grease	(mg/l)	Daily Average Maximum Daily	6.9 10.7	10.0 15.0	--	Narrative	WQBEL
2,4,6-Trichlorophenol	µg/L	1/Monthly	--	--	--	Monitor only	N/A
2,4-Dichlorophenol	µg/L	1/Monthly	--	--	--	Monitor only	N/A
2-Chlorophenol	µg/L	1/Monthly	--	--	--	Monitor only	N/A

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
2-Methyl-4,6-Dinitrophenol	µg/L	1/Monthly	--	--	--	Monitor only	N/A
Pentachlorophenol	µg/L	1/Monthly	--	--	--	Monitor only	N/A
Cyanide, Free (CN)	µg/L	Daily Maximum	--	--	72.0	1.0	WQBEL
Nickel (Ni)	µg/L	Daily Maximum	6.1	152	12.64	8.28	WQBEL
Zinc (Zn)	µg/L	Daily Maximum	31.	70.00	--	85.62	WQBEL
Sulfide (undissociated H ₂ S)	µg/L	Daily Maximum	21.	2.44	--	2.0	WQBEL
Surfactants (as Methyl Blue Active substances)	µg/L	Daily Maximum	809	555	555	500	WQBEL
Turbidity	µg/L	Daily Maximum	37.8	110	75	10	WQBEL

Notes, Footnotes and Abbreviations

Note: Dashes (--) indicate there are no effluent data, no limitations, or no monitoring requirements for this parameter.

(1) Wastewater data from January 2011 to June 2014.

Outfall Number 002

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Effluent Flow	mgd	Monitor only	27.932	N/A	--	N/A	N/A
Effluent BOD, 5-day (20°C)	mg/L	Monitor Only	--	--	--	Monitor only	N/A
	kg/day	Monitor Only	--	--	--	Monitor only	N/A
Color	Pt-C Units	Maximum Daily Average monthly	--	15 --	-- --	Monitor only	N/A
Effluent TSS	mg/L	Maximum Daily	2800	--	--	Monitor only	N/A
	kg/day	--	--	--	--	Monitor only	N/A
pH	standard units	Minimum Maximum	6.31(2) 8.58	6.0 9.0	--	6.0 9.0	WQBEL
Fecal Coliforms	(colonies/ 100 ml)	Monthly Average Daily Maximum	--	2000 4000	--	200 400	WQEL
	% Exceeding Limit	Daily Maximum	--	20	--	20	WQBEL
Total Coliform	(colonies/ 100 ml)	Average Monthly	--	10,000	--	10,000	WQBEL
Solids and other Matter	N/A	Monitor Only	--	--	--	Narrative	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Suspended, Colloidal or Settleable Solids	(mL/L)	Daily	--	--	--	Narrative	WQBEL
Taste and Odor Producing Substances	N/A	N/A	--	--	--	Narrative	WQBEL
Temperature	°F (°C)	Daily Maximum	(32.4)	90 (32.2) and Narrative	--	90 (32.2) and Narrative	WQBEL
Oil and Grease	(mg/l)	Bi-Monthly Average	5.2	15.0	--	Narrative	WQBEL
Pentachlorophenol	µg/L	1/Monthly	--	--	--	Monitor only	N/A
Sulfide (undissociated H ₂ S)	µg/L	Daily Maximum	--	2	--	Monitor only	N/A
Surfactants (as Methyl Blue Active substances)	µg/L	Daily Maximum	--	100	--	Monitor only	N/A

Notes, Footnotes and Abbreviations

Note: Dashes (--) indicate there are no effluent data, no limitations, or no monitoring requirements for this parameter.

- (1) Wastewater data from January 2011 to June 2014.
(2) Minimum reported value.

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. 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.

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 PRWQS. 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 Anti-backsliding 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. The effluent limitations in the permit are at least as stringent as the effluent limitations in the existing permit, with the exception of effluent limitations for mercury. The effluent limitations for this pollutant is less stringent than in the existing permit. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of CWA section 401(o), 40 CFR 122.44(l), EPA Region 2's Anti-backsliding Policy dated August 10, 1993, and Puerto Rico's Anti-Degradation Policy Implementation Procedure established in PRWQS. The data shows that the facility consistently meets the 95th percentile for the limit in the PRWQS for mercury.

PART II. RATIONALE FOR STANDARD AND SPECIAL CONDITIONS

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 PRWQS. 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. Best Management Practices (BMP) Plan

The Permittee has developed a BMP in accordance with 40 CFR 122.2 and 122.44(k). The BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to waters of the United States.

3. Compliance Schedules

The schedule (activity/compliance deadline) of the Compliance Plan (CP) is established in the Work Plan – Decommission and Demolition of Industrial Wastewater Treatment Plant, submitted by PECLLC to the Water Quality Area and approved on October 18, 2013. PECLLC must prepare and submit to EQB and EPA bimonthly Progress Reports of the compliance of the Schedule of Activities established in the approved CP. The first Progress Report shall be submitted in the EDP + 2 months, and thereafter until all work is completed. PECLLC must notify EQB and EPA in written when all the activities established in the approved CP have been completed.

4. Other Special Conditions – N/A

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

A. Coastal Zone Management Act

Under 40 CFR 122.49(d), and in accordance with the Coastal Zone Management Act of 1972, as amended, 16 *United States Code* (U.S.C.) 1451 *et seq.* section 307(c) of the act and its implementing regulations (15 CFR Part 930), EPA may not issue an NPDES permit that affects land or water use in the coastal zone until the Permittee certifies that the proposed activity complies with the Coastal Zone Management Program in Puerto Rico, and that the discharge is certified by the Commonwealth of Puerto Rico to be consistent with the Commonwealth's Coastal Zone Management Program. The Permittee has indicated the outfall is not in a coastal area managed by the Commonwealth's Coastal Zone Management Program and, although nearby, EPA has determined it will not affect the coastal area. Therefore, the requirements of 40 CFR 122.49(d) do not apply to this discharge.

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.

In a May 2000 memo to the Regions, EPA Headquarters provided guidance to the Regions in making a determination as to whether a final permit may be issued while waiting for consultation to be concluded. As part of this permit action, if consultation has not been completed by final permit issuance and EPA has concluded that permit issuance is consistent with section 7 prior to the conclusion of consultation, EPA will re-issue the final permit before consultation is concluded and will document this decision in the Administrative Record. At the time consultation is completed, EPA may decide that changes to the permit are warranted after permit issuance based on the results of the consultation. Therefore, a reopener provision to this effect has been included in the Permit.

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 and therefore is subject to the EJ requirements. In the EJ Analysis, EPA determined that the area is low-income. As a result, EPA has established conditions in the permit to minimize the impact(s) on the Community of Concern affected by the discharge. These conditions include providing public notice of the availability of the draft permit for public comment. EPA is committed to taking all necessary actions to minimize potential adverse effects in the Bayamon area from Puma Energy Caribe, LLC. A detailed discussion of the EJ Analysis is provided in the Administrative Record and is available for review upon request.

D. Coral Reef Protection

Under Executive Order 13089, *Coral Reef Protection*, EPA is required to ensure that discharge authorized under the permit will not degrade any coral reef ecosystem. No corals or coral ecosystems are in the vicinity of the discharge.

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

Under 40 CFR 122.49, EPA is required to ensure that the discharge authorized by the permit will not adversely affect Essential Fish Habitat (EFH) as specified in section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 *et seq.* The permit may be modified or revoked and reissued based on the results of coordination with National Marine Fisheries Service regarding essential fish habitats (EFH) pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act.

PART IV. PUBLIC PARTICIPATION

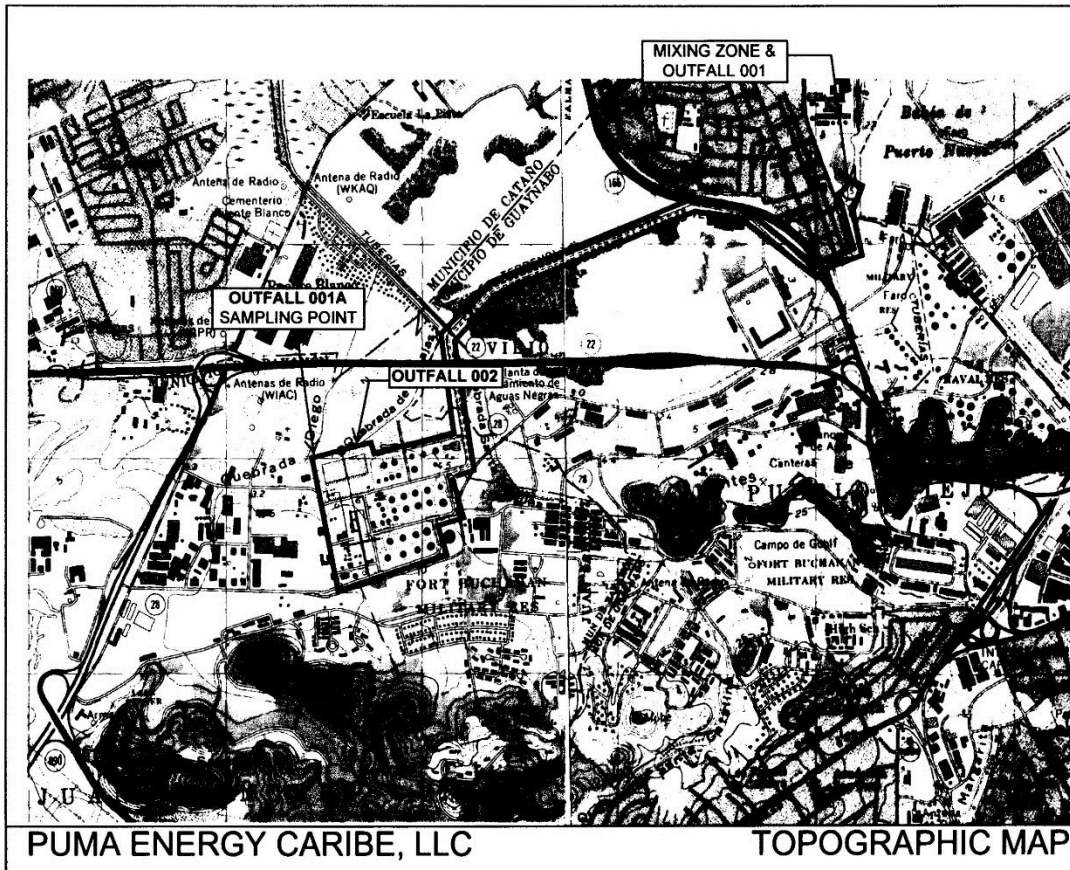
The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the draft permit, which is published in **<newspaper name>**. Included in the public notice are requirements for the submission of comments by a specified date, 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

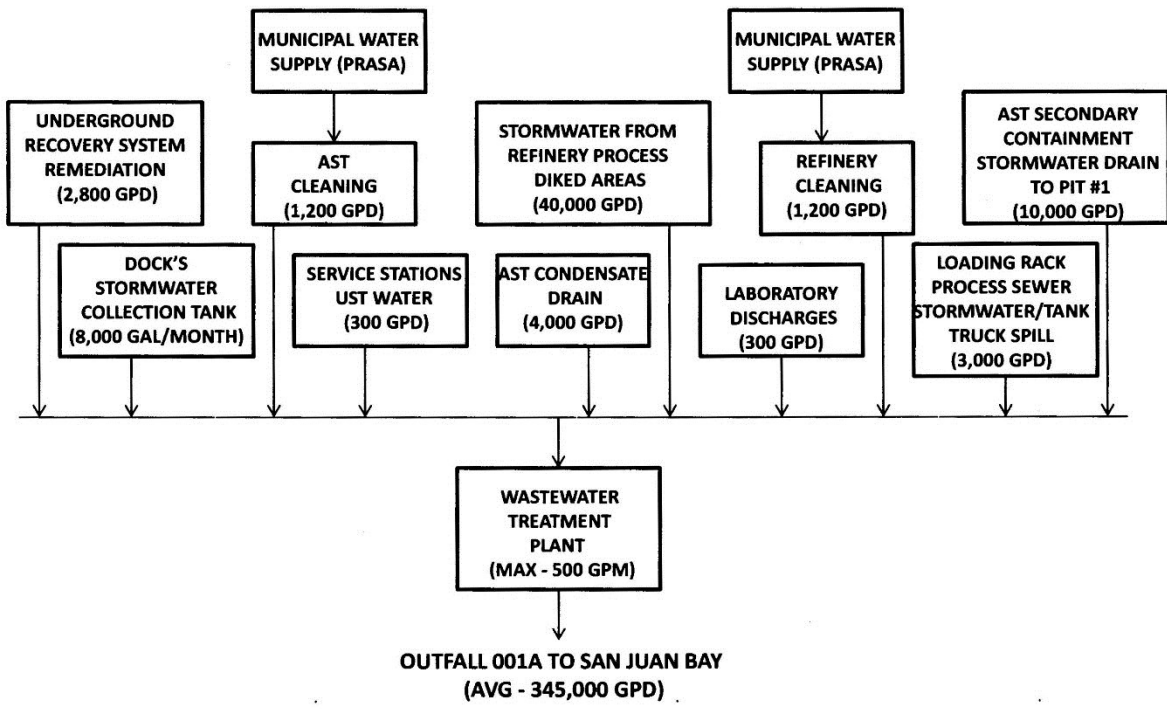
Andrea Coats
EPA Region 2, Clean Water Division
Permit Writer Phone: 212-637-3850
Permit Writer Email: coats.andrea@epa.gov

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

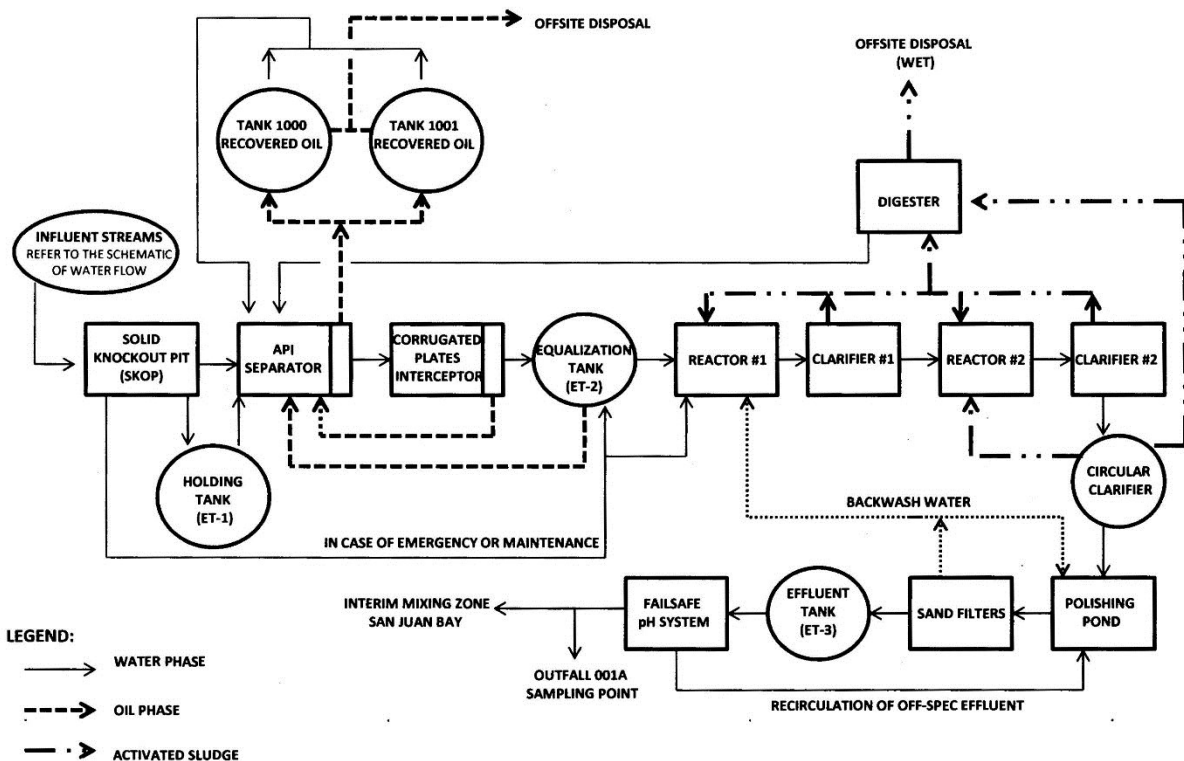
The facility map and flow schematic are attached as provided by the discharger in the application.





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SCHEMATIC OF WATER FLOW



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**WASTEWATER TREATMENT PLANT
FLOW DIAGRAM**