

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. PR0026310

Name and Address of Applicant:

Yunque Mar Residential Beach
Wastewater Treatment Plant (WWTP)
P.O. Box 9906
San Juan, Puerto Rico 00908

Name and Address of Facility
where Discharge Occurs:

968 State Road, Km. 1.8
Río Grande, Puerto Rico 00745

Receiving Water: Wetland Associated to Rodríguez Canal

Classification: SD

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: 18° 23' 33.84" latitude by 65° 46' 12.16" longitude.

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is a residential development engaged in treatment of domestic sanitary waters at wastewater treatment plant with advanced treatment process. This activity has a Standard Industrial Classification (SIC) code of 4952. The applicant proposes to discharge 1,192.41 m³/day (0.315 MGD) as a daily maximum of wastewater consisting of tertiary treated domestic sanitary flow discharge from outfall serial number 001 to wetland associate to Rodríguez Channel. The receiving water has been classified as 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 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:

Michelle Josilo, 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
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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 – The basis for the technology-based effluent limitations for the discharge through Outfall 001 is provided as follows:

Outfall 001:

Total Suspended Solids - The 30-day average, 7-day average and 85% Removal are technology-based on the level of effluent quality attainable through the application of secondary or equivalent treatment. The limit is based on Best Professional Judgment (BPJ) using the Effluent Limitations Guidelines (ELG) for Secondary Treatment Regulation described in 40 CFR Part 133.

- II. Biological Oxygen Demand - The 7-day average and 85% Removal are technology-based on the level of effluent quality attainable through the application of secondary or equivalent treatment. The limit is based on Best Professional Judgment (BPJ) using the Effluent Limitations Guidelines (ELG) for Secondary Treatment Regulation described in 40 CFR Part 133.

II. Water Quality-based Limits

The effluent limitations listed in Tables A-1 for all contaminants, unless otherwise specified and all special conditions are as imposed in the Water Quality Certificate (WQC) issued by the EQB, dated February 3, 2012. 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 **Fluoride** is 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.

All effluent limitations and monitoring requirements of parameters listed in Table A-1 are as imposed in the WQC issued by the EQB, dated February 3, 2012. 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.

In addition, Special Condition 14 was modified from the requirement imposed in the water quality certificate 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, 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.

Special Condition 14 was also modified to clarify the right of EPA to reopen this permit to include additional toxicity requirements if warranted.