



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
HUMACAO RWWTP
PERMIT No. PR0025399**

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 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 September 29, 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 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 **on its Humacao RWWTP** National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. **PR0025399**. The Permittee submitted Application Form 1, and 2A dated **December 20, 2011** and applied for an NPDES permit to discharge treated wastewater from Humacao WWTP, Humacao, 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 wastewater treatment plant which provides secondary treatment**. 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 Humacao RWWTP is a publicly owned treatment work (POTW) that treats sanitary and industrial wastewaters for the municipality of Humacao, Naguabo and Las Piedras. It provides secondary treatment and discharges its effluent to the Caribbean Sea.

Wastewaters are processed through the following units:

- Bar Screen.
- Grit Chambers.
- Primary Sedimentation Tanks.
- Secondary (Biofiltration) Tanks.
- Chlorine Contact Chambers.

Sludge is thickened, dewatered and hauled to a composting facility or a landfill for disposal.

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
Permittee (mailing) address	Puerto Rico Aqueduct and Sewer Authority P.O. Box 7066 Barrio Obrero Station Santurce, Puerto Rico 00916-7066
Facility (location) address	PR Road 3, Km 77.2, Río Abajo Ward Humacao, PR 00791
Type of facility	Publicly-owned Treatment Works
Pretreatment program	Yes
Facility monthly average flow	8.24 MGD (in million gallons per day)
Facility design flow	13.38 MGD (in million gallons per day)
Facility classification	Major

B. Discharge Points and Receiving Water Information

Wastewater is discharged from Outfall 001 to the Caribbean Sea, 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	Primary treatment wastewater.	18°, 07', 17" N	65°, 45', 48" W	Caribbean Sea, Class SC waters

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

- Primary and secondary recreation; and
- Propagation and preservation of desirable species, including threatened and endangered species.

D. Mixing Zone/Dilution Allowance

As part of its CWA section 401 certification of the modified permit application, the EQB has authorized a mixing zone or dilution allowance for this discharge in accordance with Rule 1305 of PRWQS. The mixing zone or dilution allowance is defined as both the critical initial dilution (CID) ratio of seawater-to-wastewater and a geometric size. In 2011, PRASA submitted an application for a mixing zone to the EQB. As a result, PRASA determined a CID of 78:1 using the UDKHDEN model based on the diffuser configuration and speed and effluent flow rates. PRASA determined a CID of 78:1 using the UDKHDEN model based on the diffuser configuration and speed and effluent flow rates. After primary and secondary treatment, effluent from this facility is conveyed approximately 6,250 feet (1,905 meters) offshore via 48-inch diameter outfall pipe. The seaward end of the outfall is fitted with a "Y" shaped multiport diffuser discharging at a depth of approximately 35 feet below mean sea level. Each leg of the diffuser has three 10-inch risers on a 30-inch barrel. Each riser has two 6-inch ports discharging perpendicularly to the diffuser in opposite direction.

Under PRWQS, mixing zones are authorized for specific parameters and do not apply to the entire effluent discharged. Therefore, as indicated in its CWA 401 certification, EQB has authorized a mixing zone for the following parameters for the next permit term:

- Non-conventional pollutants (nitrogen, cyanide and turbidity);
- Metals (copper and mercury); and
- Acute and chronic toxicity.

Water quality-based effluent limitations have been developed for the parameters listed above based on a CID of 78:1. All other parameters limited in the permit have been established with no dilution allowances. Additional information on the basis of these limitations is provided in Part II.A of this Fact Sheet.

As part of authorizing a mixing zone, EQB requires that PRASA conduct annual receiving water monitoring to ensure that water quality standards are met at the edge of the mixing zone. Consistent with EQB's CWA 401 certification on this permit action, in addition to CWA section 301(h) requirements, receiving water monitoring on an annual basis has been established in the permit (see Part II.B.4 and 5 of this Fact Sheet).

E. Compliance Orders/Consent Decrees

The Permittee has a Consent Decree with the Agency (civil action no 06-16-24 (sec)) in which the facility is included. This consent decree does not affect this permit action.

F. 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);
- Modifying Secondary Treatment Requirements Under Section 301(h) of the CWA (40 CFR 125, Subpart G);
- PRWQS (March 2010);
- Biosolids (Sewage Sludge) requirements (40 CFR Parts 257, 258 and 503); and
- Pretreatment requirements (40 CFR Part 403).

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

A. Effluent Limitations

The permit establishes **both Technology-based Effluent Limitations (TBELs) and 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 for 20.0 MGD as a Daily Maximum. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and EQB's WQC.

The frequency monitoring for flow shall be continuous with a flow meter.

2. **5-Day Biochemical Oxygen Demand (BOD₅):** The effluent concentration and percent removal limitations are based on the federal definition of primary or equivalent treatment at 40 CFR 125.60, EPA's 2014 Tentative Decision document, and an evaluation of existing effluent quality performed by EPA. In addition, PRWQS provide a narrative water quality criterion for BOD that states the allowable level of BOD will be determined based on a cases-by-case basis with consideration of the assimilative capacity of the receiving water and compliance with the dissolved oxygen standard. The EPA has carried over the effluent limitations for BOD₅ from the existing permit. The permit also carries over the monitoring and reporting only requirement for an average weekly. A mass-based limitation of **562 kg/day** has been established based on an average monthly design flow of **8.24 MGD**. An average monthly limit of 30% removal has also been established in accordance with 40 CFR 125.60. Between 2015 and 2017, monthly average removal rates for BOD₅ ranged between **93 (November 2016)** and **98 percent (July 2017)**. These limitations combined with a monitoring and reporting only requirement for dissolved oxygen will assure attainment of the narrative water quality criterion for BOD.

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 Fact Sheet).

The monitoring frequency of twice per week with a 24-hour composite sample type has been carried over from the existing permit.

3. **Total Suspended Solids (TSS):** The effluent concentration and percent removal limitations are based on the federal definition of primary or equivalent treatment at 40 CFR 125.60, EPA's 2014 Tentative Decision document, and an evaluation of existing effluent quality performed by EPA. In addition, PRWQS provide a narrative water quality criterion for TSS that states that solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the water body. The EPA has carried over the effluent limitations for BOD₅ from the existing permit. The permit establishes an average monthly limitation of **70 mg/l** and a monitoring and reporting only requirement for an average weekly. A mass-based limitation of **926 kg/day** has been established based on an average monthly design flow of **8.24 MGD**. An average monthly limit of 50% removal for TSS has been carried over from the existing permit and is based on Best Professional Judgment. This is a higher removal rate than required by section 301(h) regulations at 40 CFR 125.60 since the facility is able to achieve a higher removal rate through the addition of polymers. Removal rates for TSS ranged between **93% (January)** and **99% (July 2017)**.

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 Fact Sheet).

The monitoring frequency of twice per week with a 24-hour composite sample type has been carried over from the existing permit.

4. **pH:** The permittee has not requested a modification from secondary treatment standards at 40 CFR 133 for pH. Therefore, the existing permit established effluent limitations for pH based on the secondary treatment standards of 6.0 to 9.0 pH standard units. Review of effluent data indicates that PRASA will generally be able to meet these effluent limitations at the Arecibo RWWTP. An instantaneous minimum limitation of 6.0 pH standard units and an instantaneous maximum limitation of 9.0 pH standard units have been carried over from the existing permit.

The monitoring frequency of once per day with a grab sample type has been carried over from the existing permit.

5. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for all waters in Puerto Rico as specified in Rule 1303.1 D of PRWQS, and the WQC.
6. **Fecal Coliform:** The discharge consists of domestic sewage that is a source of pathogens. To ensure that the recreational use of the water body is met, effluent limitations for fecal coliform are established in the permit and are based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C. 2.b 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.

7. **Enterococci Density:** The discharge consists of domestic sewage that is a source of pathogens. To ensure that the recreational use of the water body is met, effluent limitations for fecal coliform are established in the permit and are based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C. 2.c of PRWQS. EPA establishes a monitoring frequency of the enterococci density in terms of geometric mean of at least five representative samples taken sequentially shall not exceed 35 colonies/100 mL. No single sample should exceed the upper confidence limit of 75% using 0.7 as the log standard deviation until sufficient site data exist to establish a site specific log standard deviation.
8. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C.2.a of PRWQS, and the WQC.
9. **Total Residual Chlorine (TRC):** TRC has been identified as a contaminant of concern since the facility uses chlorination to disinfect the effluent to minimize the discharge of pathogens. PRWQS do not have a numeric water quality criterion for TRC. Instead, Rule 1303(l) of PRWQS establishes a narrative water quality criterion that prohibits the discharge of toxic pollutants in toxic amounts. To protect aquatic life from the impact of TRC, the EPA has translated the narrative water quality criterion using EPA's CWA 304(a) National Recommended Water Quality Criteria for TRC and has conducted a reasonable potential analysis based on the chronic criterion of 11 ug/L and acute criterion of 19 µg/L for chlorine. The existing permit did not establish a water quality-based effluent limitation for TRC and instead established an effluent limitation of 500 ug/l (0.50 mg/l) based on the level of treatment needed to ensure that the fecal coliform water quality criteria would be met at the end-of-pipe.
10. **Color:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.e of PRWQS, and the WQC.
11. **Turbidity:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 f of PRWQS, and the WQC.
12. **Taste and Odor Producing Substances:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2.g of PRWQS, and the WQC.
13. **Surfactants:** The effluent limitation is based on the water quality criterion for **Class SC** waters as specified in Rule 1303.2 C.2.i of PRWQS, and the WQC.
14. **Oil and Grease:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.H of PRWQS, and the WQC.
15. **Suspended, Colloidal or Settleable Solids:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.E of PRWQS, and the WQC.
16. **Solids and Other Matters:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.A of PRWQS, and the WQC.
17. **TKN:** The effluent limitation is needed in order to validate DO mathematical model used to define the mixing zone as specified in Rule 1305.9.B, Monitoring program for Validation. As well as, the PR Mixing Zone and Bioassay Guidelines
18. **Copper, Free Cyanide and Sulfide:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.I.1 of PRWQS, and the WQC.
19. **Nitrogen, Total (as NO₃, NO₂, NH₃):** An effluent limitation has been established for total nitrogen based on the water quality criterion of 5.00 mg/l for Class SC waters as specified in Rule 1303.2 of PRWQS. Effluent data show that total nitrogen concentrations exceed the water quality criterion.

B. Effluent Limitations Summary Table

1. Outfall Number 001.

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
BOD ₅	mg/L	Average monthly	242	30	n/a	18.2	TBEL
BOD ₅ percent removal	%	Average monthly	97	85	n/a	30	TBEL
Color	Pt-CO	Maximum Daily	--	65	n/a	Monitor only (2)	WQBEL
Copper	µg/L	Daily maximum	--	--	n/a	159.6	WQBEL
Cyanide, Free	µg/L	Daily maximum	--	--	n/a	62.6	WQBEL
Dissolved Oxygen	mg/L	Daily Maximum	--	≥4.0	n/a	Monitor only	WQBEL
Enterococci Density	col/100 mL	Daily maximum	--	--	Monitor	35/100 mL	WQBEL
Flow	MGD	Average monthly Daily maximum	-- 8.61	8.24 13.38	n/a n/a	-- 13.38	WQBEL
Mercury	µg/L	Daily maximum	--	0.025	n/a	0.116	WQBEL
Oil and grease	mg/l	Average monthly Maximum Daily	-- --	-- --	n/a n/a	Monitor	WQBEL
pH	SU	Daily maximum	7.46	7.3-8.5	n/a	6.0 – 9.0	WQBEL
Residual Chlorine	µg/L	Daily maximum	--	--	500 µg/L	7.5	WQBEL
Solids and Other Matter	--	--	--	--	n/a	Monitor only	WQBEL
Sulfide	µg/L	Daily maximum	--	--	n/a	Monitor only	WQBEL
Surfactants	µg/L	Daily maximum	--	--	n/a	Monitor only	WQBEL
Suspended, Colloidal or Settleable Solids	mL/L	Daily maximum	--	--	n/a	Monitor only	WQBEL
Taste and Odor-producing Substances	--	--	--	--	n/a	Monitor only	WQBEL
Temperature	Degrees Celsius	Instantaneous Maximum	--	--	-- --	32.2	WQBEL
TKN	µg/L	Daily maximum	--	--	n/a	Monitor only	WQBEL
Total Nitrogen (NO ₃ , NO ₂ , TKN)	µg/L	Daily maximum	31349	--		45,000	WQBEL
TSS	mg/L	Average monthly	416	30	n/a	Monitor only	TBEL
TSS percent removal	%	Daily maximum	99	85	n/a	45	TBEL
Turbidity	NTU	Daily maximum	14.0	10	n/a	25.8	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 DMRs dated May 31, 2012 to April 30, 2014.

(2) Limits were removed based on a 2010 revision to PRWQS and in accordance with CWA 402(o)(2).

2. Outfall 001 Narrative Limitations

- a. The waters of Puerto Rico shall not contain any substance, attributable to the discharge at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in humans, fish, or other fauna or flora.
- b. The discharge shall not cause the presence of oil sheen in the receiving water body.
- c. The waters of Puerto Rico shall not contain floating debris, scum, or other floating materials attributable to discharges in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
- d. Solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the waters.
- e. Taste and odor-producing substances shall not be present in amounts that will interfere with primary contact recreation, or will render any undesirable taste or odor to edible aquatic life.
- f. No toxic substances shall be discharged, in toxic concentrations, other than those allowed as specified in the NPDES permit. Those toxic substances included in the permit renewal application, but not regulated by the NPDES permit, shall not exceed the concentrations specified in the applicable regulatory limitations.

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

For POTWs: **To calculate percent removal values, influent monitoring is required for BOD₅ and TSS in accordance with 40 CFR 133.102. Influent monitoring must be conducted before any treatment, other than de-gritting, and before any addition of any internal waste stream.**

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 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 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.

- 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 **Turbidity and pH**. The effluent limitations for these pollutants are less stringent than those 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. **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. EPA has determined that it is appropriate to relax the effluent limitation for these parameters without violating anti-backsliding provisions of the CWA, in accordance with section 402(o)(2), since one of the exceptions to the provisions has been satisfied; and section 402(o)(3) since it complies with EQB's WQS which include antidegradation requirements. The EQB WQC constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.

- Existing effluent limitations for **Arsenic, Barium, Cadmium, Fluoride, Lead, Manganese, Mercury, Phenolic Substances, Selenium, and Total Coliform** have been removed based on CWA section 402(o)(2)(B)(i). CWA section 402(o)(2)(B)(i) authorizes the backsliding of effluent limitations if information is available which was not available at the time of permit issuance that would have justified the application of a less stringent effluent limitation at the time of permit issuance. Based on review of effluent data since issuance of the existing permit, the modified discharge does not show a reasonable potential for the exceedance of water quality criteria for these parameters.
- The water quality-based effluent limitation from the previous permit for **Mercury and Residual Chlorine** have been replaced with a more stringent water quality-based limitation in the Intent To Issue a WQC 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 Intent to Issue a Water Quality Certificate.

PART III. 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

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.

3. Compliance Schedules

The Permittee's effluent data indicate that the facility might not be able to consistently comply with the final effluent limitation for Enterococci and Residual Chlorine; therefore, a schedule of compliance has

been authorized in the permit in accordance with 40 CFR 122.47 and Special Condition 22 of the WQC, which includes interim deadlines for progress or reports of progress toward compliance with the conditions of the permit. The compliance schedule for Enterococci and Residual Chlorine are established at for 36 months after the effective date of the permit to allow the Permittee sufficient time to achieve compliance with the newly established effluent limitation. This schedule is provided in consideration of the time it would require for the Permittee to undertake steps needed to modify or install treatment facilities, operations, or other required measures.

4. Other Special Conditions

Pre-treatment: Pursuant to the authority under Section 307 of the Act, 33 U.S.C. § 1317, EPA promulgated 40 C.F.R. Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution ("Pretreatment Regulations"). This Part establishes responsibilities of federal, state and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate sewage sludge. It requires that the POTW develop and implement procedures to identify industrial users who contribute pollutants to the POTW and monitor their compliance with pretreatment standards.

Biosolids: Pursuant to the authority under Section 309 of the Act, 33 U.S.C. §1345, EPA promulgated 40 C.F.R. Part 503 – Standards for the Use or Dispose of Sewage Sludge. This part establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works. This part include standards for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. It requires pathogen and alternative vector attraction reduction requirements for sewage sludge applied to the land or placed on a surface disposal site.

Ocean Discharge Monitoring Program: Since insufficient information is available to conclude that the ecological health of marine waters will be protected with the discharge, EPA requires a monitoring program to: "Assess the impact of the discharge on water, sediment and biological quality including, where appropriate, analysis of the bioaccumulation and/or persistent impact on aquatic life of the discharge" CFR part 125.123(d)(2).

PART IV. 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 (CZMP), and that the discharge is certified by the Commonwealth of Puerto Rico to be consistent with the Commonwealth's CZMP. The Permittee has indicated the outfall is in a coastal area managed by the Commonwealth's CZMP which has been consistent with the program. The Puerto Rico Planning Board granted a Certificate of Consistency with the CZMP on February 11, 2015.

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. But EPA is still expecting a FWS letter which was requested by PRASA in order to confirm that no federally listed endangered or threatened species, or critical habitat, are in the vicinity of the discharge in the present.

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 **Humacao RWWTP**.

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. Corals or coral ecosystems are in the vicinity of the discharge. In a letter dated August 13, 2013 from National Marine Fisheries Services (NMFS) concluded that the project is not likely to adversely affect corals in critical habitat. Also, coral species proposed for listing in PR are not present in the area of the outfall discharge. Therefore, the continued operation of the outfalls will have no effect in the species.

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 – Not applicable since this is a renovation.

G. Magnuson-Stevens Fishery Conservation and Management

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.* 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. On a letter dated August 7, 2013, in relation to the NMFS responsibilities under Section 7, determines that the outfall is and will be insignificant in the area of the discharge.

PART V. 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 <https://www.epa.gov/npdes-permits/puerto-rico-npdes-permits> .

ATTACHMENT A — FACILITY MAP AND FLOW SCHEMATIC

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





