



United States Environmental Protection Agency
Region 2
Caribbean Environmental Protection Division
City View Plaza II, Suite 7000
Guaynabo, Puerto Rico 00968-8069

FACT SHEET

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
RAMOS & MORALES CORRECTIONAL ACADEMY
PERMIT No. PR0026093**

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 October 30, 2012, 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. EQB did not receive any WQC appeals.

PART I. BACKGROUND

A. Permittee and Facility Description

The Administration of Correction (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. PR0026093 effective November 1, 2006. The Permittee submitted Application Form 1 and Form 2C dated September 14, 2011 and applied for an NPDES permit to discharge treated wastewater from PR Ramos & Morales Correctional Academy, Ponce, 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 this training facility for correctional officers. 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: pre-aeration, sedimentation, rapid sand filtration, and chlorine disinfection.

Summary of Permittee and Facility Information

Permittee	Ramos & Morales Correctional Academy
Facility contact, title, phone	Miguel Alvarado-Cintron, Director, (787) 273 – 6464
Permittee (mailing) address	P.O. Box 71308, San Juan, PR 00936
Facility (location) address	State Road No. 123, KM 12.20, Magueyes Ward, Ponce, PR 00732
Type of facility	Wastewater Treatment Plant located at a Correctional Institution, SIC code 9223
Pretreatment program	N/A
Facility monthly average flow	0.06 million gallons per day
Facility design flow	0.06 million gallons per day
Facility classification	Minor

B. Discharge Points and Receiving Water Information

Wastewater is discharged from Outfall 001 to the Rio Canas 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	Secondary treated sanitary wastewater	18°, 03', 15" N	66°, 38', 45" W	Rio Canas River (SD)

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

1. Raw source of public water supply;
2. Propagation and preservation of desirable species, including threatened or endangered species; and
3. 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)(l) 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; however, the receiving waters downstream of the facility (Rio Matilde-Pastillo) were identified as impaired in the 2008 and 2012 305(b) and 303(d) Integrated Report. Total maximum daily loads (TMDLs) have been developed and approved by EPA for the following parameters: Fecal Coliform Bacteria. In September 2011 EPA approved *Fecal Coliform Bacteria Total Maximum Daily Load for Assessment Units in the Commonwealth of Puerto Rico*.

C. Mixing Zone/Dilution Allowance

A mixing zone or dilution allowance has not been authorized for the discharger.

D. Compliance Orders/Consent Decrees

The Permittee does not have any compliance orders or consent decrees that 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:

1. Clean Water Act section 401 Certification (Certificate dated October 30, 2012)
2. NPDES Regulations (40 CFR Part 122)
3. PRWQS (March 2010)

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 according to the WQC dated October 30, 2012, Rules 1301 and 1306 of the Puerto Rico Water Quality Standards Regulation, as amended, and the Environmental Public Policy Act of September 22, 2004, Act No. 416, as amended. 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 percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 CFR 133.102(a) for the average weekly limitation. The average monthly and average weekly concentration limitations are retained from the previous permit. The wastewater treatment plant treats sanitary wastewater from the Ramos & Morales Correctional Academy, wastewaters similar to that treated by POTWs. Further, the wastewater treatment plant's system operates similar to a POTW; therefore, effluent limitations for BOD₅ and removal efficiency for BOD₅ that are equal to or more stringent than those established in 40 CFR 133 for POTWs are appropriate for the Ramos & Morales Correctional Academy. In addition, limitations for BOD₅ expressed in mass are established and are calculated from concentration-based limitations according to the following formula: mass (kg/day) = Flow (MGD) x concentration (mg/L) x 3.78 (kg/L)/(mg)(MGD). 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).
3. **Total Suspended Solids (TSS):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(b). As discussed for the basis for effluent limitations for BOD₅, the permit establishes on a case-by-case basis concentration and percent removal limitations for TSS based on BPJ and the application of secondary treatment standards for POTWs specified in 40 CFR 133.102(a). Further, as discussed for the basis of mass limitations for BOD₅, limitations for TSS expressed in mass are established and are calculated from concentration-based limitations according to the following formula: mass (kg/day) = Flow (MGD) x concentration (mg/L) x 3.78 (kg/L)/(mg)(mgd). 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).
4. **pH:** The effluent limitation for pH is based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(c). Further, the water quality criterion for Class SD waters as specified in Rule 1303.2(D)(2)(c) of PRWQS is equal to the limitations based on the secondary treatment standards.
5. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for all waters 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 September 2011 *Fecal Coliform Bacteria Total Maximum Daily Load for Assessment Units in the Commonwealth of Puerto Rico*, the water quality criterion for Class SD waters as specified in Rule 1303.2(D)(2)(b) of PRWQS, and the WQC. Consistent with the expression of the water quality criteria for fecal coliform as well as the wasteload allocation established in the 2011 Fecal Coliform TMDL, EPA establishes a monitoring frequency of 5 grab samples per month to calculate a geometric mean of no more than 200 colonies per 100 mL 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. **Total Coliforms:** 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 SD waters as specified in Rule 1303.2(D)(2)(b) of PRWQS, and the WQC. EPA establishes a monitoring frequency of 5 grab samples per month to calculate a geometric mean. The geometric mean of a series of representative samples (at least five samples) of the waters taken sequentially shall not exceed 10,000 colonies/100 ml.
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) 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 meet water quality criteria for pathogens. PRWQS do not have a numeric water quality criterion for TRC. Instead, Rule 1303(I) 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, EPA has translated the narrative water quality criterion using EPA's National Recommended Water Quality Criteria for TRC and has carried forward the effluent limitation from the previous permit for chlorine.
10. **Ammonia (Total):** Existing water quality criteria do not apply to the receiving waterbody. The receiving water, the Rio Canas River, is not located in the basins that have site specific Total Ammonia criteria. Ammonia was found to be discharged in quantifiable amounts in the effluent and the permit retains the requirement for monthly monitoring from the previous permit and the WQC.
11. **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(I) 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.

EPA generally requires whole effluent toxicity testing in NPDES permits to collect data necessary to determine whether a 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) and the "Region 2 Whole Effluent Toxicity Implementation Strategy". EPA and delegated states are required 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. Due to the low flow authorized under this permit for this facility, EPA has decided not to activate Special Condition 14 of the 2012 WQC at this time. However, EPA may include this requirement in future permit renewals or through reopening this permit. EPA would take such action if, for example, discharge data in the future demonstrated potential for toxicity, the permitted flow were to increase, or if there were known toxicity excursions within the receiving water.

12. **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:

Sulfide was found to be discharged in quantifiable amounts in the effluent at concentrations that are above the water quality criterion. No dilution allowances exist for sulfide; therefore EPA has applied criteria at the end-of-pipe. Review of effluent data demonstrates concentrations were above the water quality criterion of 2 µg/L. Thus, there is reasonable potential for sulfide to cause an excursion of PRWQS and an effluent limitation is established in the permit. The effluent limitation for sulfide is carried forward from the previous permit. The analytical note for sulfide is required by the WQC and according to Rules 1301 and 1306 of PRWQS, as amended. **Color:** The effluent limitation for color is based on the water quality criterion for Class SD waters as specified in Rule 1303.2(D)(2)(d) of PRWQS and is carried forward from the previous permit and the WQC.

13. **Color:** The effluent limitation for color is based on the water quality criterion for Class SD waters as specified in Rule 1303.2(D)(2)(d) of PRWQS and is carried forward from the previous permit and the WQC.
14. **Fluoride:** Fluoride was found to be discharged in quantifiable amounts in the effluent at concentrations below the water quality criterion of 4,000 µg/L for Class SD waters. The effluent limitation of 700 µg/L from the previous permit has been discontinued from this permit and the WQC. Required monitoring for fluoride has been reduced from 1/month in the previous permit to 1/quarter in this permit.
15. **Nitrate + Nitrite (as N):** Nitrate + Nitrite was found to be discharged in quantifiable amounts in the effluent and the TSD Estimated 95th Percentile Effluent Concentration was found to be above the water quality criterion of 10,000 µg/L. The effluent limitation of 10,000 µg/L is based on the water quality criterion for Class SD waters and is carried forward from the previous permit and the WQC.
16. **Surfactants as MBAS:** Surfactants as MBAS was found to be discharged in quantifiable amounts in the effluent at concentrations that are above the water quality criterion of 100 µg/L. The effluent limitation of 100 µg/L is based on the water quality criterion for Class SD waters and is carried forward from the previous permit sand the WQC.
17. **Total Dissolved Solids:** Total Dissolved Solids was found to be discharged in quantifiable amounts in the effluent and the TSD Estimated 95th Percentile Effluent Concentration was found to be above the water quality criterion of 500 mg/L. The effluent limitation of 500 mg/L is based on the water quality criterion for Class SD waters and is carried forward from the previous permit and the WQC.
18. **Total Phosphorus:** Total Phosphorus was found to be discharged in quantifiable amounts in the effluent at concentrations that are above the water quality criterion of 1.0 mg/L. The effluent limitation of 1.0 mg/L is based on the water quality criterion for Class SD waters and is carried forward from the previous permit and the WQC.
19. **Turbidity:** The effluent limitation for turbidity is based on the water quality criterion for Class SD waters as specified in Rule 1303.2(D)(2)(e) of PRWQS and is carried forward from the previous permit and the WQC.
20. **Narrative effluent limitations:** Effluent limitations for oil and grease, other pathogenic organisms, solids and other matter, suspended, colloidal, or settleable solids, taste and odor producing substances, and no toxic substances in toxic concentrations are based on the water quality criteria as specified in Rules 1303.1 and 1303.2(D) and 1306 of PRWQS, as required by the October 2012 WQC, and as carried forward from the previous permit.

B. Effluent Limitations Summary Table

1. Outfall Number 001

Parameter	Units	Effluent limitations					Basis
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	
Flow ⁽²⁾	m ³ /day			227.17	--	227.17	WQC
	mgd	Daily	0.06	0.06	--	0.06	
Influent TSS	mg/L	Average Monthly	--	Monitor only	--	Monitor only	TBEL
		Average Weekly	--	Monitor only		Monitor only	

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Effluent TSS	mg/L	Average Monthly Average Weekly	21.0 96.0	30.0 45.0	-- --	30.0 45.0	TBEL
	kg/day	Average Monthly Average Weekly	-- --	-- --	-- --	6.8 10.0	TBEL
	minimum % removal	Average Monthly	0.0	85.0	--	85.0	TBEL
Influent BOD ₅	mg/L	Average Monthly Average Weekly	-- --	Monitor only Monitor only	--	Monitor only Monitor only	TBEL
Effluent BOD ₅	mg/L	Average Monthly Average Weekly	31.2 31.2	5.0 30.0	-- --	5.0 30.0	TBEL
	kg/day	Average Monthly Average Weekly	-- --	-- --	-- --	1.1 6.8	TBEL
	minimum % removal	Average Monthly	0.0	85.0	--	85.0	TBEL
pH	Standard units	Minimum Maximum	5.85 10.0	6.0 9.0	-- --	6.0 9.0	TBEL, WQBEL
Ammonia, Total	mg/L	Maximum Daily	23.7	Monitor only	--	Monitor only	--
	kg/day	Maximum Daily	--	Monitor only	--	Monitor only	--
Chlorine, Total Residual	mg/L	Maximum Daily	2.7	0.50	--	0.50	WQC
Color	Pt-Co units	Maximum Daily	15.0	15.0	--	15.0	WQBEL
Dissolved Oxygen	mg/L	Instantaneous Minimum	4.2	5.0	--	5.0	WQBEL
Fecal Coliforms	Colonies/ 100 mL	≥ 5-sample Geometric Mean	3,573.0	200.0	--	200.0	WQBEL
		Not more than 20% of samples	--	400.0	--	400.0	
Total Coliforms	Colonies/ 100 mL	≥ 5-sample Geometric Mean	209,160.0	10,000.0	--	10,000.0	WQBEL
	#/100 mL	5-sample Geometric Mean	209,160.0	10,000.0	--	10,000.0	WQBEL
Fluoride	µg/L	Maximum Daily	1,060.0	700.0	--	Monitor only	WQBEL
	kg/day	Maximum Daily	--	--	--	Monitor only	WQBEL
Nitrate plus Nitrite (as N)	µg/L	Maximum Daily	8,100.0	10,000.0	--	10,000.0	WQBEL
	kg/day	Maximum Daily	--	--	--	2.3	WQBEL
Sulfide (S) [undissociated H ₂ S] ⁽³⁾	µg/L	Maximum Daily	3,700.0	2.0	--	2.0	WQBEL
Surfactants as MBAS	µg/L	Maximum Daily	586.0	100.0	--	100.0	WQBEL
Temperature	°C	Instantaneous Maximum	32.1	32.2	--	32.2	WQBEL
Total Dissolved Solids	mg/L	Maximum Daily	292.0	500.0	--	292.0	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Total Phosphorus	mg/L	Maximum Daily	4.39	1.0	--	1.0	WQBEL
Turbidity	NTU	Maximum Daily	5.3	50.0	--	50.0	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 October 1, 2006 to September 30, 2011 and July 2, 2011 application.
- (2) No increase in flow of discharge 001 shall be authorized without a recertification from EQB. The flow-measuring device for the discharge 001 shall be periodically calibrated and properly maintained. All flow measurements must achieve accuracy within the range of plus or minus (±) 10%. Calibration and maintenance records must be kept in compliance with the applicable Rules and Regulations.
- (3) The permittee shall use the analytical method approved by the Environmental Protection Agency (EPA), with the lowest possible detection limit, in accordance with the 40 CFR, Part 136 for Sulfide (as S). Also, the permittee shall complete the calculations specified in Method 4500-S² F, Calculation of Un-ionized Hydrogen Sulfide, of Standards Methods 18th Edition, 1992, to determine the concentration of undissociated H₂S. If the sample results of Dissolved Sulfide are below the detection limit of the approved EPA method established in the 40 CFR, Part, 136, then, the concentration of undissociated H₂S should be reported as "below detection limit".

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. In addition, the October 2012 WQC specifies the location of the discharge after the primary flow-measuring device and requirements for a licensed chemist and microbiologist according to Rules 1301 and 1306 of PRWQS, as amended. 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; however, to calculate percent removal values, influent monitoring is required for BOD₅ and TSS. 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 Antbacksliding 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 fluoride. The effluent limitations for this pollutant are less stringent than those in the existing permit. This relaxation of effluent limitations is consistent with the anti-backsliding requirements of CWA section 402(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 facility's current WQC, issued by EQB on October 30, 2012, does not contain effluent limitations or monitoring requirements for fluoride. In addition, DMR data reported by the facility demonstrated that fluoride did not present a reasonable potential to exceed current PRWQS. (The TSD Estimated 95th Percentile Concentration for fluoride (1,665 µg/L) was found to be below the current water quality criterion of 4,000 µg/L for Class SD waters.) Therefore, this permit discontinues effluent limitations for fluoride. However, this permit retains monitoring requirements for fluoride but reduces the frequency of analysis contained in the previous permit from 1/month to 1/quarter.

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. Specific citations are included below from the WQC.

- a. Environmental Public Policy Act of September 22, 2004, Act No. 416, as amended.
- b. WQC
- c. Rule 1306 of PRWQS
- d. Environmental Public Policy Act of September 22, 2004, Act No. 416, as amended.

2. **Best Management Practices (BMP) Plan**

The Permittee is not required to develop a BMP Plan in the permit on the basis of 40 CFR 122.2 and 122.44(k).

3. **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.

4. **Other Special Conditions**

EPA has established biosolids requirements in the permit on the basis of 40 CFR 503.

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, 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. No federally listed endangered or threatened species, or critical habitat, are in the vicinity of the discharge. Therefore, EPA has 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. The NPDES permitting provides opportunities to address EJ concerns through appropriate avenues for public participation, seeking out and facilitating involvement of those potentially affected, and, when relevant, including public notices in more than one language where appropriate. EPA did not conduct EJ screening as this permit is not a Regional priority permit action.

D. 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.

E. 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.

F. 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 Rio Canas River does not contain EFH.

PART V. PUBLIC PARTICIPATION

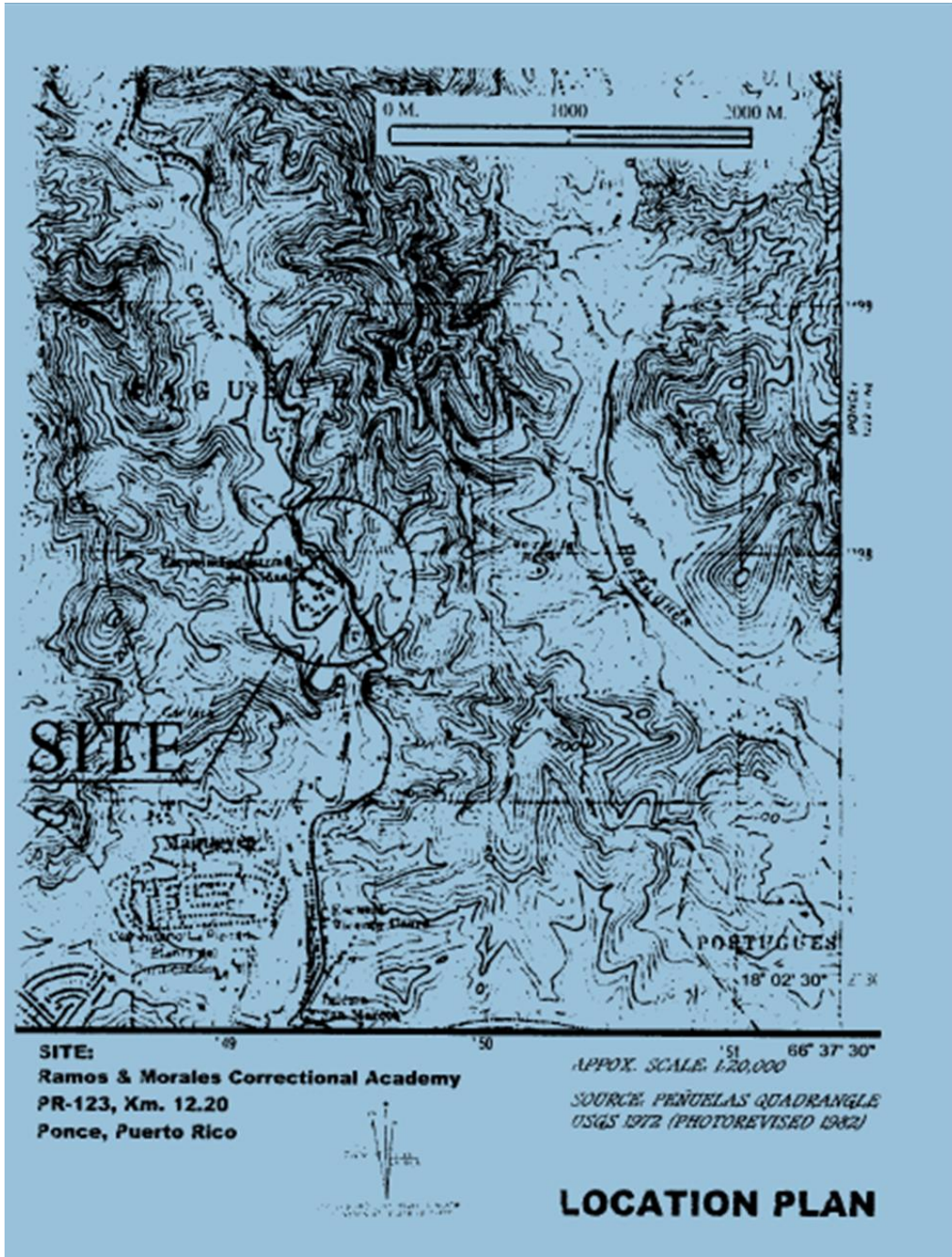
The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the draft permit, which is published in *El Vocero de Puerto Rico*. Included in the public notice are requirements for the submission of comments by a specified 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

Sergio Bosques
EPA Region 2, Caribbean Environmental Protection Division
Permit Writer Phone: 787-977-5838
Permit Writer Email: bosques.sergio@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.



Municipal
Water Supply



Sanitary
Wastewater
from facility



Waste Water
Treatment Plant



OUTFALL
001-A
(0.06 MGD Max)

Schematic of Water Flow
Ramos & Morales Correctional
Facility
Ponce, Puerto Rico