



**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**  
**RIMCO, Inc.**  
**PERMIT No. PR0000477**

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 November 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. No appeals were received by EQB on the WQC.

**PART I. BACKGROUND**

**A. Permittee and Facility Description**

RIMCO, Inc., (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. PR0000477. The Permittee submitted Application Form 1 and Form 2C, dated February 16, 2011, and Form 2F dated September 13, 2011, and applied for an NPDES permit to discharge stormwater from RIMCO, Inc., San Juan, PR, called the facility. The facility is classified as a major discharger by the EPA in accordance with the EPA rating criteria.

The Permittee operates a dealership dedicated to sales, rental, and service of construction and industrial equipment, as well as sales of parts for said equipment. At this facility the permittee maintains a show room area with equipment for sales and/or rent, a parts warehouse, and a service area that includes a service shop. Discharge to waters of the U.S. is made up exclusively of stormwater. 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 discharge is composed entirely of stormwater and the discharger does not treat the wastewater before discharge.

**Summary of Permittee and Facility Information**

<b>Permittee</b>	RIMCO, Inc.
<b>Facility contact, title, phone</b>	Mr. Luis Lopez, Manager, 787-273-5773
<b>Permittee (mailing) address</b>	P.O. Box 362529, San Juan, PR 00936
<b>Facility (location) address</b>	312 Kennedy Avenue, Km. 3.7, San Juan, PR 00920
<b>Type of facility</b>	Industrial (SIC 5048, 5085, 7629)
<b>Pretreatment program</b>	Not Applicable
<b>Facility monthly average flow</b>	During storm events only
<b>Facility design flow</b>	Not Applicable
<b>Facility classification</b>	Major

**B. Discharge Points and Receiving Water Information**

Wastewater is discharged from Outfall 001 to the Mercedes de la Torre Channel a water of the United States in the Eastern PR watershed (HUC 8, No. 21010005). RIMCO submitted an application, signed February 16, 2011, re-designating outfall 005 from their June 1, 2006, permit to outfall 001 for the renewal permit. The Puerto Rico EQB final Water Quality Certificate, dated November 30, 2012, lists RIMCO's outfall as 005. For the purposes of this permit any reference or requirement for outfall 005 in EQB's WQC shall be applied to the outfall designated 001 in this permit.

The draft permit authorizes the discharge from the following discharge point:

<b>Outfall</b>	<b>Effluent description</b>	<b>Outfall latitude</b>	<b>Outfall longitude</b>	<b>Receiving water name and classification</b>
001	Stormwater	18.00°, 25.00', 28.85" N	66.00°, 5.00', 53.38" W	Mercedes de la Torre Channel, SD

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

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.

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**

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 order 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
2. NPDES Regulations (40 CFR Part 122)

## 3. PRWQS (November 30, 2012)

**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), Best Professional Judgment (BPJ), and WQBELs for several pollutants and the basis for these limitations are discussed below.

1. **Flow:** An effluent limitation for flow has not been established in the permit. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and the WQC.
2. **Total Suspended Solids (TSS):** The effluent concentration and percent removal limitations are based on BPJ. The EQB WQC does not include this limit but will be included for monitoring and reporting in accordance with 40 CFR 122.21(7)(iii).
3. **pH:** This BPJ is imposed in the final WQC dated November 30, 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.
4. **Temperature:** The WQBEL is imposed in the final WQC dated November 30, 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.
5. **Fecal Coliform:** 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 1302.2(D)(2)(I) 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. **Chemical Oxygen Demand (COD):** EPA has included the technology-based effluent limit for COD based on "EPA Region II Revised Guidance for Cooling Water and Storm Water Runoff" dated September 5, 1991, and in accordance with the antibacksliding requirements in 40 CFR §122.44(I)
7. **Solids and Other Matter:** The WQBEL is imposed in the final WQC dated November 30, 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.
8. **Oil and Grease:** The WQBEL is imposed in the final WQC dated November 30, 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.

9. **Suspended, Colloidal or Settleable Solids:** The WQBEL is imposed in the final WQC dated November 30, 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.
10. **Taste and Odor Producing Substances:** The WQBEL is imposed in the final WQC dated November 30, 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.
11. **Total Coliforms:** 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 1302.2(D)(2)(l) 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.

## 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
Chemical Oxygen Demand	mg/L	Average monthly	71	100	--	100	TBEL
Fecal Coliforms	Colonies/100mL	When Flow Occurs	100	200	--	200	WQBEL
Effluent TSS	mg/L	Average Monthly	636	71.1	--	71.1	TBEL
Flow	m <sup>3</sup> /day (MGD)	Not Applicable	Not Applicable				Not Applicable
Oil and Grease	Mg/L	Not Applicable	130				WQBEL
pH	Standard Units	Not Applicable	6.5 Low 7.34 High	6-9		6-9	BPJ
Solids and Other Matter	Not Applicable	Not Applicable	None Reported				WQBEL
Suspended, Colloidal or Settleable Solids	mL/L	Not Applicable	None Reported				WQBEL
Taste and Odor Producing Substances	Not Applicable	Not Applicable	None Reported				WQBEL
Temperature	°F(°C)	Not Applicable	29.1	Less Than 90°F(32.2°C)		Less Than 90°F(32.2°C)	WQBEL
Total Coliforms	Colonies/100mL	Not Applicable	403,307.35	10,000 colonies/100 mL		10,000 colonies/100 mL	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 application signed February 16, 2011.

### 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

This facility is not subject to influent monitoring requirements. The permittee may forgo entrance sampling and comply with Gross Discharge Limitation as per Footnote No. 7 in Part II A of the permit.

#### 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 Technical Support Document (TSD).

### 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. All effluent limitations in the permit are at least as stringent as the effluent limitations in the existing permit.

## 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, and/or Compliance Schedules. 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. Stormwater Pollution Prevention Plan

In accordance with the WQC and 40 CFR 122.26 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.

#### 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.

## **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.

The ESA requires the Regional Administrator to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by EPA 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 Part IV.A.1.b.

### **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 San Juan is a community of concern. 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 in both English and Spanish of the availability of the draft permit for public comment. EPA is committed to taking all necessary actions to minimize potential adverse effects on San Juan and the surrounding areas from RIMCO, Inc. A detailed discussion of the EJ Analysis is being completed and when completed will be provided in the Administrative Record and is available for review upon request.

### **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.* This permit may be modified or revoked and reissued based on the results of the consultation to determine whether this permittee adversely affects an EFH. Therefore, a reopener provision to this effect has been included in the Permit Part IV.A.1.b.

### **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

Stephen N. Venezia  
EPA Region 2, Clean Water Division  
Permit Writer Phone: 212-637-3856  
Permit Writer Email: Venezia.stephen@epa.gov

A copy of the draft permit is also available on EPA's website at [www.epa.gov/region02/water/permits.html](http://www.epa.gov/region02/water/permits.html).

ATTACHMENT A — FACILITY MAP



SOURCE: SAN JUAN QUADRANGLE U.S. GEOLOGICAL SURVEY, 1969 (PHOTOREVISED 1982). APPROX. SCALE 1: 20,000

PROJECT: RIMCO INC.  
KENNEDY AVE. KM 3.7  
SAN JUAN, PUERTO RICO

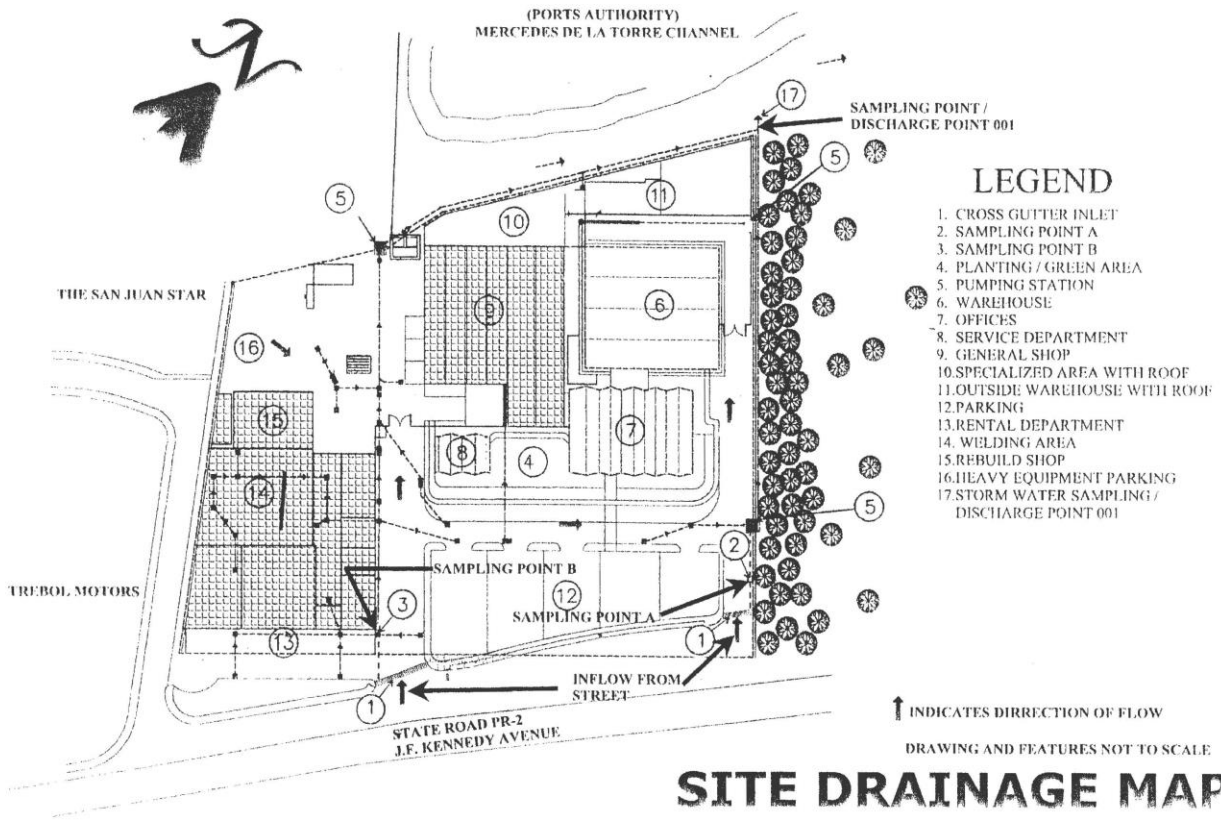
NPDES PERMIT NO. PR0000447  
**LOCATION PLAN**

APPENDIX TO PART XI EPA FORM 3510-1



EXHIBIT III





**LEGEND**

- 1. CROSS GUTTER INLET
- 2. SAMPLING POINT A
- 3. SAMPLING POINT B
- 4. PLANTING / GREEN AREA
- 5. PUMPING STATION
- 6. WAREHOUSE
- 7. OFFICES
- 8. SERVICE DEPARTMENT
- 9. GENERAL SHOP
- 10. SPECIALIZED AREA WITH ROOF
- 11. OUTSIDE WAREHOUSE WITH ROOF
- 12. PARKING
- 13. RENTAL DEPARTMENT
- 14. WELDING AREA
- 15. REBUILD SHOP
- 16. HEAVY EQUIPMENT PARKING
- 17. STORM WATER SAMPLING / DISCHARGE POINT 001

↑ INDICATES DIRECTION OF FLOW

DRAWING AND FEATURES NOT TO SCALE

**SITE DRAINAGE MAP  
NPDES #PR0000477**

ANNEX TO PART IIA EPA FORM 3510-2C