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
Puerto Rico Aqueduct and Sewer Authority – Vieques Wastewater Treatment Plant
PERMIT No. PR0025453

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 June 24, 2016, 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 WQC 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 Vieques Wastewater Treatment Plant (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**.** PR0025453. The Permittee submitted Application Form 1 and Form 2A, dated December 14, 2010, and applied for an NPDES permit to discharge **treated** wastewater from the Vieques Wastewater Treatment Plant, Vieques, Puerto Rico (referred to throughout as the facility). The facility is classified as a minor discharger by EPA in accordance with the EPA rating criteria.

The Permittee owns and operates the publicly owned treatment work (POTW). 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 Vieques WWTP is a publicly owned treatment work (POTW) with secondary treatment process. The plant treats sanitary discharges and serves the municipality of Vieques. The plant has an average design capacity of 0.5 MGD and it was designed to remove 85% of BOD_5 and TSS.

Sludge is disposed of off-site.

Summary of Permittee and Facility Information

Permittee	Puerto Rico Aqueduct and Sewer Authority – Vieques WWTP
Facility contact, title, phone	Eng. Carlos Toledo Muriel, Director – Fajardo Area, 787-860-3311
Facility (mailing) address	PO Box 756, Fajardo, PR 00738
Facility (location) address	State Road 200. KM 2.8, Vieques, PR 00765
Type of facility	POTW
Pretreatment program	No
Facility average flow	0.217 MGD daily average
Facility design flow	0.5 MGD monthly average
Facility classification	Minor

B. Discharge Points and Receiving Water Information

Wastewater is discharged from Outfall 001 to **the Atlantic Ocean, 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	Treated wastewater	18°, 08', 55" N	65°, 28', 00" W	Atlantic Ocean, Class SC

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

- Primary contact recreation use from the zone subject to ebb and flow of the tides (mean sea level) to 3 miles seaward,
- Secondary contact recreation from 3 miles seaward to 10.35 miles seaward,
- Propagation and preservation of desirable species, including threatened or endangered species.

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 has a consent decree with the agency (Federal Consent Decree Civil Action No 3:15-CV-02283(JAG).

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:

- NPDES Regulations (40 CFR Part 122)
- Puerto Rico Water Quality Standards (PRWQS) (August 2014)
- Secondary Treatment Requirements (40 CFR Part 133)
- Biosolids (Sewage Sludge) Requirements (40 CFR Parts 257, 258, and 503)
- Region 2 Antibacksliding Policy (August 10, 1993)

- Puerto Rico Environmental Quality Board Water Quality Certificate (PREQB WQC)

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. **Arsenic:** In accordance with the Region 2 (R2) Antibacksliding Policy and the WQC, the effluent limitation for arsenic has been removed from the permit.
2. **5-Day Biochemical Oxygen Demand (BOD_5):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 CFR 133.102(a). 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. **Cadmium.** In accordance with the R2 Antibacksliding Policy and the WQC, the effluent limitation for cadmium has been removed from the permit.
4. **Color.** A narrative effluent limitations for color has been established in the permit and is based on the water quality criterion for Class SC waters as specified in Rule 1303.2 of PRWQS, and the WQC.
5. **Copper.** The effluent limitation of 3.73 ug/l is based on the water quality criterion for Class SC waters as specified in Rule 1303.1 of the PRWQS, the WQS, and the R2 Antibacksliding Policy.
6. **Cyanide.** An effluent limitation of 1 ug/l is based on the water quality criterion for Class SC waters as specified in Rule 1303.1 of PRWQS, and the WQC.
7. **Dissolved Oxygen (DO):** The effluent limitation of a minimum of 4.0 mg/l is based on the water quality criterion for Class SC waters as specified in Rule 1303.2 of PRWQS, and the WQC.
8. **Enterococci.** 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 enterococci are established in the permit and are based on the water quality criterion for Class SC waters as specified in Rule 1303.2 of PRWQS, and the WQC.
9. **Fecal Coliforms.** In accordance with the R2 Antibacksliding Policy and the WQC, the effluent limitation for fecal coliforms has been removed from the permit.
10. **Flow:** An effluent limitation for flow has been established in the permit. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and the WQC.
11. **Lead.** The effluent limitation of 8.52 ug/l for lead is based on the water quality standard for Class SC waters as specified in Rule 1303.1 of PRWQS, the WQC, and the R2 Antibacksliding Policy.
12. **Mercury.** The effluent limitation of 0.051 ug/l for mercury is based on the water quality standard as specified in Rule 1303.1 of PRWQS and the WQC.

13. **Nickel.** In accordance with the R2 Antibacksliding Policy and the WQC, the effluent limitation for nickel has been removed from the permit.
14. **Nitrogen.** The effluent limitation of 5,000 ug/l for nitrogen is based on the water quality standard as specified in Rule 1303.1 of PRWQS and WQC.
15. **Non-Pesticide Organic Substances and Carbon Tetrachloride.** In accordance with the R2 Antibacksliding Policy and the WQC, the monitoring and reporting requirements for the following pollutants have been removed from the permit:
    a. 2,4,6 Trichlorophenol
    b. 2,4 Dichlorophenol
    c. 2,4 Dimethylphenol
    d. 2,4 Dinitrophenol
    e. 2-Chlorophenol
    f. 2-Methyl-4,6-Dinitrophenol
16. **Oil and Grease.** The narrative limitation for oil and grease is based on the water quality standard as specified in Rule 1303.1 of PRWQS and the WQC.
17. **pH:** The effluent limitation for pH based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(c) is 6.0-9.0 SU. The effluent limitation for pH based on the water quality standard for Class SC waters as specified in Rule 1303.3 of PRWQS and the WQC is 7.3-8.5 SU. The effluent limitations established in the permit are based on the PRWQS and the WQC as they are more stringent.
18. **Residual Chlorine.** The effluent limitation of 0.0075 mg/l (7.5 ug/l) is based on the water quality standard as specified in Rule 1303.1 of PRWQS and the WQC.
19. **Silver.** The effluent limitation of 2.24 ug/l is based on the water quality criterion for Class SC waters based as specified in Rule 1301.1 of the PRWQS, the WQC, and the R2 Antibacksliding Policy.
20. **Solids and Other Matters.** The narrative effluent limitation for solids and other matters is based on the water quality standard as specified in Rule 1303.1 of PRWQS and the WQC.
21. **Sulfide (Undissociated H_2S).** The effluent limitation of 2 ug/l is based on the water quality standard for Class SC waters as specified in Rule 1303.1 and the WQC.
22. **Surfactants as Methylene Blue Active Substances (MBAS).** The effluent limitation of 500 ug/l is based on the water quality standard for Class SC waters as specified in Rule 1303.2 and the WQC.
23. **Suspended, Colloidal or Settleable Solids.** The narrative effluent limitation is based on the water quality standards as specified in Rule 1303.1 of PRWQS and the WQC.
24. **Taste and Odor Producing Substances.** The narrative effluent limitation is based on the water quality standard for Class SC water as specified in Rule 1303.2 and the WQC.
25. **Temperature.** The effluent limitation for temperature is based on the water quality standard as specified in Rule 1303.1 of the PRWQS and the WQC.
26. **Total Suspended Solids.** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(b). 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).
27. **Turbidity.** The effluent limitation of 10 NTU for turbidity is based on the water quality standards for Class SC waters as specified in Rule 1303.2 of the PRWQS and the WQC.
28. **Whole Effluent Toxicity (WET):** CWA section 101(a) establishes a national policy of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Specifically, CWA section 101(a)(3) and PRWQS Rule 1303(l) prohibit the discharge of toxic pollutants in toxic amounts. Federal regulations at 40 CFR 122.44(d) also require that where the permitting authority determines, through the analysis of site-specific WET data, that a discharge causes, shows a reasonable potential to

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

PRWQS do not provide a numeric criterion for toxicity. Therefore, consistent with the recommendations of section 2.3.3 of EPA's *Technical Support Document* (TSD) *for Water Quality-Based Toxics Control* (EPA-505-2-90-001), values of 0.3 acute toxic unit (TU_a) and 1.0 chronic toxic unit (TU_c) were used to interpret the narrative water quality criteria for WET established in PRWQS Rule 1303(I). No numeric effluent limitations for WET have been established in the permit. However, the facility is required to conduct semi-annual acute toxicity tests for a period of 1 year, after which tests shall be performed annually. Based on the test results, EPA or PREQB can require additional toxicity tests, including chronic tests and toxicity/treatability studies, and may impose toxicity limitations.

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

29. **Zinc.** The effluent limitation of 85.62 ug/l is based on the water quality criterion for Class SC waters as specified by Rule 1301.1 of the PRWQS, the WQC, and the R2 Antibacksliding Policy.

B. Effluent Limitations Summary Table

1. Outfall Number 001 Numeric Limits

Parameter	Units	Effluent limitations					
		Averaging period	**Highest Reported Value (1)**	**Existing limits**	**Interim limits**	**Final limits**	**Basis**
Arsenic (As)	ug/l	Daily maximum	1.33	--	--	--	WQBEL
BOD_5	mg/l	Monthly average Weekly average	20 *(maximum daily)*	30 mg/l 45 mg/l	--	30 mg/l 45 mg/l	TBEL
	kg/day	Monthly average Weekly average	--	57 kg/day 85 kg/day	--	--	TBEL
	Minimum % removal	Average monthly	97% *(lowest reported value)*	85%	--	85%	TBEL
Cadmium (Cd)	mg/l	Daily maximum	1.9	9.30	--	--	WQBEL
Copper (Cu)	ug/l	Daily maximum	112	3.1	--	3.73	WQBEL
Cyanide (CN)	ug/l	Daily maximum	8.8	1	--	1	WQBEL
Dissolved oxygen (DO)	mg/l	Monthly average	6.23 *(lowest reported value)*	Shall not contain less than 4.0	--	Shall not contain less than 4.0	WQBEL
Enterococci	colonies/ 100ml	Monthly average	30	Geometric mean of series of 5 samples shall not exceed 35	--	Shall not exceed 35 colonies/100 ml in any 90-day internval	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	**Highest Reported Value (1)**	**Existing limits**	**Interim limits**	**Final limits**	**Basis**
	colonies/ 100ml	Sample maximum	--	No sample shall exceed upper confidence limit of 75% or a maximum of 104	--	90th percentile of the samples taken shall not exceed 130 colonies/100 ml in the same 90-day interval	WQBEL
Fecal Coliforms	colonies/ 100 ml	Monthly average	551	Geometric mean of shall not exceed 200.	--	--	WQBEL
	colonies/ 100 ml	Monthly average	60	Not more than 20% of samples shall exceed 400	--	--	WQBEL
Flow	MGD	Daily maximum	0.337	0.50	--	0.50	TBEL
	m^3/day	Daily maximum	--	1,892.7	--	1,892.7	TBEL
Lead (Pb)	ug/l	Daily maximum	8.87	8.1	--	8.52	WQBEL
Mercury (Hg)	ug/l	Daily maximum	0.403	0.051	--	0.051	WQBEL
Nickel (Ni)	ug/l	Daily maximum	6	8.2	--	8.14	WQBEL
Nitrogen, Total (NO_3, NO_2, NH_3)	ug/l	Daily maximum	34.7	5,000	--	5,000	WQBEL
Non-Pesticide Organic Substances and Carbon Tetrachlorides. 2,4,6 Trichlorophenol 2,4 Dichlorophenol 2,4 Dimethylphenol 2,4 Dinitrophenol 2-Chlorophenol 2-Methyl-4,6-Dinitrophenol	ug/l	Daily maximum	 0.43 0.24 0.91 6.61 0.34 3.35	Monitor and report	--	--	WQBEL
pH	SU	Monthly average	6.23 - 8.2	Shall always lie between 7.3-8.5	--	Shall always lie between 7.3-8.5	WQBEL
Phenol	ug/l	Daily maximum	0.15	Monitor and report	--	--	WQBEL
Residual Chlorine	mg/l	Daily maximum	0.5	0.50	--	0.075	WQBEL
	ug/l	Daily maximum	--	500	--	7.5	WQBEL
Silver (Ag)	ug/l	Daily maximum	2.9	2.0	--	2.24	WQBEL
Sulfide (Undissociated H_2S)	ug/l	Daily maximum	1.2	2.0	--	2.0	WQBEL
Surfactants (as MBAS)	ug/l	Daily maximum	52	500	--	500	WQBEL
Temperature	ºF	Daily maximum	--	90	--	90	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
	°C	Daily maximum	32.1	32.2	--	32.2	WQBEL
Total Suspended Solids	mg/l	Monthly average Weekly average	18 *(daily maximum)*	30 45	--	30 45	TBEL
	kg/day	Monthly average Weekly average	--	57 85	--	--	TBEL
	minimum % removal	Average monthly	83% *(lowest reported value)*	85%	--	85%	TBEL
Turbidity	NTU	Daily maximum	5.2	10	--	10	WQBEL
Zinc	ug/l	Daily maximum	129	81	--	85.62	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 April 1, 2013 through March 31, 2016 and the December 14, 2010 application.

2. **Outfall Number 001 Narrative Limits**

a) **Color.** Shall not be altered by other than natural phenomena.

b) **Oil and Grease.** The waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oils and greases.

c) **Solids and Other Matters.** The water of Puerto Rico shall not contain floating debris, scum or other floating materials attributable to the discharge in amount sufficient to be unsightly or deleterious to the existing or designated uses of the water body.

d) **Suspended, Colloidal or Settleable Solids.** Solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the water body.

e) **Taste and Odor Producing Substances.** Shall not be present in amounts that will render any undesirable taste or odor to edible aquatic life.

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**

To calculate percent removal values, influent monitoring is required for BOD_5 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.

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 the parameter discussed below. The effluent limitations for these pollutants are less stringent that 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.

1. **Arsenic, Cadmium, Fecal Coliforms, Nickel, Phenol.** Based on an analysis of recent DMR data and the current WQS, these parameters do not have the reasonable potential to exceed water quality standards.

2. **Copper, Lead, Silver, Zinc.** Based on an analysis of recent DMR data and existing limits, the changes to these effluent limitation will not result in increased loading of pollutants to the receiving water.

3. **Non-Pesticide Organic Substances and Carbon Tetrachlorides.** Based on an analysis of recent DMR data, the following parameters do not have the reasonable potential to exceed water quality standards. Therefore, the monitoring and reporting requirements established in the previous permit have been removed.

    a. 2,4,6 Trichlorophenol

    b. 2,4 Dichlorophenol

    c. 2,4 Dimethylphenol

    d. 2,4 Dinitrophenol

    e. 2-Chlorophenol

    f. 2-Methyl-4,6-Dinitrophenol

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**

   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**

   The permit establishes additional special conditions for biosolids management and pretreatment requirements.

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. As this activity has been permitted in the past, a reopener clause has been established that allows the permit to be modified or revoked based on the consistency determination requested by the permittee as part of this renewal process.

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 permittee is required to consult directly with NMFS and USFWS to ensure that no endangered or threatened species or critical habitat will be adversely affected. A reopener clause has been established that allows the permit to be modified or revoked based on the findings of the Endangered Species Act consultation.

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, but there is **no** potential for a disproportionate and/or adverse environmental burden in the area.

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*. As this activity has been permitted in the past, a reopener clause has been established that allows the permit to be modified or revoked based on the consistency determination. Therefore, a reopener clause has been established that allows the permit to be modified or revoked based on the findings of the Endangered Species Act consultation as it relates to the Magnuson-Stevens Fishery Conservation and Management Act.

G. Clean Water Act, Section 403 Ocean Discharge.

CWA Section 403 requires EPA to consider guidelines for determining potential degradation of the marine environment when issuing NPDES permits. These Ocean Discharge Criteria (40 CFR 125, Subpart M) are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition on discharge, if necessary, to ensure this goal". Based on the available information, EPA has determined that the discharge will not cause unreasonable degradation of the marine environment. A reopener provision has been included in the permit Part IV.B.5 that provides EPA the right to modify or revoke the permit based on any new data.

PART V. PUBLIC PARTICIPATION

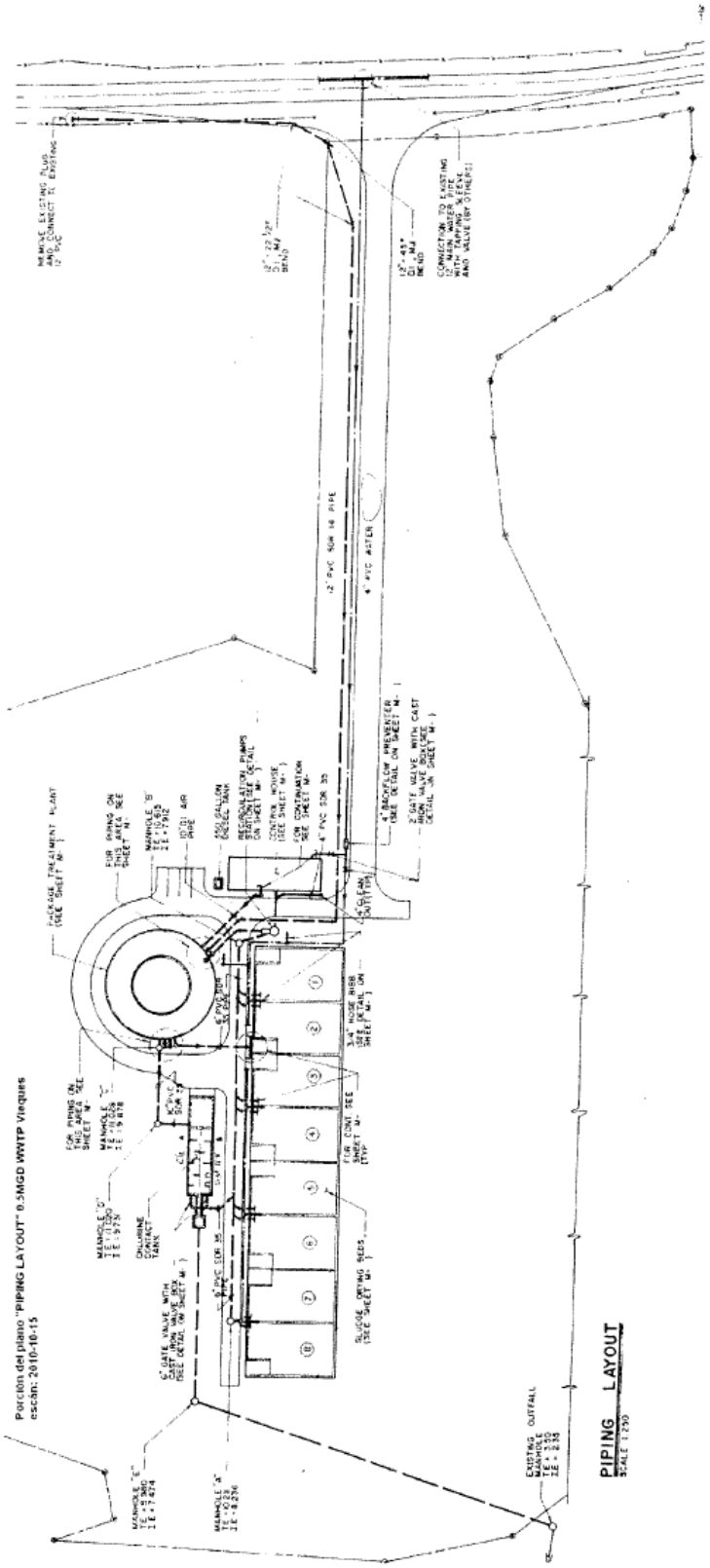
The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the draft permit, which is published in *El Vocero.* Included in the public notice are requirements for the submission of comments by a specified date, procedures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

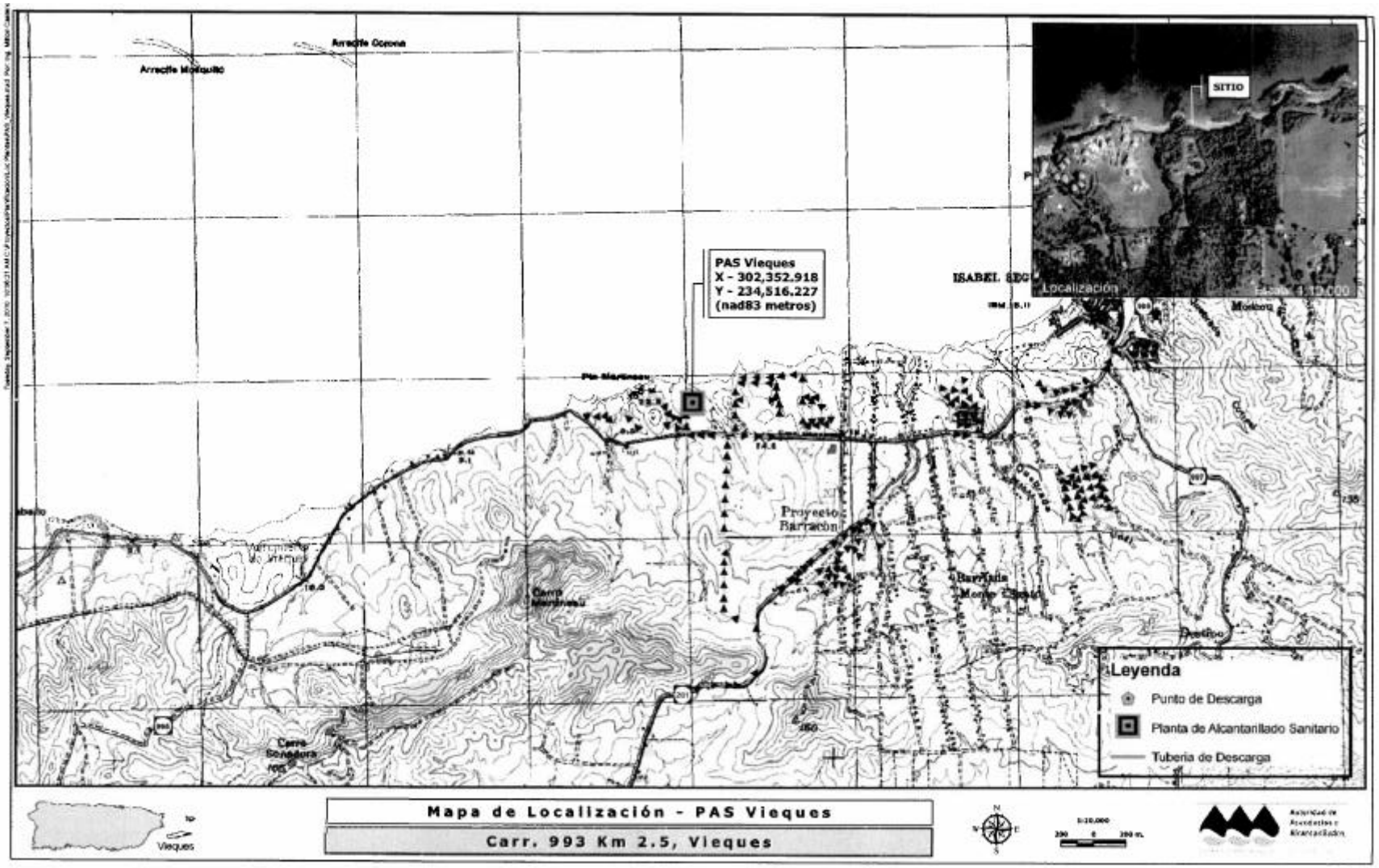
Ms. Yasmin Laguer
EPA Region 2, Caribbean Environmental Protection Division
Permit Writer Phone: 787-977-5848
Permit Writer Email: laguer.yasmin@epa.gov

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.




Arrecife Corona
Arrecife Mosquito
PAS Vieques
X - 302,352.918
Y - 234,516.227
(nad83 metros)
SITIO
Localización
Escala 1:10,000
Proyecto Barracón
Leyenda
Punto de Descarga
Planta de Alcantarillado Sanitario
Tubería de Descarga
Vieques
Mapa de Localización - PAS Vieques
Carr. 993 Km 2.5, Vieques