

ATTACHMENT C

RESPONSIVENESS SUMMARY IN THE FOLLOWING FINAL PERMITS

Aceitunas WTP (PR0026671)
Adjuntas (Olimpia) WTP (PR0022691)
Barranquitas WWTP (PR0025861)
Cidra WTP (PR0022543)
Culebrinas WTP (PR0026557)
Humacao WWTP (PR0025399)
Jayuya WWTP (PR0026531)
Morovis WWTP (PR0020711)
Negros WTP (PR0024422)
Yabucoa WWTP (PR0021717)

On **June 29, 2018**, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTP's) and Wastewater Treatment Plants (WWTPs) owned by the Puerto Rico Aqueduct and Sewer Authority (PRASA) listed above.

According to 40 Code of Federal Regulations (CFR) §124.17, at the time that any final permit decision is issued under §124.15, EPA shall issue a response to comments. This response shall (1) specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change; and (2) briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

Comments on behalf of PRASA were received from the following addresses:

Puerto Rico Aqueduct and Sewer Authority
PO Box 7066
Barrio Obrero Station
San Juan, PR 00916

All the comments received have been reviewed and considered in this final permit decision. A summary of and response to the comments received follows:

A) GENERAL COMMENT

In its comment letter PRASA has raised a number of issues, many of which address inclusion in the permit of conditions contained in the Water Quality Certificate (WQC) issued by EQB.

Response : EPA is providing a generalized response to PRASA's comments which relate to requirements in EQB's WQCs.

Section 301(b)(1)(C) of the Clean Water Act (CWA) requires that there be achieved effluent limitations necessary to assure that a discharge will meet Water Quality Standards (WQS) of the applicable State and

Federal laws and regulations where those effluent limitations are more stringent than the technology-based effluent limitations required by Section 301(b)(1)(A) of the CWA. Section 401(a)(1) of the CWA requires that the State certify that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the CWA. Pursuant to Section 401(d) of the CWA any certification shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal permit will comply with any applicable effluent limitations and other limitations under section 301 or 302 of the CWA, and with any other appropriate requirement of State law set forth in such certification. Also, 40 C.F.R. 122.44(d) requires that each NPDES permit shall include requirements which conform to the conditions of a State Certification under Section 401 of the CWA that meets the requirements of 40 C.F.R. 124.53. Similarly, 40 C.F.R. 124.55 requires that no final NPDES permit shall be issued unless the final permit incorporates the requirements specified in the certification under 124.53. Concerning the certification requirements in 40 C.F.R. 124.53(e)(1), they specify that all Section 401(a)(1) State certifications must contain conditions which are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law.

EQB issued final WQCs certifying that pursuant to Section 401(a)(1) of the CWA, after due consideration of the applicable provisions established under Sections 208(e), 301, 302, 303, 304(e), 306 and 307 of the CWA concerning water quality requirements, there is reasonable assurance that the discharge will not cause violations to the applicable WQs, provided that the effluent limitations set forth in the WQCs are met by the above facility.

The effluent limitations (where more stringent than technology-based effluent limitations), monitoring requirements and other appropriate requirements of State law (including footnotes, Special Conditions, etc.) specified in the final WQC issued by the EQB were incorporated by EPA into the NPDES permit as required by Section 301(b)(1)(C) and 401(d) of the CWA and the applicable regulations. Therefore, concerns and comments regarding the WQC must be directed to EQB or to the Superior Court.

Also, in the event that EPA receives a revised or modified WQC, we would consider modification of this permit, subject to all applicable federal requirements, to include revised WQC requirements and conditions.

B) ACEITUNAS WTP (PR0026671) COMMENTS

1. GENERAL COMMENTS: Cover Page – **Facility (location address)** – The Zip code 00794 corresponds to Barranquitas municipality.

Response: This was a typographical error; final permit was modified.

2. Receiving Water Name- The Word “Intermittent” is misspelled. It must be corrected to “Intermitent”.

Response: This was a typographical error; final permit was modified.

3. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: “EPA has considered and responded in writing to all significant comments submitted during the public comment period.”

Response: This was a typographical error; final permit was not modified because language does apply to a final permit.

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Color”

The minimum sampling frequency for this parameter must be corrected from 1/Month to 1/Quarter according to the EQB Draft WQC of June 14, 2018.

Response: This was a typographical error; final permit was modified.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Dissolved Oxygen”

The symbol of less than (<) must be changed by the symbol of greater than or equal according to footnote (6) and final permits issued in 2017 & 2018.

Response: This was a typographical error; final permit was modified.

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Whole Effluent Toxicity”

Based on the results obtained during the previous permit cycle (included in the plant’s NPDES Permit Renewal Application dated April 30, 2018), PRASA requests that this parameter be deleted from the table. Moreover, it is required 24-hour composite samples, which is not in common practice in permits for filtration plants.

Response: EPA has considered your petition and decided to request a grab sample for this analysis since we know the facility doesn’t have an autosampler in site.

7. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Notes, Footnotes and Abbreviations, Footnote (3)”

The reference to special conditions e & f must be corrected to read as follows:

(3) “See part IV.B.1 Special Condition f and g on this permit”.

Response: This was a typographical error; final permit was modified.

8. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Notes, Footnotes and Abbreviations, Footnote (6)”

The acronym DO must be defined previous to its use. Also, the statement indicating that “The limit must be greater than or equal to 5.0 mg/L.

Response: Final permit was modified.

9. PART IV. STANDARD AND SPECIAL CONDITIONS. B. Special Conditions- 2. Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing,

Based on EQB’s Draft WQC, the monitoring frequency should be semiannually, not quarterly, as indicated in the Effluent Table.

Response: Special Condition Whole Effluent Toxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico’s water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the “reasonable potential” to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.

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

C) ADJUNTAS (OLIMPIA) WTP (PR0022691) COMMENTS

1. GENERAL COMMENTS: Cover Page – **Facility (location address)** – The correct address is “State Road 518 Int., K0 2.6 Olimpia Sector”

Response: This was a typographical error; final permit was modified.

2. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: “EPA has considered and responded in writing to all significant comments submitted during the public comment period.”

Response: This was a typographical error; final permit was not modified because language does apply to a final permit.

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Cadmium”.

Reference to footnote (5) must be added. The Environmental Quality Board (EQB) in its Draft Water Quality Certificate (DWQC) issued on June 14, 2018 included this parameter to the list of parameter with “No Net Additional Limitation” as requested by PRASA on February 23, 2018.

Response: This was a typographical error; final permit was modified.

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Color”

The minimum sampling frequency for this parameter must be corrected from 1/Month to 1/Quarter according to the EQB Draft WQC of June 14, 2018.

Response: This was a typographical error; final permit was modified.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Dissolved Oxygen”.

The symbol of less than (<) must be changed by the symbol of greater than or equal according to footnote (6) and final permits issued in 2017 & 2018.

Response: This was a typographical error; final permit was modified.

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Lead” .

Reference to footnote (5) must be added. The Environmental Quality Board (EQB) in its Draft Water Quality Certificate (DWQC) issued on June 14, 2018 included this parameter to the list of parameter with “No Net Additional Limitation” as requested by PRASA on February 23, 2018.

Response: This was a typographical error; final permit was modified.

7. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Zinc”.

Reference to footnote (5) must be added. The Environmental Quality Board (EQB) in its Draft Water Quality Certificate (DWQC) issued on June 14, 2018 included this parameter to the list of parameter with “No Net Additional Limitation” as requested by PRASA on February 23, 2018.

Response: This was a typographical error; final permit was modified.

8. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, Footnote (6)

The acronym DO must be defined before its use. Also, the statement indicating that “The limit must be greater than or equal to 5.0 mg/L.

Response: This was a typographical error; final permit was modified.

D) BARRANQUITAS WWTP (PR0025861) COMMENTS

1. GENERAL BACKGROUND: the page numbering needs to be corrected. Pages 1 to 5 indicates the total pages of 15. The correct number is 16.

Response: This was a typographical error; final permit was modified.

2. PART I. BACKGROUND: Rationale for Permit Requirements.

EPA must correct a typographical error in the term "Technology Based Effluent Limitations). The correct word is Based.

Response: This was a typographical error; final permit was modified.

3. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: "EPA has considered and responded in writing to all significant comments submitted during the public comment period."

Response: This was a typographical error; final permit was not modified because language does apply to a final permit.

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: Sulfide

The name of this parameter is incomplete, the word undissociated H₂S must be added as it is in EQB's WQC.

Response: Final permit was modified according to Final WQC.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Footnote (2)

This footnote relates to the Enterococci parameter in incomplete.

Response: Final permit was modified according to Final WQC.

6. PART IV. STANDARD AND SPECIAL CONDITIONS. 2. Special Conditions, Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing, 1-Monitoring Frequency and Sample Type.

Based on EQB's Draft WQC, the monitoring frequency should be semiannually, not quarterly, as indicated in the Effluent Table.

Response: Special Condition Whole Effluent Toxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity,

pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.

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

7. PART IV. STANDARD AND SPECIAL CONDITIONS, B. Special Conditions, 5. Additional Special Conditions; Pretreatment Requirements

- 1) Pretreatment Implementation-** The term "SIU" must be defined previous to its use.
- 2) Pretreatment Evaluation.** – The due date of 120 days after identifying an SIU is not sufficient to complete the entire evaluation to develop specific local limits and have them in place in the industrial user's final discharge permit. PRASA requests a modification of this condition to provide a schedule of twelve (12) months (365 days) after identifying an SIU to adequately complete the local limits process. PRASA has previously confronted many difficulties with the local limits implementation due to the lack of an adequate time to comply with the due process requirements of the Law No. 170 of the Commonwealth of Puerto Rico. PRASA's experience is that 120 days is not an adequate time frame to complete the technical analysis and comply with all the legal and public participation requirements to establish enforceable local limits. The **365 days** is in compliance with the requirement established in the previous format of NPDES permits.
- 3) Pretreatment Evaluation.** – In the same terms as the previous comment, PRASA requests a modification of this condition to change the due date from 134 days to **379 days** to submit a progress report and a written notice of compliance or noncompliance with Part IV(B)(5)(a)(2).

Response: *The term "SIU" was defined at the beginning of the special condition.*

*After careful consideration, EPA has decided to modify in the final the time needed to evaluate specific local limits as well as the timeframe to submit a progress report with the written notice of compliance or non-compliance. Final permit has been modified to give **240 days** for the Pretreatment Evaluation and **256** for the Pretreatment Report.*

E) CIDRA WTP (PR0022543) COMMENTS

1. COVER PAGE; Facility (location address)

The correct address is "PR 173, Int State Road 783, Km 3.3".

Response: *EPA corrected the Facility location.*

2. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: “EPA has considered and responded in writing to all significant comments submitted during the public comment period.”

Response: This was a typographical error; final permit was not modified because language does apply to a final permit.

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: Dissolved Oxygen

The symbol of less than must be changed by the symbol greater than or equal according to footnote (6) and final permits issued in 2017 & 2018.

Response: Final permit was modified according to Final WQC.

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: Turbidity

- a. The minimum sampling frequency must be corrected from “1/Month” to “1/Quarter” according to EQB’s Draft WQC.

Response: Final permit was modified according to Final WQC.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: “Whole Effluent Toxicity”

Based on the results obtained during the previous permit cycle. PRASA request that this parameter be deleted from the table. Moreover, it is required 24-hour composite samples, which is not a common practice in permits for filtration plants. Autosamplers are commonly used in wastewater treatment plants.

Response: EPA has considered your petition and decided to request a grab sample for this analysis since we know the facility doesn’t have an autosampler in site.

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Footnote (3)

The reference to special conditions 5 & 6 must be corrected to read as “g & h” of this permit.

Response: This was a typographical error; final permit was modified according to Final WQC.

7. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Footnote (6)

The acronym (DO) must be defined previous to its use. Also, the statement indicating that “The limit must be greater than or equal to 5.0 mg/L” must be revised to read as greater than or equal to 5.0 mg/L.”

Also, footnote (6) includes at its end a sentence that generally applies to cyanide Free Cyanide footnote. Therefore, the following sentences must be deleted.

Response: These were typographical errors; final permit was modified according to Final WQC.

8. PART IV. STANDARD AND SPECIAL CONDITIONS. 2. Special Conditions, Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing.

EQB has not determined the applicability of this special condition nor has justified PRASA and EPA according to its statement included in the Draft WQC. Moreover, PRASA does not understand why EPA is still requiring 24-hour composite samples for WTPs. Based on the above, PRASA requests to EPA that the same language be used by the state, in its certificate be included in the final permit.

***Response:** Special Condition Whole Effluent Teotoxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.*

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

As stated above, we have reconsider the sample type to be a "grab" sample instead on a "24-hour composite".

F) CULEBRINAS WTP (PR0026557) COMMENTS

1. COVER PAGE; Facility (location address)

The correct address is "PR 443, Km 5.9, El Palmar Ward".

***Response:** EPA corrected the Facility location.*

2. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: "EPA has considered and responded in writing to all significant comments submitted during the public comment period."

***Response:** This was a typographical error; final permit was not modified because language does apply to a final permit.*

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: Dissolved Oxygen

The symbol of less than must be changed by the symbol greater than or equal according to footnote (6) and final permits issued in 2017 & 2018.

***Response:** Final permit was modified according to Final WQC.*

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Whole Effluent Toxicity"

Based on the results obtained during the previous permit cycle (included in the plant's NPDES Permit Renewal Application dated April 30, 2018), PRASA requests that this parameter be deleted from the table. Moreover, it is required 24-hour composite samples, which is not in common practice in permits for filtration plants.

Response: EPA has considered your petition and decided to request a grab sample for this analysis since we know the facility doesn't have an autosampler in site.

G) HUMACAO WWTP (PR0025399) COMMENTS

1. GENERAL COMMENTS: PART I. BACKGROUND, Page and Section Numbering

Page numbering is inconsistent; pages 1 through 7 indicate "Page # of 30" and subsequent pages indicate "Page # of 28". The total number of pages appears to be 28. EPA may wish to clarify the pagination in the final permit.

Response: This was a typographical error; final permit was modified.

2. GENERAL COMMENTS: PART I. BACKGROUND, Cover Page

The discharge point coordinates noted on the cover page are 18°, 07', 17" N and 65°, 45', 48" W. PRASA believes that the stated location of the discharge should be adjusted: our best information puts the diffuser at 18°, 07', 09" N and 65°, 45', 47" W.

Response: The discharge point coordinates were described as same as appears on the PRASA Humacao Regional WWTP NPDES Permit Renewal Application dated on December 23,2011. As per PRASA new information, coordinates were revised.

3. GENERAL COMMENTS: PART I. BACKGROUND, Cover Page

It is also noted that on the cover page the highlighted portion of the following text is repeated.

"To meet the provisions of the Clean Water Act (CWA) as amended, 33 United States Code (U.S.C.) 1251 et seq. and its implementing regulations, the Permittee must comply with the requirements in this permit.

Response: This was a typographical error; final permit was modified.

4. GENERAL COMMENTS: BACKGROUND, Part I.D. (page 1 of 30) states: Mixing Zone/Dilution Allowance. EQB has approved a mixing zone or dilution allowance for this discharge. On August 17, 2017 EQB issued a mixing zone approval at 78:1. A detailed discussion of any dilution allowance is included in the Fact Sheet for this permit.

The Puerto Rico Environmental Quality Board (EQB) issued the Water Quality Certificate (WQC) based on the recommended revised (balanced) diffuser configuration with a critical initial dilution (CID) of 84:1 rather than the existing diffuser configuration that has a CID of 78:1. This is reflected in the diffuser description in Part IV.B.21.a of the draft permit.

PRASA Requests that the stated dilution allowance be changed to 84:1 to reflect the actual basis of the Water Quality Certificate.

Response: *This was a typographical error; final permit was modified.*

5. Part II.A. Effluent Limitations Table (page 2 of 30) – BOD₅

The effluent limitation for BOD₅ is based on the WQC and is a monthly average of 18.2 mg/L. Based on an average monthly flow of 8.24 mgd, this is equivalent to a loading of 1,251.5 lbs/day, or 567.7 kg/day. (Note: the explanations in the fact sheet are inconsistent.) PRASA also notes that the percent removal values (monthly average and average weekly values of 30 and 45, respectively) appear to be based on 301(h) requirements and do not reflect the requirements of the current permit, the typical requirements for secondary treatment plants, or the requirements in the current NPDES permit. These values may be the concentration limitations in mg/L (monthly average and average weekly values of 30 and 45, respectively) from the existing permit copied into the wrong columns in the draft permit. The existing permit limitation requires 85 percent removal of BOD₅.

PRASA requests that the BOD₅ monthly average loading be corrected and that the percent removal requirement be reexamined by EPA.

Response: *This was a typographical error; final permit was modified.*

6. Part II.A Effluent Limitations Table (page 2 of 30) – TSS

The fact sheet (Part II.A.3. Total Suspended Solids (TSS):) states, in part, that the effluent limitations for TSS are based on "...primary or equivalent treatment..." rather than the secondary treatment that the facility actually applies. The fact sheet also indicates that "The EPA has carried over the effluent limitations for BOD₅ from the existing permit." This appears to be a misstatement, which should probably reference TSS, not BOD₅. The fact sheet further states that the proposed average monthly limitation (70 mg/L) is carried over from the existing permit. This is incorrect, as the existing permit has a monthly average limitation of 30 mg/L (not 70 mg/L as stated in the Effluent Limitations Table in the draft NPDES permit).

It is also noted that the percent removal values appear to be based on 301(h) advanced primary treatment requirements and do not reflect the requirements of the existing permit, the typical requirements for secondary treatment plants, or the requirements in the current permit. As described for BOD₅ above, the values may be the mg/L concentration values from the existing permit mistakenly placed in the wrong columns in the draft permit.

PRASA requests that the TSS monthly average loading be corrected and that the proposed percent removal requirement be reexamined by EPA.

Response: *This was a typographical error; final permit was modified.*

7. Part II.A Effluent Limitations Table (page 2 of 30) – Footnotes

- Footnote (1) does not apply to dissolved oxygen or settleable solids and should be removed for those entries.
- Footnote (2) applies to bacteria, does not apply to any of the entries in the table, and should be removed.

- Footnote (3) applies to bacteria, does not apply to any of the entries in the table, and should be removed.
- Footnote (4) does not apply to any of the entries in the table and should be removed. This footnote appears applicable to Table A-4.
- Footnote (5) does not apply to any of the entries in the table and should be removed. This footnote appears applicable to Table A-4.
- Footnote (7) does not apply to any of the entries in the table and should be removed.

Response: *These were typographical errors; final permit was modified.*

8. Part II.A Effluent Limitations Table A-5 (page 7 of 30) – Footnotes

Footnotes 1, 2, and 4 are not referenced in the Table and should be removed.

Response: These were typographical errors; final permit was modified.

9. Part IV.B.21.h Toxicity Testing (page 15 of 28)

This special condition is inconsistent with Part IV.3 in terms of frequency of monitoring, type of monitoring (acute and chronic), and species to be used.

PRASA requests that the inconsistency be resolved. PRASA believes that annual chronic testing is sufficient based on previous test results and requests that the final NPDES permit requirement be changed to reference annual chronic toxicity testing.

Response: Response: *Special Condition Whole Effluent Toxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.*

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

10. Parts IV.B.21.a, c, and t Mixing Zone Sampling Points and Mixing Zone Validation Study

As stated in PRASA's request to EQB for the definition of mixing zones, there is currently some uncertainty with respect to the precise location of the diffuser.

PRASA requests that the final permit allow for these points to be adjusted based on verification during the mixing zone validation study (MZVS) required under Part IV.B. 21.t prior to the MZVS and require that any adjustments be reported in the MZVS report.

Response: Final permit was revised as final WQC.

11. Part IV.B.22.c Interim Limits and Compliance Plan (page 18 of 28)

This permit condition states: “Quarterly progress reports shall be submitted after EDP to EQB and EPA. The first progress report shall be submitted thirty (30) days after the EDP. If a time extension is necessary to comply with the approved schedule, a petition shall be submitted for EQB and EPA approval, in which it is demonstrated that certain conditions exist that make necessary an extension of such period. This petition shall be submitted thirty (30) days prior to the start of the requested time extension.”

Based on experience at other PRASA municipal wastewater treatment plants (Arecibo, Aguadilla, Mayagüez, Bayamón, Puerto Nuevo, and Carolina), PRASA has determined that a mixing zone for residual chlorine is the most appropriate approach to achieve compliance. Therefore, PRASA intends to pursue this approach at the Humacao RWWTP. Once a request for such a mixing zone is submitted based on field sampling results, quarterly reporting is not necessary – annual reporting is more reasonable.

PRASA requests the permit condition be revised as follows:

Quarterly progress reports shall be submitted after EDP to EQB and EPA, unless otherwise approved by EQB in the POS. The first progress report shall be submitted thirty (30) days after the EDP. If a time extension is necessary to comply with the approved schedule, a petition shall be submitted for EQB and EPA approval, in which it is demonstrated that certain conditions exist that make necessary an extension of such period. This petition shall be submitted thirty (30) days prior to the start of the requested time extension.

Response: EPA has incorporated this Special Condition pursuant to the final WQC mandated by EQB. See response to A.1., above.

12. Part IV.3 Whole Effluent Toxicity Testing (page 21 of 28)

This section requires WET testing and is inconsistent with Part IV.B.21.h, as noted above.

PRASA requests that the inconsistency be resolved. PRASA believes that annual chronic testing is sufficient based on previous test results and requests that the final NPDES permit requirement be changed to reference annual chronic toxicity testing.

Response: Please, see response to Comment 9, above.

13. Part IV.3.a.4. Whole Effluent Toxicity Testing (page 22 of 28)

The draft NPDES permit states that:

“For this discharge, EQB has not authorized a mixing zone or dilution allowance for acute toxicity.” However, as noted above, EQB has authorized a dilution credit based on the WQC, of 84:1.

PRASA requests that the dilution allowance be changed to 84:1 to reflect the actual basis of the WQC.

Response: Please, see response to Comment 9, above.

14. Part IV.5.b Pretreatment Requirements (page 25 of 28)

Item b.1 stipulates, in part, that:

“...the Permittee must perform a technical evaluation of local limits for the Caguas WWTP.”

PRASA requests that the final NPDES permit be revised to reference the Humacao WWTP.

Response: *This was a typographical error; final permit was modified.*

15. Part IV.5.d Ocean Discharge Monitoring Program (page 28 of 28)

This condition is identical to Part IV.2 and is redundant. PRASA requests that this condition be removed from the final NPDES permit.

Response: *This was a typographical error; final permit was modified.*

16. Fact Sheet: WQC was issued in August 17, 2017 (as stated in Part 1. B. of the draft permit), date should be revised.

Response: *This was a typographical error; Fact Sheet was modified.*

17. Fact Sheet, Coordinates: Based on the best information currently available, this should be:

18° 07' 09" N

65° 45' 47" W

Response: *The discharge point coordinates were described as same as appears on the PRASA Humacao Regional WWTP NPDES Permit Renewal Application dated on December 23,2011. As per PRASA new information, coordinates were revised.*

18. Fact Sheet; D. Mixing Zone Dillution Allowance: A mixing zone has also been authorized for pH.

Response: *Response: This was a typographical error; Fact Sheet was modified.*

19. Fact Sheet; D. Mixing Zone Dillution Allowance: EQB elected to use a dye study and two water quality sampling events rather than annual monitoring. This is reflected in the draft permit, although Sect 2 (page 21) of the draft report indicated annual monitoring and reporting.

Response: *Final permit was revised.*

20. Fact Sheet, Part II, A. 1 Flow: *This should be 13.38 mgd, as in the draft permit.*

Response: *This was a typographical error; Fact Sheet was modified.*

21. Fact Sheet, Part II, A. 2, BOD₅: Carry over for BOD₅ would be Avg Mo = 937 kg/day; Avg Wk = 1,405 kg/day; Avg Mo = 30 mg/L, Avg Wk = 45 mg/L, and percent removal = 85%.

Response: *This was a typographical error; Fact Sheet and Final Permit were modified, see response to comment 5, above.*

22. Fact Sheet, Part II, A. 2, BOD₅: Humacao is a secondary treatment plant and the permit limitation was based on EQB's water quality certificate with a limitation of 18.2 mg/l as an average monthly limitation.

Response: *This was a typographical error; Fact Sheet and Final Permit were modified, see response to comment 5, above.*

23. Fact Sheet, Part II, A. 2, BOD₅: This should be 567.7 (18.2*8.24*3.7852).

Response: *This was a typographical error; Fact Sheet was modified.*

24. Fact Sheet, Part II, A. 2, BOD₅: This appears to be based on 301(h) guidelines – much lower than current permit limitation of 85% removal.

Response: *This was a typographical error; Fact Sheet was modified.*

25. Fact Sheet, Part II, A. 2, BOD₅: The existing permit indicates weekly sampling.

Response: *The sample frequency will remain as Twice per Week since the Humacao RWWTP discharged is 13.38.*

26. Fact Sheet, Part II, A. 3, TSS: inconsistent language with parameter.

Response: *This was a typographical error; Fact Sheet was modified.*

27. Fact Sheet, Part II, A. 3, TSS Values in existing permit for TSS are: Carry over for BOD would be Avg Mo = 937 kg/day; Avg Wk = 1,405 kg/day; Avg Mo = 30 mg/l, Avg Wk = 45 mg/L, and percent removal = 85%.

Response: *This was a typographical error; Fact Sheet was modified.*

28. Fact Sheet, Part II, A. 3, TSS: Should be TSS?

Response: *This was a typographical error; Fact Sheet was modified and it now reads BOD₅.*

29. Fact Sheet, Part II, A. 3, TSS: It is unclear where this comes from – the existing permit limitation is 30 mg/l.

Response: *This was a typographical error; Fact Sheet was modified.*

30. Fact Sheet, Part II, A. 3, TSS: This appears to be based on the current permit limitation of 30 mg/l; if so, it should be 935.7 kg/day.

Response: *This was a typographical error; Fact Sheet was modified.*

31. Fact Sheet, Part II, A. 3, TSS: The existing permit requires 85% removal.

Response: *This was a typographical error; Fact Sheet was modified.*

32. Fact Sheet, Part II, A. 3, TSS: Humacao is not a 301(h) facility.

Response: *This was a typographical error; Fact Sheet was modified.*

33. Fact Sheet, Part II, A. 3, TSS: The existing permit indicates weekly sampling

Response: *This was a typographical error; Fact Sheet was modified.*

34. Fact Sheet, Part II, A. 3, TSS: The existing permit indicates twice per week (bottom of Table 1, 1998 permit).

Response: *This was a typographical error; Fact Sheet was modified.*

35. Fact Sheet, Part II, A.6, Fecal Coliform: Fecal Coliform is not listed as a permit limitation in the draft permit, nor does the PRWQSR require a limitation. Fecal coliform should be removed; enterococci, included in this fact sheet, is the appropriate parameter.

Response: *This was a typographical error; Fact Sheet was modified to eliminate the parameter.*

36. Fact Sheet, Part II, A.6, Fecal Coliform: The discharge is not in a shellfish growing or harvesting area; therefore, fecal coliform should not have a permit limitation.

Response: *This was a typographical error; Fact Sheet was modified to eliminate the parameter.*

37. Fact Sheet, Part II, A.9, Total Residual Chlorine (TRC): TRC does have a limitation in the PRWQSR and a compliance plan for TRC is established in the draft permit.

Response: *This was a typographical error; TRC was corrected for Residual Chlorine.*

38. Fact Sheet, Part II, A.10, Color: Rule 1303.2.C.2.e.

Response: *This was a typographical error; Fact Sheet was modified.*

39. Fact Sheet, Part II, A.11, Turbidity: Rule 1303.2.C.2.f.

Response: *This was a typographical error; Fact Sheet was modified.*

40. Fact Sheet, Part II, A.12, Taste/odor: Rule 1303.2.C.2.g.

Response: *This was a typographical error; Fact Sheet was modified.*

41. Fact Sheet, Part II, A.18, Copper, Free Cyanide and Sulfide: Rule 1303.1.J.1

Response: *This was a typographical error; Fact Sheet was modified.*

42. Fact Sheet, Part II, A.19, Total Nitrogen: This parameter is no longer regulated and does not have a permit limitation. Total nitrogen as [NO₃+NO₂+TKN] is now the regulated form of nitrogen and is included with a limitation in the draft permit.

Response: *This was a typographical error; Fact Sheet was modified and Total Nitrogen was defined as Rule 1301.1.*

43. Fact Sheet, Part II. B Effluent Limitations Summary Table

Response: *Fact Sheet, Effluent Table was modified to attend the comments provided.*

44. Fact Sheet, Part II. B Effluent Limitations Summary Table, Footnote

Response: DMR dates were revised to the effluent dates of data evaluation.

45. Fact Sheet, Part II. D, Compliance with Federal Antibacksliding Requirements: The existing permit indicates an end of pipe (EOP) pH limitation of 6 to 9 and edge of mixing zone (EOMZ) limitation of 7.3 to 8.5. The draft permit is the same, and this is consistent with the PRWQSR. The same is true for turbidity. The EOMZ requirement is 10 NTU in the existing permit, draft permit, and PRWQSR. An EOP limitation of 80 NTU was also part of the existing permit, but has been lowered to 25.8 NTU in the draft permit.

Response: Fact Sheet was revised, parameters were incorporated into more stringent description.

46. Fact Sheet, Part II. D, Compliance with Federal Antibacksliding Requirements: It is noted that fecal coliforms, barium, total chromium, silver, sulfate, zinc, and Lindane were also removed. Mercury was not removed from the draft permit. Nitrogen was replaced with total nitrogen (see comment above).

Response: Fact Sheet was revised, Mercury was removed from this description.

47. Fact Sheet, Part II. D, Compliance with Federal Antibacksliding Requirements, Residual Chlorine: There is not a residual chlorine limit in the existing permit.

Response: Fact Sheet was revised; Residual Chlorine was removed from this description.

48. Fact Sheet, Part II. D, Compliance with Federal Antibacksliding Requirements: A final water quality certificate has been issued by EQB.

Response: Fact Sheet, was revised to reference Final WQC.

H) JAYUYA WWTP (PR0025531) COMMENTS

1. GENERAL COMMENTS: Cover Page – PRASA understand that the discharge classification (MInor) must be revised.

Response: This was a typographical error; final permit was modified.

2. PART I. BACKGROUND A. Rational for Permit Requirements.

EPA MUST CORRECT A TYPOGRAPHICAL ERROR IN THE TERM “Technology Base Effluent Limitations”. Correct Word “Based”.

Response: This was a typographical error; final permit was modified.

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table “Color”

The word “Units” in the Units Column is not necessary.

Response: This was a typographical error; final permit was modified.

4. PART IV. STANDARD AND SPECIAL CONDITIONS. B. Special Conditions- 2. Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing,

Morning Frequency and Sample Type- There is a discrepancy with the monitoring frequency included in the Effluent Limitations Table of section Part II.A.

***Response:** Special Condition Whole Effluent Toxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.*

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

5. Additional Special Conditions, a. Pretreatment Requirements

Pretreatment Implementation- The term "SIU" must be defined before its use.

***Response:** Acronym was defined.*

Pretreatment Evaluation. – The due date of 120 days after identifying an SIU is not sufficient to complete the entire evaluation to develop specific local limits and have them in place in the industrial user's final discharge permit. PRASA requests a modification of this condition to provide a schedule of twelve (12) months (365 days) after identifying an SIU to adequately complete the local limits process. PRASA has previously confronted many difficulties with the local limits implementation due to the lack of an adequate time to comply with the due process requirements of the Law No. 170 of the Commonwealth of Puerto Rico. PRASA's experience is that 120 days is not an adequate time frame to complete the technical analysis and comply with all the legal and public participation requirements to establish enforceable local limits. The **365 days** is in compliance with the requirement established in the previous format of NPDES permits.

Pretreatment Evaluation. – In the same terms as the previous comment, PRASA requests a modification of this condition to change the due date from 134 days to **379 days** to submit a progress report and a written notice of compliance or noncompliance with Part IV(B)(5)(a)(2).

***Response:** After careful consideration, EPA has decided to modify in the final the time needed to evaluate specific local limits as well as the timeframe to submit a progress report with the written notice of compliance or non-compliance. Final permit has been modified to give **240 days** for the Pretreatment Evaluation and **256** for the Pretreatment Report.*

I) MOROVIS WWTP (PR0020711) COMMENTS

1. PART I. BACKGROUND: Rationale for Permit Requirements.

EPA must correct a typographical error in the term “Technology Based Effluent Limitations). The correct word is Based.

Response: This was a typographical error; final permit was modified.

2. PART I. BACKGROUND: Intent to Issue a Water Quality Certificate.

The acronym PRWQS used for the “Water Quality Standards Regulation” is incomplete it should read “PRWQSR”.

Response: This was a typographical error; final permit was modified.

3. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: “EPA has considered and responded in writing to all significant comments submitted during the public comment period.”

Response: This was a typographical error; final permit was not modified because language does apply to a final permit.

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: Sulfide

The name of this parameter is incomplete, the word undissociated H₂S must be added as it is in EQB’s WQC.

Response: Final permit was modified according to Final WQC.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Footnote (2)

This footnote relates to the Enterococci parameter in incomplete.

Response: Final permit was modified according to Final WQC.

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Footnote (3)

The reference to special conditions “i” must be corrected to read as “h” of this permit.

Response: This was a typographical error; final permit was modified according to Final WQC.

7. PART IV. STANDARD AND SPECIAL CONDITIONS. 2. Special Conditions, Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing, 1-Monitoring Frequency and Sample Type.

Based on EQB’s Draft WQC , the monitoring frequency should be semiannually, not quarterly, as indicated in the Effluent Table.

Response: Special Condition Whole Effluent Toxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.

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

8. PART IV. STANDARD AND SPECIAL CONDITIONS, B. Special Conditions, 5. Additional Special Conditions; Pretreatment Requirements

- 1) Pretreatment Implementation-** The term "SIU" must be defined previous to its use.
- 2) Pretreatment Evaluation.** – The due date of 120 days after identifying an SIU is not sufficient to complete the entire evaluation to develop specific local limits and have them in place in the industrial user's final discharge permit. PRASA requests a modification of this condition to provide a schedule of twelve (12) months (365 days) after identifying an SIU to adequately complete the local limits process. PRASA has previously confronted many difficulties with the local limits implementation due to the lack of an adequate time to comply with the due process requirements of the Law No. 170 of the Commonwealth of Puerto Rico. PRASA's experience is that 120 days is not an adequate time frame to complete the technical analysis and comply with all the legal and public participation requirements to establish enforceable local limits. The **365 days** is in compliance with the requirement established in the previous format of NPDES permits.
- 3) Pretreatment Evaluation.** – In the same terms as the previous comment, PRASA requests a modification of this condition to change the due date from 134 days to **379 days** to submit a progress report and a written notice of compliance or noncompliance with Part IV(B)(5)(a)(2).

Response: The term "SIU" was defined at the beginning of the special condition.

After careful consideration, EPA has decided to modify in the final the time needed to evaluate specific local limits as well as the timeframe to submit a progress report with the written notice of compliance or non-compliance. Final permit has been modified to give **240** days for the Pretreatment Evaluation and **256** for the Pretreatment Report.

J) NEGROS WTP (PR0022543) COMMENTS

1. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: “EPA has considered and responded in writing to all significant comments submitted during the public comment period.”

Response: *This was a typographical error; final permit was not modified because language does apply to a final permit.*

2. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: “Dissolved Oxygen”

The symbol of less than (<) must be changed by the symbol of greater than or equal according to footnote (6) and final permits issued in 2017 & 2018.

Response: *This was a typographical error; final permit was modified.*

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001: “Whole Effluent Toxicity”

PRASA request that this parameter be deleted from the table.

Response: *WET was deleted from the table.*

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations -- Outfall Number 001: Footnote (6)

The acronym DO must be defined previous to its use. Also, the statement indicating that “The limit must be greater than or equal to 5.0 mg/L.

Response: *Final permit was modified.*

5. PART IV. Standard and Special Conditions, B. Special Conditions, 2. Whole Effluent Toxicity

PRASA request the same WQC WET language in the final permit.

Response: *Since WET condition was deleted from the final permit, it not necessary to incorporate WQC language.*

K) YABUCOA WWTP (PR0021717) COMMENTS

1. GENERAL BACKGROUND: the page numbering needs to be corrected. Pages 1 to 5 indicates the total pages of 15. The correct number is 16.

Response: *This was a typographical error; final permit was modified.*

2. PART I. BACKGROUND: Rationale for Permit Requirements.

EPA must correct a typographical error in the term “Technology Based Effluent Limitations). The correct word is Based.

Response: *This was a typographical error; final permit was modified.*

3. PART I. BACKGROUND: Rationale for Permit Requirements.

EPA must correct a typographical error in the term “Technology Based Effluent Limitations). The correct word is Based.

Response: This was a typographical error; final permit was modified.

4. PART I. BACKGROUND: Public Participation

EPA must explain the reason to include the following sentence in a draft permit: “EPA has considered and responded in writing to all significant comments submitted during the public comment period.”

Response: This was a typographical error; final permit was not modified because language does apply to a final permit.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table: Sulfide

The name of this parameter is incomplete, the word undissociated H₂S must be added as it is in EQB’s WQC.

Response: Final permit was modified according to Final WQC.

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Footnote (2)

This footnote relates to the Enterococci parameter in incomplete.

Response: Final permit was modified according to Final WQC.

7. PART IV. STANDARD AND SPECIAL CONDITIONS. 2. Special Conditions, Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing, 1-Monitoring Frequency and Sample Type.

Based on EQB’s Draft WQC , the monitoring frequency should be semiannually, not quarterly, as indicated in the Effluent Table.

Response: Special Condition Whole Effluent Toxicity Testing was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico’s water quality standards for toxicity, pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. These federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits.

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

8. PART IV. STANDARD AND SPECIAL CONDITIONS, B. Special Conditions, 5. Additional Special Conditions; Pretreatment Requirements

- 1) **Pretreatment Implementation-** The term “SIU” must be defined previous to its use.
- 2) **Pretreatment Evaluation.** – The due date of 120 days after identifying an SIU is not sufficient to complete the entire evaluation to develop specific local limits and have them in place in the industrial user’s final discharge permit. PRASA requests a modification of this condition to provide a schedule of twelve (12) months (365 days) after identifying an SIU to adequately complete the local limits process. PRASA has previously confronted many difficulties with the local limits implementation due to the lack of an adequate time to comply with the due process requirements of the Law No. 170 of the Commonwealth of Puerto Rico. PRASA’s experience is that 120 days is not an adequate time frame to complete the technical analysis and comply with all the legal and public participation requirements to establish enforceable local limits. The **365 days** is in compliance with the requirement established in the previous format of NPDES permits.
- 3) **Pretreatment Evaluation.** – In the same terms as the previous comment, PRASA requests a modification of this condition to change the due date from 134 days to **379 days** to submit a progress report and a written notice of compliance or noncompliance with Part IV(B)(5)(a)(2).

Response: *The term “SIU” was defined at the beginning of the special condition.*

*After careful consideration, EPA has decided to modify in the final the time needed to evaluate specific local limits as well as the timeframe to submit a progress report with the written notice of compliance or non-compliance. Final permit has been modified to give **240 days** for the Pretreatment Evaluation and **256** for the Pretreatment Report.*