

ATTACHMENT C

RESPONSIVENESS SUMMARY IN THE FOLLOWING FINAL PERMITS

Municipality of Carolina- Trujillo Bajo WTP (PR0026719)

PRASA Peñuelas WTP (PR0022772)
PRASA Guaraguao WTP (PR0024651)
PRASA Jagual WTP (PR0025470)
PRASA Rio Arriba WTP (PR0025534)
PRASA Sanamuerto WTP (PR0026735)
PRASA Fajardo WWTP (PR0026484)
PRASA Las Marias WWTP (PR0020583)
PRASA Adjuntas WWTP (PR0020214)
PRASA Sebastian WWTP (PR0025551)

On **August 10, 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

No comments were received from the Carolina Municipality, Trujillo Bajo Water Treatment Plant (PR0026719).

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) PRASA Peñuelas WTP (PR0022772)

1. GENERAL COMMENTS: Cover Page – **Facility (location address)** – The location address is incomplete.

Response: *The location name has been corrected to include “Jagual Ward”.*

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

Comment: The section must be named as **Water Quality Certificate, since final WQC was issued by EQB on August 31, 2018.**

Response: *The final permit was modified according to the WQC*

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 of greater than or equal (≥). See Draft Permits also issued.....”

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, “Turbidity”: “The asterisk adjacent to the limitation is not necessary. It is used by EQB in its WQCs for the “NO Net Limitation” footnote. However, in the draft permit EPA assigned the number (5) for such footnote. Also, the “Minimum sampling frequency” must be corrected from 1/month to **1/quarter** according to EQB’s Final WQC of August 31, 2018.”

Response: The asterisk adjacent to the limitations have been removed, final permit was modified.

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Whole Effluent Toxicity” – EQB has not yet determined the applicability of this special condition according to its statement included in the Final WQC of August 31, 2018. Therefore. PRASA request that this parameter be deleted from Table A.

Moreover, the monitoring requirements (sample type & sampling frequency) included in the table are different from the ones included in Part IV.A.4.

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.

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Notes, Footnotes and Abbreviations: Footnote (2): The phrase at the end of this footnote (...” while still complying with permit limits for bacterial indicator(s)”) must be deleted since this permit does not contain any bacteriological parameter. Please refers to other permits for WTPs.

Response: Final permit was modified since language does apply to a final permit.

7. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Notes, Footnotes and Abbreviations: Footnote (3) [now Footnote (2)]: The reference to special conditions of Part IV is incorrect. This footnote must be corrected to read "See Part IV.A.3 Special Conditions 6 and d7 of 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 (7) [now Footnote 6]: Based on our comment above related to WER testing, this footnote which is incorrectly reference must be deleted.

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

C) PRASA Guaraguao WTP (PR0024651)

1. GENERAL COMMENTS: Cover Page – **Facility (location address)** – The location address is incomplete...."

Response: *The location name has been corrected to include "Interior Guaraguao Ward (Camino Portugues)."*

2. PART I. BACKGROUND: Intent to issue a Water Quality Certificate
The section must be named as **Water Quality Certificate**, since final WQC was issued by EQB on **August 31, 2018. ...**

Response: *The final permit was modified according to the WQC.*

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Dissolved Oxygen": The limitation of DO must be moved to the "Maximum daily column. Also the symbol of less than (<) must be changed by the symbol of greater than or equal (\geq) according to footnote (7)....."

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, Copper Cu), Lead (Pb), Mercury (Hg)": The asterisk adjacent to the limitation is not necessary.

Response: *The asterisks adjacent to the limitations have been removed, final permit was modified.*

5. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table; "Cadmium (Cd), Cyanide, Free (CN), Sulfates (SO₄), Surfactants (MBAS), Total Dissolved Solids (TDS), Phosphorous (P).": "Dashes (--) needs to be included in the Average monthly and Average Weekly columns....."

Response: *Dashes have added to the limitations, 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”: This parameter must be deleted according to the Special Condition No. 14 of Part IV.A.3.

Response: *The final permit was modified according to the Special Condition No. 14.*

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 second Footnote related to the mass limitations, which read as follows: “*All limitations expressed in mass calculated from concentration-based limitations are calculated according to: mass (kg/day) = Flow (MGD) x concentration (mg/L) x 3.78 (kg/L)/(mg)(MGD)*” must be deleted since draft permit does not include any mass limitation....”

Response: *This mass limitation has deleted; 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 (3)”: The reference to Special Conditions in Part IV is incorrect. This footnote must be corrected to read as follows....

3) See part IV.A.3 Special Condition of 5 and 6 of this permit.

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

9. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table; “Notes, Footnotes and Abbreviations, Footnote (4)”: “The reference to Special Conditions in Part IV is incorrect. This footnote must be corrected to read as follows....”

4) See part IV.A.3 Special Condition of 9 this permit.

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

10. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table; Footnote (7): The statement indicating the “The limit must be greater than or equal to 5.0 mg/L” must be corrected to read as follows: “The results must be greater than or equal to 5.0 mg/L.”

Response: *Final permit was modified accordingly.*

11. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table; Footnote (9): Based on our commitment above, related to the WET testing, this footnote must be deleted.

Response: *Footnote was deleted; Final permit was modified accordingly.*

12. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Notes, Footnotes and Abbreviations", Blank Rows: The blank rows between the parameters of "Residual Chlorine" & "Sulfates", and "Suspended solids, Colloidal or Settleable Solids" and Temperature must be deleted.

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

D) PRASA Jagual WTP (PR0025470)

1. PERMIT COVER PAGE: Facility (location address): The location address is incomplete. The complete address according to the Environmental Quality Board's Water Quality Certificate (WQC) of August 31, 2018 is as follows: State Road 181Km 7.0, **Jagual Ward**.

Response: *Final permit was modified to include complete address.*

2. PART I. BACKGROUND: Intent to Issue a Water Quality Certificate: This section must be named as "Water Quality Certificate", since a Final WQC was issued by EQB on **August 31, 2018** as stated above. Also, the reference to the date of the WQC must be corrected.

Response: *This was corrected to rename the section and include the final WQC date.*

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 of greater than or equal (\geq) according to footnote (7). See the draft permits also issued for wastewater treatment plants (WWTPs): Adjuntas WWTP (PR0020214), Fajardo WWTP (PR0026484), Las Marias WWTP (PR0020583), & San Sebastian (New) WWTP (PR0025551).

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, "Notes, Footnotes and Abbreviations, Footnote (3)": The reference to special conditions of Part IV is incorrect. This footnote must be corrected to read as follows (corrections highlighted in **bold**):
(3) "See part IV.B.1 Special Condition **f** and **g** of this permit".

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 Effluent Limitations Table, "Notes, Footnotes and Abbreviations, Footnote (4)": The reference to Part IV is incomplete. This footnote must be corrected to read as follows (corrections highlighted in **bold**):
(4) "See part IV.B.1 Special Condition **j** of this permit".

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

E) PRASA Rio Arriba WTP (PR0025534)

1. GENERAL COMMENTS: Cover Page – Facility (location address) – The location address is incorrect. The correct address according to the Environmental Quality Board's Final Water Quality Certificate (WQC) of August 31, 2018 is as follows: State Road 10, Km. **69.2**.

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

2. PART I. BACKGROUND Comments; B. Intent to Issue a Water Quality Certificate: This section must be named as "Water Quality Certificate", since a Final WQC was issued by EQB on August 31, 2018 as stated above. Also, the reference to the date of the WQC must be corrected.

Response: *This was a typographical error; final permit was modified to name this section as "Water Quality Certificate" and to correct the date as August 31, 2018.*

3. PART I. BACKGROUND Comments; C. Impaired Waters and Total Maximum Daily Loads (TMDLs): This section of Part I is missing.

Response: *Final permit was modified to include a section for TMDLS.*

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Cyanide Free": This parameter must be identified with a footnote describing the following:

"The samples shall be analyzed using the method approved by EPA in letter dated February 20, 2007."

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 (7).

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, "Solids and Other Matter": This parameter can be deleted from Table A. Usually in the NPDES permits it is not included here (in Table A) since it is included in Part II.B.3.

Response: *Final permit was modified.*

7. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Sulfide (undissociated I-IS)": This parameter must be identified with a footnote that makes reference to Part IV.B.I Special Condition i of 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, “Taste and Odor Producing Substances”: This parameter can be deleted from Table A. Usually in the NPDES permits it is not included here (in Table A) since it is included in Part II.B.3.

Response: Final permit was modified.

9. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Total Ammonia nitrogen (TAN) (NH₃, NH₄⁺)” : In order to avoid confusion, this parameter must include all its constituents (that is, "Total Ammonia Nitrogen (TAN) (NH₃, NH₄⁺)", as it appears in the other draft permits.

Response: Final permit was modified.

10. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Parameters without footnote (6)”: There are parameters identified with the "No Net Addition Limitation" (Footnote (6)). However, EPA must explain why others are not (i.e., Cyanide Free (CN), Sulfide (undissociated H₂S) and Zinc (Zn)).

Response: Final permit was modified.

11. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS: The second footnote related to the mass limitations, which read as follows:
"All limitations expressed in mass calculated from concentration-based limitations are calculated according to: mass (kg/day) = Flow (MGD) x concentration (mg/L) x 3.78 (kg/L)/(mg)(MGD)"
must be deleted since this draft permit does not include any mass limitation. This statement is generally included in permits for wastewater treatment plants.

Response: Final permit was modified.

12. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS: Footnote (3): The reference to special conditions of Part IV is incomplete. This footnote must be corrected to read as follows (corrections highlighted in bold):
(3) "See Part IV.B.I Special Conditions e and f of this permit".

Response: Final permit was modified.

13. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS: Footnote (4): The whole footnote appears strikeout. Apparently, it is not necessary. EPA must explain.

Response: Final permit was modified.

14. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS; Footnote (7):The

statement indicating that "The limit must be greater than or equal to 5.0 mg/L" must be corrected to read as follows: "The results must be greater than or equal to 5.0 mg/L".

Also, at the end of this footnote appears another footnote numbered (7) but it is related to Cyanide, Free. EPA must separate this footnote and must assign it another number.

Response: *Final permit was modified.*

F) PRASA Sanamuerto WTP (PR0026735)

1. GENERAL COMMENTS, Cover Page – Facility (location address): The location address is incomplete. The complete address according to the Environmental Quality Board's Final Water Quality Certificate (WQC) of August 31, 2018 is as follows: State Road 567, Km. 13.7 Int., Barros Ward (Limonas Sector).

Response: *Final permit was modified.*

2. PART I. BACKGROUND, B. Intent to Issue a Water Quality Certificate: This section must be named as "Water Quality Certificate", since a Final WQC was issued by EQB on August 31, 2018 as stated above. Also, the reference to the date of the WQC must be corrected.

Response: *This was a typographical error; final permit was modified to name this section as "Water Quality Certificate" and to correct the date as August 31, 2018.*

3. PART I. BACKGROUND, B. Intent C. Impaired Waters and Total Maximum Daily Loads (TMDLs): This section of Part I is missing.

Response: *Final permit was modified to include a section for TMDLS.*

4. 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 (7).

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, "Solids and Other Matter": This parameter can be deleted from Table A. Usually in the NPDES permits it is not included here (in Table A) since it is included in Part II.B.3.

Response: *Final permit was modified.*

6. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Taste and Odor Producing Substances)": This parameter can be deleted from Table A. Usually in the NPDES permits it is not included here (in Table A) since it is included in Part II.B.3.

Response: *Final permit was modified.*

7. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, "Total Ammonia nitrogen (TAN) (NH₃, NH₄⁺)": In order to avoid confusion, this parameter must include all its constituents (that is, "Total Ammonia Nitrogen (TAN) (NH₃, NH₄⁺)", as it appears in the other draft permits.

Response: Final permit was modified.

8. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS: The second footnote related to the mass limitations, which read as follows:

"All limitations expressed in mass calculated from concentration-based limitations are calculated according to: mass (kg/day) = Flow (MGD) x concentration (mg/L) x 3.78 (kg/L)/(mg)(MGD)"

must be deleted since this draft permit does not include any mass limitation. This statement is generally included in permits for wastewater treatment plants.

Response: Final permit was modified.

9. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS; Footnote (3): The reference to special conditions of Part IV is incomplete. This footnote must be corrected to read as follows (corrections highlighted in bold):

(3) "See Part IV.B.I Special Conditions e and f of this permit".

Response: Final permit was modified.

10. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS; Footnote (4): The reference to Part IV is incomplete. This footnote must be corrected to read as follows (corrections highlighted in bold):

(3) "See Part IV.B.I Special Condition j of this permit".

Response: Final permit was modified.

11. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- NOTES, FOOTNOES, AND ABBREVIATIONS; Footnote (7): The statement indicating that "The limit must be greater than or equal to 5.0 mg/L" must be corrected to read as follows: "The results must be greater than or equal to 5.0 mg/L".

Response: Final permit was modified.

G) PRASA Fajardo WWTP (PR0026484)

1. PART I. BACKGROUND: Intent to Issue a Water Quality Certificate (IWQC) ...

Response: The “Intent to Issue” was removed from the permit since EQB issued a final WQC; the date has been corrected.

2. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Effluent TSS and BOD₅, minimum % removal”: The minimum sampling frequency for the minimum % removal must be modified to “1/Month”. Since this is a calculation (not a sampling) and it is calculated every month, PRASA understands that it must appear as “1/Month”, as established in other WWTP permits recently issued. The “2/Month” term can be erroneously interpreted that the BOD₅ % removal has to be calculated and reported twice per month.

Response: These were typographical errors; the final permit was revised.

3. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Effluent TSS, mg/L (monthly average)”: PRASA does not understand why EPA established an effluent limitation of 14 mg/L as monthly average concentration. The Fajardo RWWTP was designed to obtain an effluent concentration of 30 mg/L of TSS, as set forth in the 40CFR 133.12. This section of the 40 CFR establishes that the 30 day average value for TSS shall not exceed 30 mg/L. Therefore, PRASA requests that the existing effluent concentration of 30 mg/L (monthly average) be re-established in the final permit. PRASA requests that the existing monthly average mass loading of 28.42 kg/day be also re-established for TSS.

Response: This was a typographical error; the final permit was revised.

4. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Silver”: Dashes (--) needs to be included in the “Average monthly” and “Average weekly” columns according to the first footnote that establishes that “Dashes (--) indicate there are no effluent limitations or monitoring requirements for this parameter”.

Response: These were typographical errors; the final permit was revised.

5. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Sulfide (undissociated H₂S)”: The measurement unit must be corrected from “mg/L” to “µg/L”

Response: This was a typographical error; the final permit was revised.

6. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Total Dissolved Solids (TDS)”: The measurement unit is incomplete. It must be corrected from “mg/” to “mg/L”.

Response: This was a typographical error; the final permit was revised.

7. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Total Phosphorus (P)”: Dashes (--) needs to be included in the “Average monthly” and “Average weekly” columns according to the first footnote that

establishes that “Dashes (--) indicate there are no effluent limitations or monitoring requirements for this parameter”.

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

8. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, Notes, Footnotes and Abbreviations; “Footnote (4)”: The reference to Part IV is incomplete. These footnotes must be corrected to read as follows (corrections highlighted in **bold**).

(4) “See Part IV.B.1 Special Condition i of this permit”.

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

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 monitoirng frequency should be semiannually, not quarterly, as indicated in the Effluent Table.

Response: *Special Condition Whole Effluent Teoxicity 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 purevious 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 specifics 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.*

H) PRASA Las Marias WWTP (PR0020583)

1. PART I. BACKGROUND: Intent to Issue a Water Quality Certificate (IWQC) ...

Response: *The “Intent to Issue” was removed from the permit since EQB issued a final WQC; the date has been corrected.
from the permit and the date has been corrected.*

2. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Effluent TSS and BOD₅, minimum % removal”: The minimum sampling frequency for the minimum % removal must be modified to “1/Month”. Since this is a calculation (not a sampling) and it is calculated every month, PRASA understands that it must appear as “1/Month”, as established in other WWTP permits recently issued. The “2/Month” term can be erroneously interpreted that the BOD₅ % removal has to be calculated and reported twice per month.

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

3. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, “Effluent TSS, mg/L (monthly average)”: PRASA does not understand why EPA established an effluent limitation of 14 mg/L as monthly average concentration. The Fajardo RWWTP was designed to obtain an effluent concentration of 30 mg/L of TSS, as set forth the 40CFR 133.12. This section of the 40 CFR establishes that the 30 day average value for TSS shall not exceed 30 mg/L. Therefore, PRASA requests that the existing effluent concentration of 30 mg/L (monthly average) be re-established in the final permit. PRASA requests that the existing monthly average mass loading of 28.42 kg/day be also re-established for TSS.

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

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, Sulfide: The measurement unit must be corrected from “mg/L” to “µg/L”.

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, Total Phosphorus: Dashes (--) needs to be included in the "Average monthly" and "Average weekly" columns according to the first footnote that establishes that "Dashes (--) indicate there are no effluent limitations or monitoring requirements for this parameter".

Response: Final permit was modified to address the comment above.

6. PARTII EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Final Effluent Limitations --- Outfall Number 001, Effluent Limitations Table, Notes, Footnotes and Abbreviations; Footnotes (5), (6) and (7): The reference to Part IV is incomplete. These footnotes must be corrected to read as follows (corrections highlighted in **bold**).

(5) "See Part IV.B.1 Special Conditions e and f of this permit".

(6) "See Part IV.B.1 Special Condition i of this permit".

(7) "See Part IV.B.1 Special Condition j of this permit".

Response: These were typographical errors; the final permit was revised.

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 monitoirng frequency should be semiannually, not quarterly, as indicated in the Effluent Table.

Response: Special Condition Whole Effluent Teoxicity 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 purevious 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.*

I) PRASA Adjuntas WWTP (PR0020214)

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

This section must be named as “Water Quality Certificate”, since a Final WQC was issued by EQB on August 31, 2018 as stated above. Also, the reference to the date of the WQC must be corrected.

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

2. 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 phrase “undissociated H₂S” must be added in order to avoid confusion with the parameter of Total Sulfide. It should read as; “Sulfide (undissociated H₂S)”, as included in EQB’s Final WQC of August 31, 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--- Effluent Limitations Table “Total Phosphorous (P)” – Dashes (--) needs to be included in the “Average monthly” and “Average weekly” columns according to the first footnote that establishes that “Dashes (--) indicate there are no effluent limitations or monitoring requirements for this parameter.”

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

4. PART IV. STANDARD AND SPECIAL CONDITIONS. 2. Special Conditions, Whole Effluent Toxicity Testing, Acute Whole Effluent Toxicity Testing:) Monitoring Frequency and Sample Type – The monitoring frequency must be **semi-annually** as indicated in EQB’s Final WQC of August 31, 2018 and as included in the **Effluent Limitations Table** of section Part II.A in the draft NPDES permit.

1) Monitoring Frequency and Sample Type. Not later than 180 days after the EDP, the Permittee shall conduct quarterly acute toxicity tests on a 24-hour composite effluent sample for a period of one (1) year, after which the tests shall be performed annually. Acute toxicity test samples must be collected for each point of discharge at the designated monitoring location for the effluent (i.e., Point 001, downstream from the last treatment process and any in-plant flow return flows where a representative effluent sample can be obtained).

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

1) Pretreatment implementation. The “SIU” must be defined previous to its use (i.e., Significant Industrial User (SIU)).

***Response:** The wording was changed from “If an SIU as defined at 40 CFR 403.3(v) is identified, the Permittee must perform a technical evaluation of local limits for the Adjuntas WWTP” and now reads as follows: “If a Significant Industrial User (SIU) as defined at 40 CFR 403.3(v) is identified, the Permittee must perform a technical evaluation of local limits for the Adjuntas WWTP.”*

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 limit 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 240 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.*

Response: After careful consideration, EPA has decided to modify in the final permit 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.

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 380 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 permit 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) PRASA San Sebastian WWTP (PR0025551)

1. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, Blank Row: The blank row at the beginning of the table before the parameter of “Influent BOD, 5-Day (20°C)” must be deleted.

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

2. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Sulfide (undissociated H₂S)”: The name of this parameter is incomplete. The phrase “undissociated H₂S” must be added in order to avoid confusion with the parameter of Total Sulfide. It should read as; “Sulfide (undissociated H₂S)”, as included in EQB’s Draft WQC of June 29, 2018. Also, the measurement unit must be corrected from “mg/L” to ug/L.”

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

3. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Total Phosphorous (P)”: Dashes (--) needs to be included in the “Average monthly” and “Average weekly” columns according to the first footnote that establishes that “Dashes (--) indicate there are no effluent limitations or monitoring requirements for this parameter.”

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

4. PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A. Final Effluent Limitations --- Outfall Number 001--- Effluent Limitations Table, “Whole Effluent Toxicity”: The sampling frequency (i.e., 2/Year) included in the table are different from the one included in Part IV.B2.2 (i.e., quarterly).

Response: This was a typographical error; final permit was modified to read “quarterly” in the table.

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

As indicated above, the monitoring frequency (i.e., quarterly) does not concur with the one included in Table A (i.e., 2/Year).

Monitoring Frequency and Sample Type. Not later than **180 days after the EDP**, the Permittee shall conduct **quarterly** acute toxicity tests on a 24-hour composite effluent sample for a period of one year, after which the tests shall be performed annually. Acute toxicity test samples must be collected for each point of discharge at the designated monitoring location for the effluent (i.e., Point 001, downstream from the last treatment process and any in-plant flow return flows where a representative effluent sample can be obtained).

***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.

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

1) Pretreatment implementation. The "SIU" must be defined previous to its use (i.e., Significant Industrial User (SIU)). Also this section just makes reference to "San Sebastian WWTP" instead to "San Sebastian (New) WWTP" in order to avoid confusion with our other facility in San Sebastian municipality (i.e., San Sebastian (Old) WWTP (PR0020851)).

***Response:** The wording was changed from "If an SIU as defined at 40 CFR 403.3(v) is identified, the Permittee must perform a technical evaluation of local limits for the San Sebastián WWTP" and now reads as follows: "If a Significant Industrial User (SIU) as defined at 40 CFR 403.3(v) is identified, the Permittee must perform a technical evaluation of local limits for the San Sebastián (New) WWTP."*

4) 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 limit 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 240 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.

Response: After careful consideration, EPA has decided to modify in the final permit 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.

5) 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 380 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 permit 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.