

ATTACHMENT C

RESPONSIVENESS SUMMARY IN THE FOLLOWING FINAL PERMITS

PRASA PONCE RWWTP (PR0021563)

On **November 13, 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.

Public hearing was hold on **November 29, 2018** at the Ponce Medical Science Campus. Comments on behalf of PRASA was 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. WRITTEN COMMENTS

1. Outfall Location.

Comment: PRASA requests that the discharge coordinates be updated based on best available information from Latitude 17° 55' 53" N and Longitude 66° 38' 31" W to Latitude 17° 55' 45" N and Longitude 66° 38' 30" W.

Response: The discharge coordinates have been updated.

2. Explanation of Acronyms

PART I. Background and Required Limitations

PRASA requests that the acronyms for TBELs, WQBELs, and PRWQSR be explained and that the use of acronym PRWQS be replaced with PRWQSR.

a) Rationale for Permit Requirements.

Comment: The acronyms TBELs and WQBELs must be defined previous to their use (e.g., “Technology Based Effluent Limitations (TBELs)” and “Water Quality Based Effluent Limitations (WQBELs)”, respectively). Also, the acronym PRWQS used for the “Puerto Rico Water Quality Standards **R**egulation” is incomplete. EPA must correct it to “PRWQ**S**R”.

Response: The above-mentioned acronyms were explained. The use of acronym PRWQS was replaced with PRWQSR.

b) Water Quality Certificate (WQC).

Comment: The acronym PRWQS used for the “Water Quality Standards **R**egulation” is incomplete. EPA must correct it to “PRWQ**S**R”.

Response: The typographical error has been corrected.

c) Antidegradation and Anti-backsliding Requirements.

Comment: The acronym PRWQS used for the “Water Quality Standards **R**egulation” is incomplete. EPA must correct it to “PRWQ**S**R”. EPA must also correct a typographical error in the word “than” in the second sentence.

Response: The typographical errors have been corrected.

3. Dilution Ratio.

PART I. Background and Required Limitations

Comment: PRASA requests that the dilution of 135:1 be corrected to 138:1 as provided in the Water Quality Certificate (WQC) issued by EQB.

Response: The dilution ratio has been corrected as requested.

4. Required Effluent Limitations.

Comment: PRASA requests that the pages referenced at the end of paragraph G.a of Part I be corrected. The second sentence must read as: “See the Environmental

Quality Board's (EQB's) Water Quality Certificate (WQC) requirements from page 2 through 7 and 11 through 18 of the permit.”

Response: The typographical error has been corrected.

5. Effluent Limitations.

a) BOD₅ Comment:

PRASA requests that the BOD₅ limitation be 13,709 kg/day as carried forward from the existing permit and for consistency with the draft fact sheet rather than 13,692 kg/day as shown in the draft NPDES permit.

Response: EPA calculated the BOD limitation as 13,692 (134 mg/L x 27 MGD X 3.7845). In the previous permit the conversion factor was rounded up to two factors instead of four; this has been corrected in this renewed permit. The typographical error on the Draft Fact Sheet has been corrected.

b) TSS Comment:

PRASA requests the TSS limitation be 9,002 kg/day as carried forward from the existing permit and for consistency with the draft fact sheet rather than 8,992 kg/day as shown in the draft NPDES permit.

Response: EPA calculated the TSS limitation as 8,992 (88 mg/L x 27 MGD X 3.7845). In the previous permit the conversion factor was rounded up to two factors instead of four; this has been corrected in this renewed permit. The typographical error on the Draft Fact Sheet has been corrected.

c) Whole Effluent Toxicity (WET) Comment:

PRASA requests that the units for Whole Effluent Toxicity (WET) must be corrected from “TU_a” to “%”. Although it is the maximum toxicity, it is expressed as the minimum percent of survival.

Response: The units have been corrected to read LC50% because it is an Acute Toxicity Test. The test should be performed quarterly for the first year as established in the Standard Special Condition B.2.

d) Toxicity Comment:

PRASA requests the units for toxicity be clarified to include acute toxicity and chronic toxicity (TU_a and TU_c, respectively) and further that chronic testing be required of designated test species *Arbacia punctulata* because there is no acute test available for this species. However, see comment below concerning the discrepancies between the draft permit and the 2017 WQC.

Response: The units for acute toxicity and chronic toxicity were modified as TU_a and TU_c, respectively. Comment below was also modified as “Whole Effluent Toxicity Testing for monitoring and reporting requirements for acute and chronic WET.”

e) Toxicity and Chronic Toxicity Comment:

PRASA requests that the discrepancies between the draft permit and the 2017 WQC, as they relate to acute toxicity and chronic toxicity, be resolved between EPA and EQB and that the permit language be adjusted for consistency.

Response: Comment above was modified as “Not later than **180 days after the EDP**, the Permittee shall conduct **quarterly** acute and chronic toxicity tests on a 24-hour composite effluent sample for a period of one year, after which the tests shall be performed annually.”

f) Footnotes 4 & 5 Comment:

It appears footnotes 4 and 5 of the table are missing part of the location reference and should be corrected to include the accurate location reference.

Response: The typographical errors have been corrected as “(4) See Part IV.B.1. Special Conditions g and h of this permit”, and “(5) See Part IV.B.1. Special Condition k. “.

g) Footnotes 4 & 5 Table A-2 Comment:

PRASA requests that footnotes 2 and 3 of Table A-2. Monitoring Requirements at the Edge of the Mixing Zone be corrected to include the accurate location reference.

Response: The typographical errors have been corrected as “(2) See Part IV.B.1. Special Condition k”, and (3) See Part IV.B.1. Special Condition t.

h) Footnotes 4 & 5 Table A-3 Comment:

PRASA requests that footnotes 2 and 3 of Table A-3. Monitoring Requirements at the Background Sampling Station be corrected to include the accurate location reference.

Response: The typographical errors have been corrected as “(2) See Part IV.B.1. Special Condition k”, and (3) See Part IV.B.1. Special Condition t.”

6. **Interim Effluent Limitations Clarification Comment:**

PRASA requests that the two text references to ‘secondary treated wastewaters’ be corrected to ‘advanced primary treated wastewaters’ to accurately describe the treatment level at the Ponce RWWTP.

Response: The typographical errors have been corrected.

7. **Effluent Monitoring Location Comment:**

PRASA requests clarification on the stated effluent sampling location as it applies to WET testing.

Response: Whole Effluent Toxicity testing is used in NPDES permits in Puerto Rico to determine if a treated wastewater discharge into receiving waters poses a potential risk of toxicity to aquatic organisms and human health or may result in violating the Puerto Rico water quality standard of no toxic substances in toxic amounts. WET tests describe the aggregate toxic effect of an effluent sample measured by a test organism's response to exposure (e.g., lethality, impaired growth, or reproduction). WET monitoring requirements are included in NPDES permits to determine whether a wastewater has a reasonable potential to cause acute (i.e. lethal) and/or chronic (i.e. sub-lethal effects) toxicity in aquatic organisms. The sampling point for any WET tests must incorporate all treatment steps, in order to accurately determine the potential for toxicity in the receiving water from the treated effluent. Chlorination itself can cause unacceptable toxicity in the effluent and receiving water, in which case it may be necessary to adjust the chlorination or dechlorinate in order to meet the Puerto Rico water quality standards for toxicity in the receiving water.

8. **Enterococci Sampling and Reporting Comment:**

PRASA requests clarification on the number of individual enterococci samples to be collected each month, the number of samples to be included in the calculation of the geometric mean, and the single sample criterion.

Response: This parameter is a Puerto Rico Water Quality Standard, PRASA should request guidance from PR EQB Water Quality Area.

9. **Correction of Typographical Errors Comment:**

Under Special Condition B.1.t, two references to other subsections within section B.1.t of the draft NPDES permit incorrectly use alpha designations when numeric designations are applicable: T.2 part ‘a’ should be replaced with part ‘1’, and T.14 part ‘e’ should be replaced with part ‘5’.

Response: The typographical errors have been corrected.

10. Compliance Plans Quarterly Report Submittal Schedule Comment:

PRASA requests a modification to the description of the submittal requirements of the first quarterly report if a modified reporting schedule is approved in the POS required under PART IV.B.1.u.3.

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

11. Whole Effluent Toxicity Testing Comments:

a) PRASA requests a modification to the description of acute toxicity under PART IV.B.2.a.3 to remove reference to *Arbacia* because it is not applicable to acute toxicity.

Response: Comment above was modified as “For *Arbacia punctualata*, PRASA must only do the Chronic Toxicity Tests since there is no acute test available for this specie.”

b) PRASA believes the reference to EQB not indicating a dilution allowance is in error and that the WQC is based on a dilution of 138:1. Therefore, PRASA requests that the dilution credit of 138:1 be recognized.

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

c) PRASA requests clarification and correction to the Toxicity Reporting Table as it applies to quarterly and annual reporting having due dates as monthly requirements.

Response: For quarterly and annual reporting language, the Toxicity Reporting Table was modified as “30 days following receipt of the quarter’s last testing results.”

12. Development of Technically Based Local Limits Comments:

a) PRASA requests that the acronym for SIU be explained.

Response: The acronym for SIU was explained.

b) PRASA requests a modification to the time required to complete an evaluation and develop final technically based local limits.

Response: After careful consideration, EPA has decided not to do an additional modification on 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.

c) PRASA requests a modification to submit a progress report for the technically based local limits evaluation.

Response: After careful consideration, EPA has decided not to do an additional modification on 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.

13. **Request to add Undissociated Sulfide (H₂S) to the Final Permit.**

Comment: PRASA requests a mixing zone for undissociated sulfide (H₂S) based on the maximum allowable effluent concentration (0.246 mg/L or 246 µg/L H₂S).

Response: EPA has incorporated Mixing Zones according to EQB's Final WQC. A modification request to the Mixing Zone should be addressed to EQB's Water Quality Area.

C. WRITTEN COMMENTS TO THE FACT SHEET

1. **Outfall Location.**

Comment: PRASA requests that the discharge coordinates be updated based on best available information from Latitude 17° 55' 53" N and Longitude 66° 38' 31" W to Latitude 17° 55' **45**" N and Longitude 66° 38' **30**" W.

Response: The discharge coordinates have been updated.

2. **Dilution Ratio.**

PART I. Background and Required Limitations

Comment: PRASA requests that the dilution of 135:1 be corrected to 138:1 as provided in the Water Quality Certificate (WQC) issued by EQB.

Response: The dilution ratio has been corrected as requested.

3. EQB Approved Mixing Zone Parameters.

Comment: PRASA requests the parameters listed in PART I.D as approved by EQB for mixing zones be updated to match the parameters stated in the 2017 WQC.

Response: Reference regarding mixing zone parameters were modified as:
“Therefore, as indicated in its CWA 401 certification, EQB has authorized a mixing zone for the following parameters for the next permit term:

- Non-conventional pollutants (total nitrogen, free cyanide, dissolved oxygen pH, surfactants, turbidity);
- Metals (copper, mercury, and zinc); and
- Acute and chronic toxicity.”

4. EQB Approved Mixing Zone Parameters.

Comment: PRASA requests the reference to the 2014 PRWQSR be updated to reference the most recent version of the Puerto Rico Water Quality Standards (PRWQS).

Response: Reference was updated as: “PRWQSR (April 2016).”

5. Effluent Limitations.

- a) **Comment:** PRASA believes the reference to loading of 13, 709 kg/day for BOD5 and 9,002 kg/day for TSS are correct as stated and that these values should be used in the draft NPDES permit rather than 13,692 kg/day and 8,992 kg/day, respectively, as currently stated in the draft permit.

Response: EPA calculated the BOD limitation as 13,692 (134 mg/L x 27 MGD X 3.7845). The typographical error on the Draft Fact Sheet has been corrected. EPA calculated the TSS limitation as 8,992 (88 mg/L x 27 MGD X 3.7845). The typographical error on the Draft Fact Sheet has been corrected.

- b) **Comment:** It is noted that the draft fact sheet references a limitation for TSS of 50 % removal in one part of the text and 60% removal in another. Further, the draft NPDES references a limitation of 60% removal; PRASA requests clarification of the TSS percent removal limitation.

Response: The typographical error on the Draft Fact Sheet has been modified as “ 60%”.

- c) **Comment:** PRASA believes the reference to fecal coliform under the discussion of enterococcus is an error. PRASA requests the reference to fecal coliform be updated to reference enterococcus.

Response: The typographical error has been corrected.

- d) **Comment:** PRASA requests clarification in the sampling, calculations for compliance, and reporting of enterococci between the draft permit and the WQC; currently, the descriptions appear to conflict with each other.

Response: This parameter is a Puerto Rico Water Quality Standard, PRASA should request guidance from PR EQB Water Quality Area.

- e) **Comment:** PRASA requests the description of total residual chlorine (TRC) to account for the correct discharge limitation and approved compliance plan.

Response: EPA won't modify language for TRC on page A-5. Please reference to Compliance Schedule on Part III.B.3.

- f) **Comment:** PRASA requests minor change to the description of total Kjeldahl nitrogen (TKN) to include the need for this parameter in the calculation of total nitrogen.

Response: Comment above was modified as "The effluent limitation is needed to calculate total nitrogen and to provide data used to validate the mathematical model used to assess the farfield dissolved oxygen demand as required in the PR Mixing Zone and Bioassay Guidelines".

- g) **Comment:** The reference to silver in the fact sheet is not applicable; neither the WQC nor the draft permit includes silver as a parameter of concern; therefore, PRASA requests the reference to silver be removed from the text.

Response: Silver was removed as requested.

6. **Effluent Limitations Summary Table.**

Comment: PRASA requests minor corrections to the table in PART II.B.1, page A-6, Outfall Number 001, to address the following: (1) enterococci averaging period (2) BOD percent removal, dissolved oxygen, pH (minimum), and TSS percent removal are listed with 'Highest Reported Value' when limitations are based on lowest reported values, (3) clarification of TSS percent removal, and (4) correction of units for values reported for TRC.

Response: These were typographical errors, table was modified as suggested.

7. **Effluent Limitations.**

Comment: PRASA requests minor modification to the text on page A-8, under PART II. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING

REQUIREMENTS; D. Compliance with Federal Anti-Backsliding Requirements and Puerto Rico's Anti-Degradation Policy to remove TSS as a parameter with less stringent effluent limitations, clarification of 'nitrogen' in the second bullet to clarify 'nitrogen' as the sum of NO₂+NO₃+NH₃ and clarify total nitrogen in the third bullet to include total nitrogen as the sum of NO₂+NO₃+TKN.

Response: These were typographical errors, language was modified as suggested.

8. Effluent Limitations.

Comment: Part III, B. 3 discusses the compliance schedule for enterococci. The WQC includes two compliance plans, one for enterococci and a second for TRC. PRASA requests minor modification to the text for recognition and inclusion of TRC in this section.

Response: Comments above were modified as requested.

D. PUBLIC HEARING

Two citizens of the community La Playa, in Ponce PR, were concerned because some overflows in sewer manholes in their community when heavy rain events occurred.

EPA explained that we are aware of the situation and are working this issue with PRASA and the Municipality of Ponce. We understand that the problem is some infiltration / inflow with the storm sewer system in the area. We will keep the community informed of our progress.