

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION II

City View Plaza II – Suite 7000  
48 Road 165 Km 1.2  
Guaynabo, Puerto Rico 00968-8069

STATEMENT OF BASIS  
DRAFT NPDES PERMIT TO DISCHARGE  
INTO THE WATERS OF THE UNITED STATES

NPDES Application No. PR0026935

Name and Address of Applicant:

Capehart Wastewater Treatment Plant  
Portal del Futuro  
P.O. Box 362350  
San Juan, Puerto Rico 00936

Name and Address of Facility  
where Discharge Occurs:

Intrepid Drive Road  
Naval Activity Roosevelt Roads  
Ceiba, Puerto Rico

Receiving Water: Ensenada Honda

Classification: SB

Name of Preparer: Sergio Bosques

I. LOCATION OF DISCHARGE

The above named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) permit, to the U.S. Environmental Protection Agency (EPA) to discharge into the designated receiving water. The location of the discharge, Outfall 001, is described by the following U.S.G.S. coordinates: 18° 11' 59" latitude X 65° 39' 07" longitude.

## II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is engaged in treatment of sanitary and commercial waters at wastewater treatment plant. This activity has a Standard Industrial Classification (SIC) code of 4952. The applicant proposes to discharge 3,637.78 m<sup>3</sup>/day (0.961 MGD) as a daily maximum flow of wastewater consisting of tertiary treated sanitary and commercial wastewater from outfall serial number 001 to Ensenada Honda. The receiving water has been classified SB by the Environmental Quality Board (EQB) of Puerto Rico.

## III. DESCRIPTION OF LIMITATIONS AND CONDITIONS

A brief summary of the basis of each effluent limitation and other conditions in the draft permit is provided in Attachment I.

## IV. STATE CERTIFICATION REQUIREMENTS

State Certification requirements, based upon a Water Quality Certificate (WQC) issued by the Environmental Quality Board (EQB) of the Commonwealth of Puerto Rico. Review and appeals of limitations and conditions attributable to this certification shall be made through the applicable Commonwealth procedures and may not be through EPA procedures.

## V. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

These procedures, which are set forth in 40 CFR 124, are described in the public notice of preparation of this draft permit. Included in the public notice are requirements for the submission of comments by a specified date, procedures for requesting a hearing and the nature of the hearing, and other procedures for participation in the final agency decision.

## VI. EPA CONTACT

Additional information concerning the draft permit may be obtained between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday from:

Douglas Pabst, Acting Chief  
Clean Water Regulatory Branch  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 24th Floor  
New York, New York 10007-1866  
(212) 637-3876

José C. Font, Director  
US EPA Region II  
Caribbean Environmental Protection  
Division  
City View Plaza II – Suite 7000  
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(787) 977-5870

## ATTACHMENT I

DESCRIPTION OF LIMITATIONS AND CONDITIONS FOR OUTFALL 001

The effluent limitations, monitoring requirements, and other conditions of this permit are described in the draft permit. The effluent limitations in the permit are equivalent to the most stringent values specified in the applicable technology-based guidelines or water quality-based limitations. All anti-backsliding decisions are made in accordance with EPA Region II Antibacksliding Policy dated August 10, 1993.

- I. Technology-based Limits - The basis for the technology-based effluent limitations for the discharge through Outfall 001 is provided as follows:

Outfall 001:

Total Suspended Solids - The 30-day average and 7-day average are technology-based on the level of effluent quality attainable through the application of secondary or equivalent treatment. The limit is based on Best Professional Judgment (BPJ) using the Effluent Limitations Guidelines (ELG) for Secondary Treatment Regulation described in 40 CFR Part 133.

Biological Oxygen Demand - The 7-day average is technology-based on the level of effluent quality attainable through the application of secondary or equivalent treatment. The limit is based on Best Professional Judgment (BPJ) using the Effluent Limitations Guidelines (ELG) for Secondary Treatment Regulation described in 40 CFR Part 133.

- II. Water Quality-based Limits

The effluent limitations listed in Table A-1 for all contaminants, unless otherwise specified and all special conditions are as imposed in the Water Quality Certificate (WQC) issued by the EQB, dated September 22, 2011. The WQC was issued by the EQB for the purpose of assuring compliance with EQB's water quality standards and compliance with other appropriate requirements of State law as provided by Section 401(d) of the Clean Water Act.

The water quality-based effluent limitation from the previous permit for **Total Coliform, Mercury, Chemical Oxygen Demand, Cyanide and Phenolic Substances** are not included in the WQC issued by EQB. EPA has determined that it is appropriate to remove the effluent limitation for these parameters without violating the anti-backsliding provisions of the CWA, in accordance with section 402(o), since one of the exceptions to the provisions has been satisfied. CWA Sec. 402(o)(2)(B)(i) allows backsliding if information is available which was not available at the time of permit issuance and would have justified a less stringent effluent limitation at the time of permit issuance. Information submitted in the NPDES application and the Discharge Monitoring reports submitted during the previous permit indicate that the discharge from outfall 001 cannot reasonably be expected to contribute to a water quality exceedance for these parameters. Therefore, a water quality-based effluent limitation is not necessary for these parameters. Antidegradation requirements are not violated by removing the limit for these

parameters. Since the permittee will be discharging the pollutant at the same level, the discharge would not contribute to further degradation of the receiving water and existing uses would be maintained.

The water quality-based numerical limitation from the existing permit for **Oil & Grease** has been replaced with a less stringent water quality-based limitation in the draft WQC issued by the EQB. EPA has determined that it is appropriate to relax the effluent limitation for this parameter without violating the anti-backsliding provisions of the CWA, in accordance with section 402(o), since one of the exceptions to the provisions has been satisfied. CWA Sec. 402(o)(2)(B)(i) allows backsliding if information is available which was not available at the time of permit issuance and would have justified a less stringent effluent limitation at the time of permit issuance. Information submitted in the NPDES application and the Discharge Monitoring reports submitted during the previous permit indicate that the discharge from outfall 001 cannot reasonably be expected to contribute to a water quality exceedance for these parameters. Therefore, a water quality-based effluent limitation is not necessary for these parameters. Antidegradation requirements are not violated by removing the limit for these parameters. Since the permittee will be discharging the pollutant at the same level, the discharge would not contribute to further degradation of the receiving water and existing uses would be maintained. The EQB water quality certificate constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.

All effluent limitations and monitoring requirements of parameters listed in Table A-1 are as imposed in the WQC issued by the EQB, dated September 22, 2011. A footnote was added in Table A-1 under the parameter Suspended, Colloidal, or Settleable Solids to clarify that testing for these parameters should be conducted for Settleable Solids. The WQC was issued by the EQB for the purpose of assuring compliance with EQB's water quality standards and compliance with other appropriate requirements of State law as provided by Section 401(d) of the Clean Water Act.

#### General Conditions

These conditions apply to all permits as required by 40 CFR Part 122.41.

#### Special Conditions

Special Conditions No. 1 through 20 are part of the WQC. However, EPA has activated Special Condition No. 14 which requires Whole Effluent Toxicity Testing. In addition, EPA has incorporated Special Condition No. 15 which requires a Biological Monitoring Program Plan. Special Condition No. 14 and 15 are required as part of the National Marine Fishery Service to comply with the Endangered Species Act.