

ATTACHMENT I

RESPONSIVENESS SUMMARY FOR THE FOLLOWING DRAFT PERMITS

Canóvanas WTP	PR0022420
Guaynabo (Los Filtros) WTP	PR0022438
Humacao-Las Piedras WTP	PR0022829
Camuy-Hatillo WWTP	PR0023744
Arecibo WTP	PR0024210
Coto Laurel WTP	PR0025747
Villalba Regional (Toa Vaca) WTP	PR0026590
Canalizo WTP	PR0026867
Villalba Regional (Toa Vaca) Pump Station	PR0026891
Corozal WWTP	PR0020451
Toa Alta WWTP	PR0020869

On **May 25, 2021**, 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

PR Department Natural Environmental Resources
P.O. Box 11488
San Juan, Puerto Rico 00910

Jacobs
215 Carter Point Road
Sedgwick ME 04676

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 PR Department of Natural Environmental Resources (DNER).

Response 1:

EPA is providing a generalized response to PRASA's comments which relate to requirements in PR DNER'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.

DNER 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 DNER 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 DNER 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) CANÓVANAS WTP SPECIFIC COMMENTS

1) Comment 1: Effluent Limitations Table, Dissolved Oxygen

This parameter must have \geq symbol in Table A.

Response: This was a typographical error. The table was revised.

2) Comment 2: Effluent Limitations Table, Footnotes

“(3) See Part IV. B. Special Conditions f and g of this permit” - They must read Special Condition e and f.

Response: This was a typographical error. The table was revised.

3) Comment 3: Effluent Limitations Table, Footnotes

“(4) See Part IV. B. Special Condition j of this permit.” It must read Special Condition i.

Response: This was a typographical error. The table was revised.

4) Comment 4: Effluent Limitations Table, Whole Effluent Toxicity (WET) Testing Frequency and Sample Type.

Discrepancies between WET at Table A effluent limitations and the WET toxicity testing conditions.

Response: Both items were modified to ready Sample Type Grab and Minimum Sample Frequency as Semiannually.

C) GUAYNABO (LOS FILTROS) WTP SPECIFIC COMMENTS

1) Comment 1: Front Page, Physical Address is incomplete.

Response: Address was revised according to the NPDES permit application.

2) Comment 2: Effluent Limitations Table, Dissolved Oxygen. This parameter must have a \geq symbol.

Response: This was a typographical error. The table was revised.

3) Comment 3: Effluent Limitations Table, Footnotes “(3) See Part IV. B. Special Conditions f and g of this permit”. They must read Special Condition e and f.

Response: This was a typographical error. The footnote was revised.

4) Comment 4: Effluent Limitations Table, Footnotes

“Although there is a footnote (5) regarding the WET, no conditions were added to the permit.”

Response: WET conditions were added to the Guaynabo WTP NPDES permit in Part IV Standard and Special Condition B.2 WET.

D) HUMACAO-LAS PIEDRAS WTP SPECIFIC COMMENTS

1) **Comment 1 Flow:** The Average Monthly flow and the Average Weekly low requirement doesn't apply to water treatment plants.

Response: This was a typographical error. The table was revised.

2) **Comment 2:** This WQS corresponds to SB waters. The receiving water body of Humacao-Las Piedras WTP is classified as SD. Therefore, the limit must be corrected accordingly (11 µg/L).

Response: The maximum daily was corrected to 11 µg/L in the Effluent Limitations Table.

3) **Comment 3:** Effluent Limitations Table, Cadmium, and Copper. The Footnote must be (6)

Response: This was a typographical error. The Footnote value was changed. The table was revised.

4) **Comment 4:** Effluent Limitations Table, Cyanide. This parameter was identified with the footnote (6). Also, footnote (4) must be added.

Response: Table was revised and footnote 4 was added.

5) **Comment 5:** Effluent Limitations Table, Dissolve Oxygen had > it must be ≥

Response: This was a typographical error. The table was revised.

6) **Comment 6:** Effluent Limitations Table, Lead. The Footnote must be 6.

Response: This was a typographical error. The table and footnote were revised.

7) **Comment 7:** Effluent Limitations Table, Sulfates. The Footnote must be change from 5 to 6.

Response: This was a typographical error. The table and footnote were revised.

8) **Comment 8:** Effluent Limitations Table, Total Dissolved Solids. The Footnote must be change from 5 to 6.

Response: This was a typographical error. The table and footnote were revised.

9) Comment 9: Effluent Limitations Table, Total Phosphorus. The Footnote must be change from 5 to 6.

Response: This was a typographical error. The table and footnote were revised.

10) Comment 10: WET sample frequency is Quarter is not congruent with Part IV. Standard and Special Conditions B. 2 frequency and Sample Type

Response: Both items were modified to ready Sample Type Grab and Minimum Sample Frequency as Semiannually.

E) CAMUY-HATILLO WWTP SPECIFIC COMMENTS

1) Comment 1: Part II.B. – Narrative Limitations should include the narrative limitation for Color (Shall not be altered by other than natural causes.) according to the Water Quality Certificate (WQC) of May 11, 2021.

Response: This was a typographical error. The narrative limitation for Color has been added and the draft permit was revised.

2) Comment 2: The Special Condition q. of the Part IV.B.1. makes reference to the Santa Isabel Wastewater Treatment Plant, so it should be corrected to read as follows: “A logbook must be kept for the material removed from the Camuy-Hatillo Wastewater Treatment Plant, such as sludge, screenings and grit, detailing the following items:”

Response: This was a typographical error. Part IV.B.1. was updated to read as Camuy-Hatillo and the draft permit was revised.

3) Comment 3: Part I. Background, D. Mixing Zone Dilution Allowance: None provided; will lead to noncompliance; need to request a compliance plan to allow for developing a mixing zone application. Refer to comments on Fact Sheet for specific parameters requiring a mixing zone.

Response: EPA has incorporated Special Conditions into the final NPDES permit pursuant to the final WQC mandated by DNER. See response to A.1., above. In Puerto Rico, DNER must approve a mixing zone or dilution allowance for this discharge in order to be included into the NPDES permit.

4) Comment 4: Part II. Effluent limitations and Monitoring Requirements, A. Effluent Limitations Table: Refer to comments on the Fact Sheet for detailed analysis. The organisms for whole effluent toxicity (WET) testing are inconsistent with a saltwater discharge and are not the same as listed in Part IV.B.2 under Special Conditions. Also note that the temperature limitation reflects the new PRWQSR criterion and cannot be met consistently at the sampling point; an allowance for cooling in the outfall pipe should be applied.

Response: This was a typographical error. The table and draft permit were revised. EPA has incorporated the Temperature parameter pursuant to the final WQC mandated by DNER.

5) Comment 5: Part II. Effluent limitations and Monitoring Requirements, C.4 Monitoring Requirements: Requires a quality assurance plan for lab analyses and receiving water monitoring. For receiving water, a Quality Assurance Project Plan would be developed. For in-plant sampling, it is assumed the plant already has such a plan, as this is a requirement common to other recent permits, but this should be verified.

Response: This QAPP should be prepared and used by PRASA.

6) Comment 6: Part III. Reporting Requirements and Compliance Determination, A.5 Bacterial Monitoring: The stated geometric calculation method does not follow current PRWQSR guidance, nor is it consistent with the requirements in the effluent limitations table in Part II.A.

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

7) Comment 7: Part III. Reporting Requirements and Compliance Determination, Reporting Requirements, B.2.a.3 Test Species: As noted above, these are the appropriate species; however, they are not consistent with those specified in the effluent limitations table in Part II.A.

Response: This was a typographical error. The permit was revised.

8) Comment 8: Part III. Reporting Requirements and Compliance Determination, Reporting Requirements, B.2.a.2 WET Test Frequency: The permit agrees with the WQC but is inconsistent with the Fact Sheet (which specifies quarterly testing).

Response: This was a typographical error. The Fact Sheet was revised.

9) Comment 9: Part III. Reporting Requirements and Compliance Determination, Reporting Requirements, B.2.a.4 Compliance Schedules: No toxicity mixing zone is allowed; need to request compliance to allow for developing a toxicity mixing zone application.

Response: To request a compliance schedule, PRASA will need to submit a request with backup documentation for EPA's review and approval.

10) Comment 10: Part III. Reporting Requirements and Compliance Determination, Reporting Requirements, B.2.b Toxicity Reporting Table: The reporting schedule needs to be corrected to match Effluent Limitations Table requirements.

Response: Final permit was revised according to Effective Date of Permit.

11) Comment 11: The Fact Sheet that EPA issued with the draft NPDES permit states that the 2016 Consent Decree (CD) does not affect the permit action. This appears to be incorrect; the Consent Decree limitations for flow, copper, turbidity, and dissolved inorganic nitrogen (DIN) remain in effect for the duration of the CD.

The interim limits stated in the CD for all other parameters appear to have already expired or will expire when the current permit is renewed. At that point, because the draft permit does not provide for a mixing zone, several proposed effluent limitations could not

be met; therefore, a compliance plan is requested for the following parameters: Dissolved Oxygen, Free Cyanide, Mercury, Total Nitrogen, Residual Chlorine, Enterococci, and Temperature.

Response: EPA's Consent Decree (civil action no 06-16-24 (sec)) with PRASA includes the Camuy-Hatillo WWTP permit. This facility already has interim limits for some of its parameters. The agreement also provides PRASA the opportunity to request a modification to the permit's parameter and/or interim limits with the necessary back up documentation. If PRASA understands any revision is needed, they just need to submit a request with the necessary backup information as it has been done in the past. DNER has not approved a mixing zone or dilution allowance for this discharge.

Also, EPA has incorporated Special Conditions into the final NPDES permit pursuant to the final WQC mandated by DNER. See response to A.1., above. In Puerto Rico, DNER must approve a mixing zone or dilution allowance for this discharge in order to be included into the NPDES permit.

12) Comment 12: Sulfide (as hydrogen sulfide [H₂S]) has not been detected in the effluent for the last 2 years; therefore, PRASA believes sulfide should be removed from the permit. If sulfide is included, it should only be as a Monitor Only parameter or as an element of the requested compliance plan to allow for additional investigation.

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

13) Comment 13: Table 1. Effluent Limitations Summary from Draft Fact Sheet: **Other Pathogens:** Not listed in the draft permit; it is unclear why this is in the Fact Sheet.

Response: This was a typographical error. The permit to include this parameter in Part II. B. 7 as a Narrative Limitation. The Fact Sheet was also revised.

14) Comment 14: Table 1. Effluent Limitations Summary from Draft Fact Sheet: **Silver** should not be in the permit.

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

15) Comment 15: Summary of Permittee and Facility Information: **Monthly Average Flow.**

This is listed as 3.02 mgd and the design flow is listed as 2.069 mgd in the summary table in Part 1.A. These values do not appear to be consistent.

Response: This was a typographical error. The permit and fact sheet were revised.

16) Comment 16: Effluent Limitations: **Enterococci.** The limitations stated are old; they are not the current PRWQSR criteria. However, the criteria in the draft permit itself are correct.

Response: This was a typographical error. The fact sheet was revised.

17) Comment 17: Effluent Limitations, **Other Pathogenic Substances:** The reference to the PRWQSR rule is correct, but the text says "temperature" and should say "pathogenic organisms".

Response: This was a typographical error. The fact sheet was revised.

18) Comment 18: Effluent Limitations, **Nickel:** This parameter is not included with an effluent limitation in the draft permit, is not in the WQC, and should not be referenced in the Fact Sheet.

Response: This was a typographical error. Fact sheet was revised.

19) Comment 19: Effluent Limitations, **Nitrogen:** This parameter is not included in the referenced rule but is referenced in Rule 1303.2.B.2.k (as noted in Part II.A.17 in the Fact Sheet).

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

F) ARECIBO WTP SPECIFIC COMMENTS

1) Comment 1: The location address is incomplete. Tanamá Ward must be included.

Response: This was a typographical error. The table was revised.

2) Comment 2: Effluent Limitations Table, Dissolve Oxygen

“Dissolved Oxygen” had < and was corrected to ≥

Response: This was a typographical error. The table was revised.

3) Comment 3: Effluent Limitations Table, Oil and Grease

This parameter was identified with the footnote (6).

Response: This was a typographical error, footnote 6 was deleted.

4) Comment 4: Effluent Limitations Table, Residual Chlorine

The correct WQS for Residual Chlorine in SD waters is 11 µg/L not 7.5 µg/l. It must be corrected. See DNER's Final WQC.

Response: This was a typographical error. The table was revised.

5) Comment 5: Effluent Limitations Table, Residual Chlorine

This parameter was identified with the footnote (3). The footnote 3 must be deleted.

Response: This was a typographical error. The table was revised.

6) Comment 6: Special Conditions, Acute Whole Effluent Toxicity Testing

The sampling must be Grab since this is a filtration plant. Why EPA establishes frequency for a plant that showed no toxicity during the past permit cycle?

Response: Water quality based permitting requirements at 40 CFR 122.44(d)(1) require 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. 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 if reasonable potential to exceed water quality standards is determined.

EPA examined the results submitted by PRASA for their potential to cause or contribute to an excursion of the Puerto Rico water quality criterion for chronic and acute toxicity. And the results showed that no effluent limitation is needed since the results were greater than 100% survival for acute toxicity, which corresponds to less than 1.0 acute toxic units (TUa). EPA has chosen to continue to require monitoring to ensure that there is no unacceptable toxicity or reasonable potential to exceed the water quality standard of 0.3 TUa. For this reason, we are keeping the WET condition as established in the draft permit.

Understanding PRASA situation with the lack of auto samplers in WTPs we are modifying the condition to use "Grab" sample in this analysis with a Minimum Sample Frequency as Semiannually.

7) **Comment 7: Table A**, footnote (8) is missing.

Response: This was a typographical error. The table was revised.

G) COTO LAUREL WTP SPECIFIC COMMENTS

1) **Comment 1:** The location address is incomplete. Sector Hoyos must be included.

Response: This was a typographical error. The table was revised.

2) **Comment 2:** Footnote must be modified in BOD, Copper, Dissolve oxygen and Sulfide must be corrected to Footnote (5)

Response: This was a typographical error. The table was revised.

3) **Comment 3:** Footnotes or the Wet parameters must be (7),

Response: This was a typographical error. The table was revised.

4) **Comment 4:** Footnote (4) must refer to special condition i.

Response: This was a typographical error. The table was revised.

5) **Comment 5:** WET condition must be a grab sample, the frequency is incongruent con Table A.

Response: Both items were modified to ready Sample Type Grab and Minimum Sample Frequency as Semiannually.

H) VILLALBA REGIONAL (TOA VACA) WTP SPECIFIC COMMENTS

1) **Comment 1: Effluent description needs to be revised.** It should be modified in order to read the following; “*reject water produced during the membrane cleaning, and washwater coming from the membranes tanks treated in a sludge treatment system*”

Response: This was a typographical error. The table was revised.

2) **Comment 2: Background information: WQC Date needs to be revised to ready May 11, 2021.**

Response: This was a typographical error. The table was revised.

3) **Comment 3: Footnotes (3) should read: (3) See Special Conditions e and f, in place or replacing, See Special Conditions f and g**

Response: This was a typographical error. The table was revised.

4) **Comment 4:** WET sample frequency is Quarter is not congruent with Part IV. Standard and Special Conditions B. 2 frequency and Sample Type

Response: Both items were modified to ready Sample Type Grab and Minimum Sample Frequency as Semiannually.

I) CANALIZO WTP SPECIFIC COMMENTS

No comments were received.

J) VILLALBA REGIONAL (TOA VACA) PUMP STATION SPECIFIC COMMENTS (PR0026981)

1) **Comment 1:** Part II. Effluent Limitations and Monitoring Requirements, Effluent Limitation Table - footnote (2) was included for the Flow parameter. This footnote does not apply for the Flow parameter.

Response: Footnote (2) was deleted for the Flow parameter.

2) **Comment 2:** Part IV. Standard and Special Conditions, Section B.1 Special Conditions from the Water Quality Certificate, n.1 – The phrase “...and the Land Pollution Control Area of DNER...” must be included as established by Special Condition # 14 of the DNER’s Water Quality Certificate:

“Disposed in compliance with the applicable requirements established in the 40 CFR, Part 257. A semiannual report shall be submitted to the Water Quality Area and the Land Pollution Control Area of DNER and to the Municipal Water Programs...”

Response: As requested, the above-mentioned language was included as established by Special Condition # 14 of the DNER’s Water Quality Certificate.

K) COROZAL WWTP SPECIFIC COMMENTS

1) **Comment 1: Cover Page**, latitude coordinate must be corrected from 39.8 seconds to 39.9 seconds.

Response: Coordinate was revised.

L) TOA ALTA WWTP SPECIFIC COMMENTS

1) **Comment 1:** Part II.A – Table A-1: Monitoring frequency for Effluent BOD concentration is **monthly** in the WQC instead of 2/month.

Response: This was a typographical error. The monitoring frequency for Effluent BOD has been updated and the draft permit was revised.

2) **Comment 2:** The reporting requirements for **Bacterial Monitoring** established in Part III.A.5 of the draft NPDES Permit are different from the requirements established for Enterococci in the **footnote (2)** of the Effluent Limitations Table in Part II.A of the same Permit (footnote “**σ**” of Table A-1 of the WQC).

Response: This was a typographical error. The Bacterial Monitoring requirement was updated, and the draft permit was revised.

3) **Comments 3: Part IV.B.1 - Special Conditions from the Water Quality**

Certificate: Special Condition “a” refers to an incomplete name of the agency. Please correct it to “Puerto Rico Department of Natural and Environmental Resources (DNER)”.

Response: The name of the agency was corrected to read as Puerto Rico Department of Natural and Environmental Resources (DNER) and the draft permit was revised.

4) **Comments 4: Part IV.B.1 - Special Conditions from the Water Quality**

Certificate: Special Condition **b**. From the second paragraph of the Special Condition “n” to the end correspond to another Special Condition (which must be Special Condition “o”). This is Special Condition 16 of the WQC. Therefore, actual Special Condition “o” of this Part must be “p”, Special Condition “p” must be “q”, and Special Condition “q” must be “r”.

Response: These were typographical errors. Special Conditions were updated, and the draft permit was revised.

5) **Comments 5: Part IV.B.1 - Special Conditions from the Water Quality**

Certificate: c. Actual Special Condition “o” of this Part (that must be “p”) must refer to PRASA Toa Alta WWTP instead of Santa Isabel Wastewater Treatment Plant.

Response: This was a typographical error. Special Condition was updated to read as Toa Alta and the draft permit was revised.

6) Comment 6: The WET Special Condition in Part IV.B.2 does not include the requirements established in Special Condition 15.d of the WQC.

Response: The Requirements 6 and 7 for Part IV.B.2.b were added, and the draft permit was revised.