

**ATTACHMENT I**  
**RESPONSIVENESS SUMMARY**  
**FOR THE FOLLOWING DRAFT PERMITS**

**Adjuntas Nueva (Garzas) WTP (PR0025739)**  
**Aguas Buenas WWTP (PR0020273)**  
**Añasco WTP (PR0022942)**  
**Barrio Nuevo WTP (PR0026301)**  
**Caguas WWTP (PR0025976)**  
**Ciales WTP (PR0024180)**  
**Ciales WWTP (PR0020427)**  
**Jayuya WTP (PR0024121)**  
**Lares (Espino)WTP (PR0026701)**  
**Mameyes Abajo WTP (PR0025208)**  
**Mameyes Arriba WTP (PR0025224)**  
**Patillas WTP (PR0025526)**  
**Vieques WWTP (PR0025453)**

On July 29, 2022, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTPs) 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 the following commenters were received:

**Puerto Rico Department of Natural and Environmental Resources**  
Water Quality Area  
P.O. Box 11488  
San Juan, Puerto Rico 00910

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

And,

**Ch2m on behalf of PRASA**  
Metro Office Park

17 street 2, suite 400  
Guaynabo , PR 00968

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 DNER.

Response 1:

EPA is providing a generalized response to PRASA's comments which relate to requirements in 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 WQSs, 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. ADJUNTAS NUEVA (GARZAS) WTP (PR0025739) COMMENTS**

No comments were received.

**C. AGUAS BUENAS WWTP (PR0020273) COMMENTS**

- 1) **Comment:** Sample Type (Grab) is missing for Sulfates in the Draft NPDES permit.

**Response:** This was a typographical error. The sample type for Sulfates has been updated and the draft permit was revised.

- 2) **Comment:** Part III.A.4 of the Draft NPDES permit has calculation requirements for Bacterial Monitoring that are different from what is established for this parameter in Table A-1 of the WQC.

**Response:** This was a typographical error; the section Part III A.4 has been deleted from the final permit.

**D. AÑASCO WTP (PR0022942) COMMENTS**

No comments were received.

**E. BARRIO NUEVO WTP (PR0026301) COMMENTS**

- 1) **Comment:** Table A.1 Copper: Foot note (6) should be added in the table.

**Response:** This is a typographical error; the referenced footnote has been modified added to the Copper line in Table A.1 according to PRASA's comments.

**F. CAGUAS WWTP (PR0025976) COMMENTS**

No comments were received.

**G. CIALES WTP (PR0024180) COMMENTS**

No comments were received.

**H. CIALES WWTP (PR0020427) COMMENTS**

No comments were received.

**I. JAYUYA WTP (PR0024121) COMMENTS**

No comments were received.

**J. LARES (ESPINO)WTP (PR0026701) COMMENTS**

- 1) **Comment: Note (5) of the Effluent Limitations Table:** (No Net Addition Limitation) in Part II of the Draft NPDES permit, describes the inlet as “raw water from Intermittent Creek Tributary to Añasco River”. This must be corrected to “raw water from Añasco River”.

**Response:** This is a typographical error; the referenced narrative has been modified according to DRNA’s comments.

- 2) **Comment: Note (5) of the Effluent Limitations Table:** Description of effluent (wastewaters consisting of filters backwash and sedimentation tank drain) at the header and Note 5 of the Effluent Limitations Table, Part II of the Draft NPDES permit, lacks the phrase: “treated in a sludge treatment system prior to be discharged”.

**Response:** The referenced narrative has been modified according to DNER’s comments.

- 3) **Comment: Table A.1 Dissolved Oxygen:** The Effluent Limitation for Dissolved Oxygen in the Table of Part II of the Draft NPDES permit is  $<5$ , but it must be  $\geq 5$ .

**Response:** This is a typographical error; the referenced narrative has been modified according to DNER’s comments.

- 4) **Comment: Part IIB. Taste and Odor:** The Narrative Limitation for Taste and Odor Producing Substances in of Part II.B of the Draft NPDES permit does not contain the phrase: “...the use for potable water supply,...” as it does in the DWQC.

**Response:** The narrative referenced above is DNER specific and it is not included in the final NPDES permit.

- 5) **Comment: Part IV.B.2 Whole Effluent Toxicity:** This condition of the DRAFT NPDES permit establishes a semi-annual, and later annual, frequency to conduct acute toxicity tests, starting “Not later than 180 days after the Effective Date of the NPDES permit (EDP),...” . The Special Condition 15 of the DWQC requires only one (1) test during the permit effectiveness period, becoming in effect “until DNER has determined the applicability to the respective facility and has notified the permittee and EPA, in writing, of the necessity to comply with this special condition.

**Response:** Special Condition 15 of the DWQC was eliminated from the requirement imposed in the water quality certificate issued by the Puerto Rico DNER. EPA has imposed the semiannual 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.

- 6) **Comment: Special Condition 15d:** The information required in Special Condition 15.d of the DWQC (regarding the procedure report) is not included in the Draft NPDES Permit.

**Response:** See response 5, above.

- 7) **Comment: Part IV.B.2.a.5 and IV.B.2.e.1:** Reference to EQB in Part IV.B.2.a.5 and IV.B.2.e.1 of the Draft NPDES Permit must be change to DNER.

**Response:** This is a typographical error; changes has been made according to DNER's comments.

- 8) **Comment: Special Condition:** Special Condition18: of the DWQC (which establishes the following: "The permittee must request and obtain from the DNER the corresponding permit for the operation of the septic tank...") was not included in the Draft NPDES permit.

**Response:** The condition referenced above is DNER specific requirement for its WQC, hence it doesn't need to be included in the final NPDES permit.

**K. MAMEYES ABAJO WTP (PR0025208) COMMENTS**  
No comments were received.

**L. MAMEYES ARRIBA WTP (PR0025224) COMMENTS**  
No comments were received.

**M. PATILLAS WTP (PR0025526) COMMENTS**  
No comments were received.

**N. VIEQUES WWTP (PR0025453) COMMENTS**

- 1) **Comment:** PRASA believes that a new draft permit should be issued to incorporate interim limits that would remain in effect for no more than three years from the effective date of permit during which time PRASA would demonstrate the acceptability of a mixing zone for effluent parameters listed in Table 1 [included in the comments CH2M letter dated August 29, 2022] that cannot meet end-of-pipe PRWQSR criteria. (Vieques WWTP)

**Response:** EPA has incorporated the limits in Part II. Effluent Limitations and Monitoring Requirements; A. Final Effluent Limitations—Outfall Number 001. pursuant to the final WQC mandated by DNER. See response to A.1., above. EPA will take into

consideration CH2M letter dated August 29, 2022 received as for a revision of the CD interim limits. Nevertheless, an interim limit modification should come from PRASA and we will discuss with them as needed.

**O. CHANGES**

All permits Effective Date of the Permit (EDP) was revised to read December 1, 2022. Other dates have been modified according to the EDP.