

CLEAN WATER REGULATORY BRANCH
290 BROADWAY, 24TH FLOOR
NEW YORK, NY 10007

Date: JULY 31, 2023

NOTICE: PREPARATION OF DRAFT NPDES PERMIT

Notice is hereby given that the following party has applied to the United States Environmental Protection Agency (EPA) under the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq. (the Act), for a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of pollutants into waters of the United States.

The applicant: Puerto Rico Energy, P.O. Box 11961, San Juan, Puerto Rico 00922 has applied for a permit for the following facility located at State Road No.28 KM 2.0, Bayamón, Puerto Rico

NPDES Number	Facility Name	Flow (MGD)*	Receiving Water / Classification
PR000370	Puerto Rico Energy	WFO**	Las Lajas Creek/SD

* Million gallons per day (MGD)

** When Flow Occurs (WFO)

This notice is being given to inform the public that EPA has prepared a draft NPDES permit for this facility. The draft permit contains effluent limitations, standards, prohibitions and other conditions necessary to carry out the provisions of the Act. If, after the conclusion of the proceeding summarized below, the Regional Administrator of Region 2 of EPA makes a final decision to issue the permit, the applicant will be required to comply with all the conditions in the permit.

The draft permit prepared by EPA is based on the respective administrative records. Among other documents, the administrative record required by 40 CFR 124.9, consists of the application, draft NPDES permit, and statement of basis or fact sheet describing the basis for the conditions in the draft permit. All data submitted by the applicant is available as part of the administrative record.

A copy of the administrative record is on file at the EPA Region 2 New York office at the following address and may be inspected and photocopied at a cost of \$0.15 per page at any time between 8:30AM and 4:00PM, Monday through Friday. A copy of the draft permit and fact sheet may be obtained by writing to the above address or by calling (212) 637-3850. The draft permit and fact sheet are also available on the EPA website at <https://www.epa.gov/npdes-permits/tribal-mpdes-permits>.

Interested persons may submit written comments on the draft permit to the following address:

Chief, Clean Water Regulatory Branch,
U.S. Environmental Protection Agency, Region 2
290 Broadway, 24th Floor
New York, NY 10007

All comments must be submitted by no later than **60 days** from the date of this notice.

All persons may provide comments during the public comment period. If the EPA finds that comments timely submitted appear to raise substantial new questions, EPA may reopen the public comment period for the permit.

Any interested persons may request a public hearing on these documents. Any request for a public hearing under 40 C.F.R. §124.11 on EPA's draft permits shall be in writing, state the nature of the issues proposed to be raised in the hearing, and be submitted to the Chief, Clean Water Regulatory Branch at the address listed above, by no later than 30 days from the date of this notice. EPA's decision on the question of whether to hold a public hearing on the draft NPDES permits, the administration of any hearing and the rights and obligations of participants are governed by regulations at 40 C.F.R. §124.12. If EPA holds a public hearing, the public comment period in this notice shall automatically be extended to the close of the public hearing.

If EPA does not hold a public hearing or reopen the comment period, EPA shall consider the issuance of a final permit to the applicant as soon as possible after the date indicated above for the submission of comments. All timely comments, submitted by interested persons in response to this notice, and statements and other evidence properly submitted at any public hearing held by EPA shall be considered in making the final decision with respect to these permit applications. All comments shall be answered as provided in 40 C.F.R. §124.17.

The applicant and any other person who submits timely written comments or requests notice of final permit decision shall receive notice of EPA's final decision. Within 30 days of service of such notice, any interested person who has submitted timely written comments may file a notice of appeal and petition for review to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for review only to the extent of the changes from the draft to the final permit decision. Any such request must meet the requirements of 40 CFR §124.19.

If you would like to be notified regarding other draft NPDES permits prepared by EPA for Puerto Rico Energy, please submit your name and email address to Region2_NPDES@epa.gov to be added to our mailing list.

Virginia Wong, Chief
Clean Water Regulatory Branch
Clean Water Division
U.S. Environmental Protection Agency