

ATTACHMENT C

RESPONSIVENESS SUMMARY FOR THE FOLLOWING DRAFT PERMITS

Cubuy WTP (PR0022462)
Guayama WTP (PR0022578)
Orocovis WTP (PR0022705)
Coamo WTP (PR0022764)
Ponce Vieja WTP (PR0022781)
Real Anon WTP (PR0025852)
Patillas WWTP (PR0020753)

On **January 19, 2024**, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTPs) and Wastewater Treatment Plant (WWTP) 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 Aqueduct and Sewer Authority (PRASA)
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 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 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, if 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. Cubuy WTP (PR0022462) COMMENTS

1) Comment: PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Final Effluent Limitations; Effluent Limitations Table- "Dissolved Oxygen": Since this parameter is regulated by a minimum limitation, the symbol of less than (<) must be changed by the symbol of greater than or equal (≥), as regulated in the Coamo WTP Draft NPDES Permit (PR0022764).

Response: This was a typographical error; final permit was modified.

2) Comment: PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Final Effluent Limitations; Effluent Limitations Table: 1) Comment: PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Final Effluent Limitations; Effluent Limitations Table: Flow: The Department of Natural and Environmental Resources (DNER) certified in the Final Water Quality Certificate issued on December 4, 2023 a flow of 0.1152 MGD instead of just 0.115 MGD.

Response: This was a typographical error; final permit was modified.

C. Guayama WTP (PR0022578) COMMENTS

1) Comment: PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS; Final Effluent Limitations; Effluent Limitations Table "Dissolved Oxygen": Since this parameter is regulated by a minimum limitation, the symbol of less than (<) must be changed by the symbol of greater than or equal (≥), as regulated in the Coamo WTP Draft NPDES Permit (PR0022764).

Response: This was a typographical error; final permit was modified.

D. Orocovis WTP (PR0022705) COMMENTS: No comments received.

E. Coamo WTP (PR0022764) COMMENTS: No comments received.

F. Ponce Vieja WTP (PR0022781) COMMENTS

1) Comment: Arsenic (As)(Page 2 of 11): The dashes (--) in the “Average monthly” & “Average weekly” columns at the “Effluent Limitations Table” are missing. According to the first footnote: “Dashes (--) indicate there are no effluent limitations or monitoring requirements for this parameter.” If the dashes are not included, it can be misinterpreted that there is a monitoring requirement to report and monitor this parameter in an “Average Monthly” and “Average Weekly” basis.

Response: This was a typographical error; the referenced items have been modified according to PRASA’s comments in the final permit.

2) Comment: Dissolved Oxygen: “Dissolved Oxygen” – Since this parameter is regulated by a minimum limitation, the symbol of less than (<) must be changed by the symbol of greater than or equal (≥), as regulated in the Coamo WTP Draft NPDES Permit (PR0022764).

Response: This was a typographical error; the referenced item has been modified according to PRASA’s comments in the final permit.

G. Real Anon WTP (PR0025852) COMMENTS

1) Comment: Dissolved Oxygen: Since this parameter is regulated by a minimum limitation, the symbol of less than (<) must be changed by the symbol of greater than or equal (≥), as regulated in the Coamo WTP Draft NPDES Permit (PR0022764).

Response: This was a typographical error; the referenced item has been modified according to PRASA’s comments in the final permit.

2)Comment: Whole Effluent Toxicity (WET) Tests (Page 3 of 10): The requirement of WET Tests at the end of the “Effluent Limitations Table” must be deleted. The Special Condition (n) in Page 7 of 10 still indicates that: “This special condition shall not become 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”. In summary, the WET tests requirements must be deleted from the permit.

Response: This was a typographical error; the referenced item has been modified according to PRASA’s comments in the final permit.

3) Comment: Whole Effluent Toxicity (WET) Notes, Footnotes and Abbreviations: Footnote (4) must be deleted since there is no “Part IV.B.2. Whole Effluent Toxicity Testing” in the draft permit, generally included for the monitoring and reporting requirements for acute WET tests.

Response: This was a typographical error; the referenced item has been modified according to PRASA’s comments in the final permit.

H. Patillas WWTP (PR0020753) COMMENTS

1) Comment: PART II. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS A. Final Effluent Limitations Table - "Effluent TSS": PRASA does not understand why this parameter is not regulated in the mass-based limitation corresponding to the kg/day limits. Dashes (--) appear in the "Average monthly" & "Average weekly" columns, which can be interpreted that it is not necessary to monitor this parameter in these instances. Also, the concentration limitation appears as just "Monitoring".

Response: This was typographical error. The parameter is now regulated in the concentration and mass-based limitations corresponding to the mg/L and kg/day limits, respectively, and "Average monthly" & "Average weekly" columns. Limits have been established. The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for POTWs specified in 40 CFR 133.102(b). The permit also requires influent monitoring and reporting in accordance with 40 CFR 122.44(i) to meet the requirement of the percent removal limitation.