



United States Environmental Protection Agency
Region 2
Caribbean Environmental Protection Division
City View Plaza II, Suite 7000
48 Road 165, Km 1.2
Guaynabo, Puerto Rico 00968-8069

FACT SHEET

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
ARGOS PUERTO RICO CORPORATION
PERMIT NO. PR0001163**

This Fact Sheet sets forth the principal facts and technical rationale that serve as the legal basis for the requirements of the accompanying draft permit. The draft permit has been prepared in accordance with Clean Water Act (CWA) section 402 and its implementing regulations at Title 40 of the *Code of Federal Regulations* (CFR), Parts 122 through 124, and the final Water Quality Certificate (WQC) issued by the Puerto Rico Department of Natural and Environmental Resources (DNER) pursuant to CWA section 401 requirements.

Pursuant to 40 CFR 124.53, the Commonwealth of Puerto Rico must either grant a certification pursuant to CWA section 401 or waive this certification before the U.S. Environmental Protection Agency (EPA) may issue a final permit. On **March 26, 2025**, DNER issued a WQC that the allowed discharge will not cause violations to the applicable water quality standards at the receiving water body, if the limitations and monitoring requirements in the WQC are met. In accordance with CWA section 401, EPA has incorporated the conditions of the WQC into the draft permit. The WQC conditions are discussed in this Fact Sheet and are no less stringent than allowed by federal requirements. Additional requirements might apply to comply with other sections of the CWA. Review and appeals of limitations and conditions attributable to the WQC were made through the applicable procedures of the Commonwealth of Puerto Rico and not through EPA procedures. No appeals were received by DNER on the WQC.

PART I. BACKGROUND

A. Permittee and Facility Description

The **Argos Puerto Rico Corporation (Argos)** (referred to throughout as the Permittee) has applied for renewal of its National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. **PR0001163**. The Permittee submitted Application Form 1 and Form 2F dated **January 29, 2024**, and applied for an NPDES permit to discharge wastewater coming from the vehicles cleanup station, mobile equipment repair workshop, watering truck cement tank-truck washing station, general cleaning, storm water runoff from the facility, and storm water runoff from the nearby community treated in Argos' settling ponds system, called the facility. The facility is classified as a mayor discharger by EPA in accordance with the EPA rating criteria.

The Permittee operates a hydraulic cement manufacturing, including storage, bagging and shipping, facility and distribute cement products. Pozzolanic raw materials are imported from outside sources and blended to produce Portland and other types of cement. The manufacturing area is divided in two drainage areas. The stormwater runoff from these areas flow into the settling ponds. The applicant, Argos, proposes to discharge when flow occurs through the point of discharge 001. Attachment A of this Fact Sheet provides a map of the area around the facility and a flow schematic of the facility.

Summary of Permittee and Facility Information

Permittee	Argos Puerto Rico Corporation
Facility contact, title, phone	José G. Araujo, General Manager, (787) 883-3500
Permittee (mailing) address	PO Box 1477, Vega Alta, Puerto Rico 00692-1477
Facility (location) address	State Road No. 2, Km 26.7, Espinosa Ward, Dorado, PR 00646
Facility contact email	jose.araujo@argos.co
Type of facility	SIC code 3241
Pretreatment program	N/A
Facility monthly average flow	When Flow Occurs
Facility design flow	When Flow Occurs
Facility classification	Minor

B. Discharge Points and Receiving Water Information

Settling pond runoff is discharged from Outfall 001 to an opened ditch tributary to Honda Creek, a water of the United States.

The draft permit authorizes the discharge from the following discharge point(s):

Outfall	Effluent description	Outfall latitude	Outfall longitude	Receiving water name and classification
001	Runoff treated in settling ponds	18°, 23', 56.98" N	66°, 17', 57" W	Opened ditch tributary to Honda Creek (SD)

The Puerto Rico Water Quality Standards (PRWQS) Regulations classifies the receiving water as a Class SD and designated uses for the receiving waters include:

1. raw source of public water supply;
2. propagation and preservation of desirable species, including threatened or endangered species; and
3. primary and secondary contact recreation (Primary contact recreation is precluded in any stream or segment that does not comply with Rule 1303.2 C.1 until such stream or segment meets the goal of the referred section).

CWA section 303(d) requires the Commonwealth of Puerto Rico to develop a list of impaired waters, establish priority rankings for waters on the list, and develop TMDLs for those waters. The receiving water has not been determined to have water quality impairments for one or more of the designated uses as determined by section 303(d) of the CWA.

C. Mixing Zone/Dilution Allowance

A mixing zone or dilution allowance application request has not been filed nor been authorized for the Permittee.

D. Compliance Orders/Consent Decrees

The Permittee is subject to an administrative order of consent action (Docket Number CWA-02-2023-3107) under section 309 of the CWA. However, this permit action is not affected by any compliance or enforcement action.

E. Summary of Basis for Effluent Limitations and Permit Conditions - General

The effluent limitations and permit conditions in the draft permit have been developed to ensure compliance with the following, as applicable:

1. Clean Water Act section 401 Certification (Certificate dated March 26, 2025)
2. NPDES Regulations (40 CFR Part 122)
3. Cement Manufacturing Point Source Category Regulation (40 CFR Part 411)

4. PRWQS (August 2022)

PART II. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

CWA section 301(b) and 40 CFR 122.44(d) require that permits include limitations more stringent than applicable technology-based requirements where necessary to achieve applicable water quality standards. In addition, 40 CFR 122.44(d)(1)(i) requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that cause, have the reasonable potential to cause, or contribute to an exceedance of a water quality criterion, including a narrative criterion. The process for determining reasonable potential and calculating water quality-based effluent limits (WQBELs) is intended to protect the designated uses of the receiving water, and achieve applicable water quality criteria. Where reasonable potential has been established for a pollutant, but there is no numeric criterion for the pollutant, WQBELs must be established using (1) EPA criteria guidance under CWA section 304(a), and must be supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

The effluent limitations and permit conditions in the draft permit have been developed to ensure compliance with all federal and state regulations, including PRWQS. The basis for each limitation or condition is discussed below.

A. Effluent Limitations

The draft permit establishes both Technology-based Effluent Limitations (TBELs) and WQBELs which are the basis for including these limitations below. Attachment B of this Fact Sheet provides copy of the WQC with WQBELs.

1. **Flow:** An effluent limitation for flow has been established in the permit according to the WQC dated March 26, 2025, Rules 1301 and 1306 of the PRWQS Regulation, as amended, and the Puerto Rico Environmental Public Policy Act (PREPPA) of September 22, 2004, Act No. 416, as amended. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and the WQC.
2. **5-Day Biological Oxygen Demand (BOD₅):** The discharge consists of runoff treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent concentration is established based on the WQC dated March 26, 2025, Rules 1303.1(F) and 1306 of the PRWQS Regulation, as amended, and the PREPPA of September 22, 2004, Act No. 416, as amended. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and the WQC.
3. **Total Suspended Solids (TSS):** The effluent concentration is established based on Cement Manufacturing Point Source Category (40 CFR Part 411). Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii).
4. **Temperature:** The discharge consists of runoff treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent limitation for temperature is based on the water quality criterion for all waters as specified in Rule 1303.1(D) of PRWQS, and the WQC.
5. **Narrative effluent limitations:** Effluent limitations for **oil and grease, and suspended, colloidal, or settleable solids**, and no toxic substances in toxic concentrations are based on the water quality criteria, as specified in Rules 1303.1(E), 1303.1(H) and 1306 of PRWQS, as required by the WQC, and as carried forward from the previous permit.
6. **Enterococci:** The discharge consists of runoff treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met, effluent limitations for enterococci are established in the draft permit and are based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.c of PRWQS, and the WQC. Consistent with the expression of the water quality criteria for enterococci, it establishes the enterococci density, in terms of geometric mean shall not exceed 35 colonies/100 mL in any 90-day interval; neither the 90th Percentile of the samples taken shall exceed 130 colonies/10 mL in the same 90-day interval.
7. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.a of PRWQS, and the WQC.

8. **pH:** The effluent limitation is based on Cement Manufacturing Point Source Category (40 CFR Part 411) and the WQC, a water quality criterion for **Class SD** waters as specified in Rule 1303.2 C.2.d of PRWQS.
9. **Color:** The discharge consists of runoffs treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.e of PRWQS, and the WQC.
10. **Turbidity:** The discharge consists of runoffs treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.f of PRWQS, and the WQC.
11. **Surfactants:** The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.i of PRWQS, and the WQC.
12. **Total Phosphorus:** The discharge consists of runoffs treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.n of PRWQS, and the WQC.
13. **Total Ammonia Nitrogen:** The discharge consists of runoffs treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.l of PRWQS, and the WQC.
14. **Total Nitrogen:** The discharge consists of runoffs treated in settling ponds system. A one hundred thirty-five (135) days monitoring schedule has been implemented to ensure that the recreational use of the water body is met. The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.m of PRWQS, and the WQC.
15. **Total Sulfates:** The effluent limitation is based on the water quality criterion for **Class SD** waters, as specified in Rule 1303.2 C.2.j of PRWQS, and the WQC.

B. Effluent Limitations Summary Table

1. Outfall Number 001

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
BOD ₅	mg/L	Monthly Average	10.2	5.0	Monitor	5.0	WQBEL
Chromium (VI)	µg/L	Daily Maximum	10	11.4	n/a	--	WQBEL
Color	Pt-Co	Daily Maximum	30	15	30	15	WQBEL
Dissolved Oxygen	mg/L	Daily Minimum	3.4	≥ 5.0	n/a	≥ 5.0	WQBEL
Copper	µg/L	Daily Maximum	10	13	n/a	--	WQBEL
Enterococci	col/100 mL	Average Monthly	79,000	35	Monitor	35	WQBEL
	90th Percentile of the samples	Average Monthly	--	130	Monitor	130	WQBEL
Flow	MGD	Continuous	4.163	Monitor	n/a	Monitor	WQBEL
pH	SU	Daily Maximum	6.98 - 8.79	6.0 - 9.0	n/a	6.0 - 9.0	WQBEL TBEL
Surfactants	µg/L	Daily Maximum	162	100	n/a	100	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Temperature	°C	Daily Maximum	32	32.2	32.2	30	WQBEL
Total Ammonia (NH ₄ ⁺ +NH ₃)	µg/L	Daily Maximum	290	Monitor	Monitor	349.5	WQBEL
Total Suspended Solids	mg/L	Daily Maximum	28.7	50.0	n/a	50.0	TBEL
Sulfates	mg/L	Daily Minimum	102.5	Monitor	n/a	250.0	WQBEL
Oil and Grease	mg/L	Daily Maximum	9.1	Monitor	Monitor	Non-Detectable	WQBEL
Turbidity	NTU	Daily Maximum	72.7	Monitor	Monitor	50.0	WQBEL
Total Phosphorus	µg/L	Daily Maximum	130	Monitor	Monitor	160	WQBEL
Total Nitrogen (TKN, NO ₂ , NO ₃)	µg/L	Daily Maximum	2,500	Monitor	Monitor	1,700	WQBEL
Settleable Solids	ml/L	Daily Maximum	0.1	Monitor	n/a	Monitor	WQBEL

Notes, Footnotes and Abbreviations

Note: Dashes (--) indicate there are no effluent data, no limitations, or no monitoring requirements for this parameter.

(1) The Permittee reported discharges to receiving water in Discharge Monitoring Reports (DMRs) between January 1, 2022, and February 1, 2025.

2. Outfall 001 Narrative Limitations

- The waters of Puerto Rico shall not contain any substance, attributable to the discharge at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in humans, fish, or other fauna or flora.
- The waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oils and greases.
- The waters of Puerto Rico shall not contain floating debris, scum, or other floating materials attributable to the discharges in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
- Solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the water body.
- Taste and odor-producing substances shall not be present in amounts that will interfere with the use for potable water supply, or will render any undesirable taste or odor to edible aquatic life.
- No toxic substances shall be discharged, in toxic concentrations, other than those allowed as specified in the NPDES permit. Those toxic substances included in the permit renewal application, but not regulated by the NPDES permit, shall not exceed the concentrations specified in the applicable regulatory limitations.

C. Monitoring Requirements

NPDES regulations at 40 CFR 122.48 require that all permits specify requirements for recording and reporting monitoring results. The Part III of the draft permit establishes monitoring and reporting requirements to implement federal and state requirements. In addition, the 2025 WQC specifies the location of the discharge after the monitoring point and requirements for a licensed chemist and microbiologist according to Rules 1301 and 1306 of PRWQS, as amended.

D. Compliance with Federal Anti-Backsliding Requirements and Puerto Rico's Anti-Degradation Policy

Federal regulations at 40 CFR 131.12 require that state water quality standards include an anti-degradation policy consistent with the federal policy. The discharge is consistent with the anti-degradation provision of 40 CFR 131.12, 72 Federal Register 238 (December 12, 2007, pages 70517-70526) and DNER's *Anti-Degradation Policy Implementation Procedure* in Attachment A of PRWQS. In addition, CWA sections 402(o)(2) and 303(d)(4) and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. Further, the "Region 2

Antibacksliding Policy” provides guidance regarding relaxation of effluent limitations based on water quality for Puerto Rico NPDES permits. See below:

- Existing permit effluent limitations for **Copper and Chromium (VI)** have been removed based on CWA section 402(o)(2)(B)(i). CWA section 402(o)(2)(B)(i) authorizes the backsliding of effluent limitations if information is available which was not available at the time of permit issuance that would have justified the application of a less stringent effluent limitation at the time of permit issuance. Based on review of effluent data since issuance of the existing permit and reissued water quality standards, the modified discharge does not show a reasonable potential for the exceedance of water quality criteria for these parameters.

PART III. RATIONALE FOR STANDARD AND SPECIAL CONDITIONS

A. Standard Conditions

In accordance with 40 CFR 122.41, standard conditions that apply to all NPDES permits have been incorporated by reference in Part IV.A.1 of the draft permit and expressly in Attachment B of the draft permit. The draft permit indicate that Permittee must comply with all standard conditions and with those additional conditions that are applicable to specified categories of permits under 40 CFR 122.42 and specified in Part IV.A.2 of the draft permit.

B. Special Conditions

In accordance with 40 CFR 122.42 and other regulations cited below, special conditions have been incorporated into the draft permit. This section addresses the justification for special studies, additional monitoring requirements, Best Management Practices, Compliance Schedules, and/or special provisions for POTWs as needed. The special conditions for this facility are as follows:

1. Special Conditions from the Water Quality Certificate

In accordance with 40 CFR 124.55, EPA has established Special Conditions from the WQC in the permit that DNER determined were necessary to meet PRWQS. The Special Conditions established in this section are only those conditions from the WQC that have not been established in other parts of the permit. Specific citations are included below from the WQC.

- Environmental Public Policy Act of September 22, 2004, Act No. 416, as amended.
- WQC – March 26, 2025
- Rule 1306 of PRWQS
- PREPPA of September 22, 2004, Act No. 416, as amended.

2. Best Management Practices (BMP) Plan

The draft permit requires the Permittee to develop a stormwater pollution prevention plan (SWPP Plan) which serves as a BMP in accordance with 40 CFR 122.2 and 122.44(k)(2). This requirement is authorized under Section 402 of the CWA to effectively manage and control of stormwater discharges.

PART IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF OTHER FEDERAL LAWS OR EXECUTIVE ORDERS

A. Coastal Zone Management Act

Under 40 CFR 122.49(d), and in accordance with the Coastal Zone Management Act of 1972, as amended, 16 *United States Code* (U.S.C.) 1451 *et seq.* section 307(c) of the act and its implementing regulations (15 CFR Part 930), EPA may not issue an NPDES permit that affects land or water use in the coastal zone until the Permittee certifies that the proposed activity complies with the Coastal Zone Management Program in Puerto Rico, and that the discharge is certified by the Commonwealth of Puerto Rico to be consistent with the Commonwealth's Coastal Zone Management Program. The Permittee has indicated the outfall is not in a coastal area managed by the Commonwealth's Coastal Zone Management Program and, although nearby, EPA has determined it will not affect the coastal area. Therefore, the requirements of 40 CFR 122.49(d) do not apply to this discharge.

B. Endangered Species Act

Under 40 CFR 122.49(c), EPA is required pursuant to section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.* and its implementing regulations (50 CFR Part 402) to ensure, in consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) that the discharge authorized by the permit is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. No federally listed endangered or threatened species, or critical habitat, are in the vicinity of the discharge. Therefore, EPA has determined that the discharge is not likely to affect species or habitat listed under the ESA.

C. Coral Reef Protection

Under Executive Order 13089, *Coral Reef Protection*, EPA is required to ensure that discharge authorized under the permit will not degrade any coral reef ecosystem. No corals or coral ecosystems are in the vicinity of the discharge.

D. National Historic Preservation Act

Under 40 CFR 122.49(b), EPA is required to assess the impact of the discharge authorized by the permit on any properties listed or eligible for listing in the National Register of Historic Places (NRHP) and mitigate any adverse effects when necessary in accordance with the National Historic Preservation Act, 16 U.S.C. 470 *et seq.* EPA's analysis indicates that no soil disturbing or construction-related activities are being authorized by approval of this permit; accordingly, adverse effects to resources on or eligible for inclusion in the NHRP are not anticipated as part of this permitted action.

E. Magnuson-Stevens Fishery Conservation and Management Act

Under 40 CFR 122.49, EPA is required to ensure that the discharge authorized by the permit will not adversely affect Essential Fish Habitat (EFH) as specified in section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 *et seq.* The open ditch tributary to Honda Creek does not contain EFH.

PART V. PUBLIC PARTICIPATION

The procedures for reaching a final decision on the draft permit are set forth in 40 CFR Part 124 and are described in the public notice for the 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. EPA will consider and respond in writing to all significant comments received during the public comment period in reaching a final decision on the draft permit. Requests for information or questions regarding the draft permit should be directed to

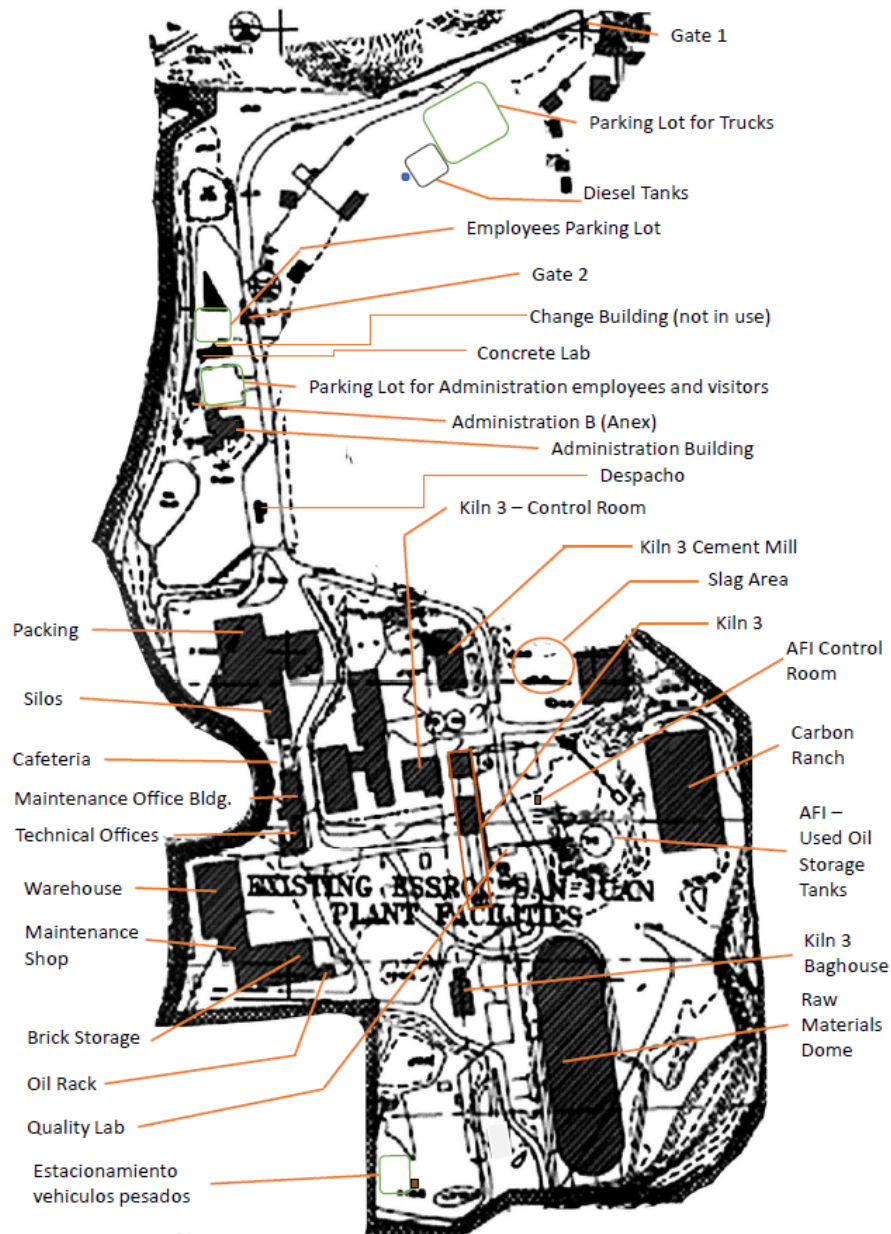
Sergio Bosques, Senior Environmental Engineer
EPA Region 2, Caribbean Environmental Protection Division
Permit Writer Phone: 787-977-5838
Permit Writer Email: bosques.sergi@epa.gov

A copy of the draft permit is also available on EPA's website at <https://www.epa.gov/npdes-permits/puerto-rico-npdes-permits>.

ATTACHMENT A — FACILITY MAP

The facility flow design and map location are attached as provided by the discharger in the application.

Argos Puerto Rico Corp – Dorado Plant Site Plan



ATTACHMENT B — WATER QUALITY CERTIFICATE



DEPARTMENT OF NATURAL
AND ENVIRONMENTAL
RESOURCES

DNER

GOVERNMENT OF PUERTO RICO

SENT VIA ELECTRONIC MAIL (jose.araujo@argos.co)

MAR 26 2025

Mr. José G. Araujo
General Manager
Argos Puerto Rico Corp. - Planta Dorado
P.O. Box 1477
Vega Alta, Puerto Rico 00692-1477

Dear Mr. Araujo:

**RE: WATER QUALITY CERTIFICATE
WITH INTERIM LIMITS BASED ON A COMPLIANCE PLAN
ARGOS PUERTO RICO CORP. - PLANTA DORADO
STATE ROAD NO. 2, KM 26.7
ESPINOSA WARD
DORADO, PUERTO RICO
NPDES NO. PR0001163**

We have received and reviewed the application for a permit under Section 402, National Pollutant Discharge Elimination System (NPDES), of the Federal Clean Water Act, as amended (33 U.S.C. 466 *et seq.*) (the Act) for the referenced facility.

Pursuant to Section 401 (a) (1) of the Act, after due consideration of the applicable provisions established in the Puerto Rico Water Quality Standards Regulation (PRWQSR), as amended and in Sections 301, 302, 303, 306 and 307 of the Act, including the corresponding public participation procedures established in the Act and the PRWQSR, it is certified that there is reasonable assurance, as determined by the Department of Natural and Environmental Resources (DNER), as successor of the Environmental Quality Board, that the allowed discharge will comply with the applicable water quality requirements if the limitations and monitoring requirements on Tables A-1, A-2 and A-3 are met. The conditions specified in the aforementioned tables shall be incorporated into the NPDES permit in order to satisfy the provisions of Section 401 (d) of the Act.

The applicant must comply with the aforementioned special conditions. Each condition of this WQC is considered as separate. Therefore, if the applicability of any condition of this WQC is stayed due to any circumstance, the remaining conditions of this WQC will not be affected. Pursuant to the provisions of Title 40 of the Code of Federal Regulations (CFR) Part 121.11 (c), the Environmental Protection Agency shall be responsible for enforcing the WQC's conditions incorporated in the federal permit.

This certification applies only to the effects that this activity may have on water quality, and not for other ecological, biological, or environmental effects that may result from the project.

The DNER reserves the right to comment at a later date concerning other environmental aspects of the discharge.

Cordially,



Waldemar Quiles Pérez
Secretary
Department of Natural and Environmental Resources

Enclosures

c: Ms. Virginia Wong, EPA-2

TABLE A-1 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS NPDES NO. PR0001163

During the period beginning on the Effective Date of the NPDES Permit (EDP) and lasting through the EDP + 5 years, the permittee is authorized to discharge from outfall serial number 001 waters composed entirely of stormwater, treated in a settling ponds system prior to be discharged. Such discharge shall be limited and monitored by the permittee as specified below:

Receiving Water Name and Classification: Open ditch tributary to Quebrada Honda, SD

<u>Effluent Characteristics</u>	<u>Gross Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurements Frequency</u>	<u>Sample Type</u>
Dissolved Oxygen (mg/L)	Shall not contain less than 5.0.		WFO	Grab
Flow m ³ /day (MGD)	----		Continuous Recording	
pH (SU)	Shall always lie between 6.0 and 9.0.		WFO	Grab
Sulfates (SO ₄) (mg/L)	250		WFO	Grab
Surfactants (as Methylene Blue Activate Substances) (µg/L)	100		WFO	Grab
Suspended, Colloidal or Settleable Solids (mL/L)	----		WFO	Grab
Special Conditions	See attached sheet, which contains special conditions part of this certification.		----	----

Notes:

To comply with the monitoring requirements specified above, samples shall be taken at the sampling point for discharge 001.

TABLE A-1

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

NPDES NO. PR0001163

Receiving Water Name and Classification: Quebrada Honda, SD

All flow measurements shall achieve accuracy within the range $\pm 10\%$.

WFO See special condition 20.

TABLE A-2

INTERIM EFFLUENT LIMITATIONS AND
MONITORING REQUIREMENTS

NPDES NO. PR0001163

During the period beginning on EDP and lasting through EDP + 135 days⁸, the permittee is authorized to discharge from outfall serial number 001 storm water runoff from the facility and storm water runoff from the Guarisco Community, treated in a settling ponds system prior to be discharged. Such discharge shall be limited and monitored by the permittee, as specified below:

Receiving Water Name and Classification: Open ditch tributary to Quebrada Honda, SD

<u>Effluent Characteristics</u>	<u>Gross Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurements Frequency</u>	<u>Sample Type</u>
BOD ₅ (mg/L)	----	----	WFO	Grab
Color (Pt-Co Units)		30	WFO	Grab
Enterococci (colonies/100 mL) σ		----	ϕ	Grab
Oil and Grease (mg/L) β		----	α	Grab
Temperature °F (°C)	Except by natural phenomena, no heat may be added to the waters of Puerto Rico, which would cause the temperature of any site to exceed 90°F (32.2°C).			
			WFO	Grab
Total Ammonia Nitrogen (TAN) (NH ₃ + NH ₄ ⁺) (μg/L)		----	α	Grab
Total Nitrogen (TKN + NO ₂ + NO ₃) (μg/L)		----	WFO	Grab

TABLE A-2

INTERIM EFFLUENT LIMITATIONS AND
MONITORING REQUIREMENTS

NPDES NO. PR0001163

Receiving Water Name and Classification: Open ditch tributary to Quebrada Honda, SD

<u>Effluent Characteristics</u>	<u>Gross Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Monthly Average	Daily Maximum	Measurements Frequency	Sample Type
Total Phosphorus (P) ($\mu\text{g/L}$)		----	α	Grab
Turbidity (NTU)		----	WFO	Grab

Notes:

To comply with the monitoring requirements specified above, samples shall be taken at the sampling point of discharge 001.

β See special condition 12.

WFO See special condition 20.

σ The enterococci density geometric mean and the 90th Percentile shall be calculated on a monthly basis beginning on EDP + 90 days, using the 6 points data set obtained during the previous 90-day interval. A monthly report with the calculations and the data set shall be submitted to DNER's Water Quality Area and to EPA's Region 2 Clean Water Regulatory Branch, beginning on EDP + 105 days and during the effectiveness of this table.

ϕ Twice per month when discharge occurs during normal business hours for the facility.

α Once per quarter when a discharge occurs during normal business hours for the facility.

δ See Special Condition 21.b.

TABLE A-3 **FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS** **NPDES NO. PR0001163**

During the period beginning on EDP + 136 days⁶ and lasting through EDP + 5 years, the permittee is authorized to discharge from outfall serial number 001 waters composed entirely of stormwater, treated in a settling ponds system prior to be discharged. Such discharge shall be limited and monitored by the permittee, as specified below:

Receiving Water Name and Classification: Open ditch tributary to Quebrada Honda, SD

<u>Effluent Characteristics</u>	<u>Gross Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Monthly Average	Daily Maximum	Measurements Frequency	Sample Type
BOD ₅ (mg/L)	5.0	----	WFO	Grab
Color (Pt-Co Units)		15	WFO	Grab
Enterococci (colonies/100 mL) α	The enterococci density, in terms of geometric mean shall not exceed 35 colonies/100 mL in any 90-day interval; neither the 90 th Percentile of the samples taken shall exceed 130 colonies/100 mL in the same 90-day interval.		ϕ	Grab
Oil and Grease (mg/L) β		Non-Detectable	α	Grab
Temperature °F (°C)	Except by natural phenomena, no heat may be added to the waters of Puerto Rico, which would cause the temperature of any site to exceed 86°F (30°C).		WFO	Grab
Total Ammonia Nitrogen (TAN) (NH ₃ + NH ₄ ⁺) (µg/L)		349.5	α	Grab

TABLE A-3

FINAL EFFLUENT LIMITATIONS AND
MONITORING REQUIREMENTS

NPDES NO. PR0001163

Receiving Water Name and Classification: Open ditch tributary to Quebrada Honda, SD

<u>Effluent Characteristics</u>	<u>Gross Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Monthly Average	Daily Maximum	Measurements Frequency	Sample Type
Total Nitrogen (TKN + NO ₂ + NO ₃) (µg/L)		1,700	WFO	Grab
Total Phosphorus (P) (µg/L)		160	α	Grab
Turbidity (NTU)		50	WFO	Grab

Notes:

To comply with the monitoring requirements specified above, samples shall be taken at the sampling point of discharge 001.

β See special condition 12.

WFO See special condition 20.

σ The enterococci density geometric mean and the 90th Percentile shall be calculated on a monthly basis beginning on EDP + 90 days, using the 6 points data set obtained during the previous 90-day interval. A monthly report with the calculations and the data set shall be submitted to DNER's Water Quality Area and to EPA's Region 2 Clean Water Regulatory Branch, beginning on EDP + 105 days and during the effectiveness of the permit.

φ **Twice per month** when discharge occurs during normal business hours for the facility.

α **Once per quarter** when a discharge occurs during normal business hours for the facility.

δ See Special Condition 21.b.

A. SPECIAL CONDITIONS

NPDES NO. PR0001163

These special conditions are an integral part of the Water Quality Certificate (WQC) and are authorized by Article 9 of the Environmental Public Policy Act, Law No. 416-2004, as amended. Therefore, they must be incorporated into the NPDES permit in order to satisfy the provisions of Section 401(d) of the Federal Clean Water Act (CWA) as amended (33 U.S.C. 466 *et seq.*):

1. The discharge 001 will consist of waters composed entirely of stormwater treated in a settling ponds system prior to be discharged.
2. Prior to the construction of any additional treatment system or the modification of the existing one, the permittee shall obtain the approval from the Department of Natural and Environmental Resources (DNER) of the engineering report, plans and specifications.
3. No toxic substances shall be discharged, in toxic concentrations, other than those allowed as specified in the NPDES permit. Those toxic substances included in the permit renewal application, but not regulated by the NPDES permit, shall not exceed the concentrations specified in the applicable regulatory limitations.
4. The waters of Puerto Rico shall not contain any substance attributable to discharge 001, at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in human, fish or other fauna or flora.
5. The discharge 001 shall not cause the presence of oil sheen in the receiving water body.
6. The waters of Puerto Rico shall not contain floating debris, scum or other floating materials attributable to discharge 001 in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
7. Solids from discharge 001 shall not cause deposition in or be deleterious to the existing or designated uses of the water body.
8. The waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oils and greases attributable to discharge 001.

9. The waters of Puerto Rico shall not contain pathogenic organisms attributable to discharge 001, other than coliforms and enterococci for which a water quality standard has been established in Rule 1303.2 of the Puerto Rico Water Quality Standards Regulation, as amended (PRWQSR), in concentrations which may cause diseases.
10. The waters of Puerto Rico shall not contain taste or odor producing substances, attributable to discharge 001, in amounts that will interfere with the use for potable water supply, or will render any undesirable taste or odor to edible aquatic life.
11. All sample collection, preservation, and analysis shall be carried out in accordance with Title 40 of the Code of Federal Regulations (40 CFR), Part 136. A licensed chemist authorized to practice the profession in Puerto Rico shall certify all chemical analyses. All bacteriological tests shall be certified by a microbiologist or licensed medical technologist authorized to practice the profession in Puerto Rico.
12. The samples taken for the analysis of Oil and Grease shall be analyzed using the analytic method approved by the Environmental Protection Agency (EPA) with the lowest possible detection level, in accordance with Rule 1306.8 of the PRWQSR, as amended.
13. The permittee shall install, maintain and operate all water pollution control equipment in such a manner as to be in compliance with the Applicable Rules and Regulations.
14. The flow-measuring device for discharge 001, shall be periodically calibrated and properly maintained. Calibration and maintenance records must be kept in compliance with the Applicable Rules and Regulations.
15. The sampling point for discharge 001 shall be located immediately after the primary flow-measuring device of the effluent, in an accessible site, and the samples shall be representative of the discharge considering all contributions of such discharge. Also, the sampling point for discharge 001 shall be free of vegetation, debris, trash, etc., at any time.
16. The sampling point for discharge 001 shall be labeled with an 18 inches per 12 inches (minimum dimensions) sign that reads as follows:

"Punto de Muestreo para la Descarga 001"

17. The permittee shall keep daily records of rain events, indicating the date, reading of the rain gauge and duration of such events during normal business hours of the facility. Copy of these records shall be submitted monthly to the Water Quality Area of the DNER.
18. STORM WATER POLLUTION PREVENTION PLAN (SWPP PLAN)
 - A. A copy of the most recent version of the approved SWPP Plan shall be maintained at the facility and shall be available upon request.
 - B. The SWPP Plan shall be reviewed each five year and modified if necessary. A certification that the SWPP Plan was reviewed shall be submitted no later than ninety (90) days after Effective Date of the NPDES Permit (EDP).
 - C. Whenever changes occur at the facility that substantially increase the potential for releases of pollutants or when situations occur that reflect that the SWPP Plan is inadequate to address them, the SWPP Plan shall be modified to include preventive measurements to address such situations.
 - D. If a modification of the SWPP Plan is necessary, the permittee shall submit the modified SWPP Plan to the DNER for review and approval within ninety (90) days from the date when the Plan was revised or changes in the facility occurred. The modified SWPP Plan shall be implemented within ninety (90) days after DNER's approval.
19. The permittee shall comply at all times with the provisions, measures or practices included in the most recent version of the SWPP Plan (Special Condition 18) approved by the DNER.
20. WHEN FLOW OCCURS (WFO)

WFO - For our purposes means when a discharge from the settling ponds occurs, due to the overflow of storm water, through the discharge point 001 during normal business hours of the facility, but not more often than one rainfall runoff sampling per month.

21. COMPLIANCE PLAN AND INTERIM LIMITS

- a. The permittee shall comply with the following interim and final effluent limits (as daily maximum, except for BOD₅ which is a monthly average) at discharge 001 for the following parameters:

<u>Parameter</u>	<u>Interim Limit</u>	<u>Final Limit</u>
BOD ₅ (mg/L)	Monitoring Only	5.0
Color (Pt-Co Units)	30	15
Enterococci (colonies/100 mL)	Monitoring Only	*
Oil and Grease (mg/L)	Monitoring Only	Non-detectable**
Temperature °F (°C)	90°F (32.2°C)	86°F (30°C)
Total Ammonia Nitrogen (TAN)	Monitoring Only	349.5
(NH ₃ + NH ₄ ⁺) (µg/L)		
Total Nitrogen (TKN + NO ₂ + NO ₃) (µg/L)	Monitoring Only	1,700
Total Phosphorus (P) (µg/L)	Monitoring Only	160
Turbidity (NTU)	Monitoring Only	50

* The enterococci density, in terms of geometric mean shall not exceed 35 colonies/100 mL in any 90-day interval; neither the 90th Percentile of the samples taken shall exceed 130 colonies/100 mL in the same 90-day interval.

** See special condition 12.

- b. The interim effluent limits will be effective during the period beginning on the EDP and lasting through EDP + 135 days. At EDP + 136 days, the final effluent limits will become effective, unless pursuant to the terms and conditions of the Compliance Plan, the permittee request and obtain from the DNER and the EPA, an authorization for the interim limits or other limits to be established as final effluent limits for these parameters, according to the Applicable Rules and Regulations.

- c. The schedule (activity/compliance deadline) of the Compliance Plan is as follows:

Activity	Compliance Dateline
1. Prepare and submit to the DNER and the EPA a Progress Report of the actions conducted by Argos Puerto Rico Corp. - Planta Dorado (hereinafter Argos) to obtain the corresponding permits and endorsements from other agencies to start the construction of the closed canal approved by the DNER, to divert the stormwater runoff coming from the Guarisco Community out of the facility.	EDP + 15 days
2. Argos starts the construction of the closed canal. A notification of the construction starting date of the canal must be submitted to the DNER and the EPA.	EDP + 30 days
3. Argos completes the construction of the closed canal. A notification of the construction completion date of the canal must be submitted to DNER and EPA.	EDP + 45 days
4. Final permit limits established in item "a" of this special condition become effective.	EDP + 136 days

- d. The DNER may revoke the approval of the Compliance Plan for any of the following reasons:

1. The permittee has not revealed all the relevant facts in the request or has provided false representation of any of the relevant facts during the evaluation of such request.
2. Non-compliance with any applicable provisions of the Compliance Plan.
3. Changes in conditions under which the Compliance Plan was approved, without due authorization from the DNER.

4. There exists an imminent hazard to public health or the environment.

The DNER reserves the right to supervise and oversee the actions of the permittee concerning the performance of the Compliance Plan.

22. The discharge 001 covered by this WQC will not cause violations to the applicable water quality standards at the receiving water body.
23. A logbook must be kept for the material removed from the settling ponds system detailing the following items:
 - a. Material removed, date and source of it.
 - b. Approximate volume and weight.
 - c. Method by which it is removed and transported.
 - d. Final disposal and location.
 - e. Person that performs the service.

A copy of the Non-Hazardous Solid Waste Collection or Transportation Services Permit issued by the authorized official from the DNER must be attached to the logbook.

24. The DNER, by the issuance of the WQC, does not relieve the applicant from its responsibility to obtain additional permits or authorizations from the DNER as required by law. The issuance of the WQC shall not be construed as an authorization to conduct activities not specifically covered in the WQC, which will cause water pollution as defined by the PRWQSR, as amended.

B. CITATION AND JUSTIFICATION FOR SPECIAL CONDITIONS

Special Condition	Statement explaining why the condition is necessary (40 CFR 121.7 (d) (3))	Citation to federal or state law that authorizes the condition
1	This special condition is established to assure that no changes in nature of the allowed discharge occur without an evaluation of the effects of such changes in the compliance with the applicable water quality requirements set forth in the PRWQSR and in Sections 301, 302 and 303 of the CWA.	<ul style="list-style-type: none"> • Rule 1306.1.B of the PRWQSR • Sections 301, 302 and 303 of the CWA
2	This special condition is necessary to assure that the treatment system evaluated and authorized for compliance with the requirement to implement control measures to prevent adverse effects on the receiving water body, is not altered without prior authorization from DNER.	<ul style="list-style-type: none"> • Rule 1306.7 of the PRWQSR
3, 4, 22	These special conditions are established to assure that the discharge coming from the facility does not affect or cause impairment to the applicable water quality requirements set forth in the PRWQSR and Sections 301, 302, 303 and 307 of the CWA.	<ul style="list-style-type: none"> • Rule 1303.1.J of the PRWQSR • Rule 1306.1.B of the PRWQSR • Sections 301, 302, 303 and 307 of the CWA
5, 6, 7, 8, 9, 10	These special conditions are established to assure that the discharge coming from the facility does not affect or cause impairment to the applicable water quality requirements set forth in the PRWQSR and Sections 301, 302 and 303 of the CWA.	<ul style="list-style-type: none"> • Rule 1303.1.H of the PRWQSR • Rule 1306.1.B of the PRWQSR • Sections 301, 302 and 303 of the CWA
11	This special condition is necessary to establish source monitoring, record keeping, reporting, sampling, and testing methods requirements in the WQC, to assure that the allowed discharge will comply with the applicable water quality requirements established in the PRWQSR and in Sections 301, 302 and 303 of the CWA.	<ul style="list-style-type: none"> • Rule 1306.2.C of the PRWQSR • Sections 301, 302 and 303 of the CWA
12	This special condition is necessary to establish source monitoring, record keeping, reporting, sampling, and testing methods requirements in the WQC, to	<ul style="list-style-type: none"> • Rule 1306.2.C of the PRWQSR • Rule 1306.8 of the PRWQSR

Special Condition	Statement explaining why the condition is necessary (40 CFR 121.7 (d) (3))	Citation to federal or state law that authorizes the condition
	assure that the allowed discharge will comply with the applicable water quality requirements established in the PRWQSR and in Sections 301, 302, and 303 of the CWA.	<ul style="list-style-type: none"> Sections 301, 302 and 303 of the CWA
13, 14	These special conditions are necessary to require the permittee to establish control measures to prevent that the discharge coming from the facility affects or causes impairment to the applicable water quality requirements set forth in the PRWQSR and in Sections 301, 302 and 303 of the CWA.	<ul style="list-style-type: none"> Rule 1306.6.A.1 of the PRWQSR Sections 301, 302 and 303 of the CWA
15, 16	These special conditions are necessary to assure proper characterization of the discharge to comply with the applicable water quality requirements established in the PRWQSR and in Sections 301, 302 and 303 of the CWA.	<ul style="list-style-type: none"> Rule 1306.2.E of the PRWQSR Sections 301, 302 and 303 of the CWA
17, 20, 23	These special conditions are necessary to establish source monitoring, record keeping, reporting, sampling, and testing methods requirements in the WQC, to assure that the allowed discharge will comply with the applicable water quality requirements established in the PRWQSR and in Sections 301, 302, and 303 of the CWA.	<ul style="list-style-type: none"> Rule 1306.2.A of the PRWQSR Sections 301, 302 and 303 of the CWA
18, 19, 24	These special conditions are necessary to require the permittee to establish the Best Management Practice to prevent pollutants coming from facility gaining access to the water body, in such manner that the facility comply with the applicable requirements established in the PRWQSR concerning the conservation and protection of the natural resources that may affect the quality of water resources.	<ul style="list-style-type: none"> Rule 1306.1.B of the PRWQSR
21	This special condition is necessary to establish source monitoring, record	<ul style="list-style-type: none"> Rule 1306.2 of the PRWQSR

Special Condition	Statement explaining why the condition is necessary (40 CFR 121.7 (d) (3))	Citation to federal or state law that authorizes the condition
	keeping, reporting, sampling, and testing methods requirements in the WQC, to assure that the allowed discharge will comply with the applicable water quality requirements established in the PRWQSR and in Sections 301, 302 and 303 of the CWA.	<ul style="list-style-type: none">• Rule 1306.12 of the PRWQSR• Sections 301, 302 and 303 of the CWA
Tables A-1, A-2 and A-3	Tables A-1, A-2 and A-3 are necessary to establish the water quality-based effluent limitations and monitoring requirements in order to assure that the allowed discharge will comply with the applicable water quality requirements established in the PRWQSR and in Sections 301, 302, 303 and 307 of the CWA.	<ul style="list-style-type: none">• Rule 1302 of the PRWQSR• Rule 1303 of the PRWQSR• Rule 1306 of the PRWQSR• Sections 301, 302, 303 and 307 of the CWA