



**United States Environmental Protection Agency
Region 2**

Caribbean Environmental Protection Division
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Guaynabo, Puerto Rico 00968-8069

DRAFT FACT SHEET

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
Maunabo WWTP
PERMIT No. PR0020656**

This Fact Sheet sets forth the principle 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 **interim** Water Quality Certificate (IWQC) issued by the Department of Natural Resources (DNER) of Puerto Rico 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 **June 7, 2024**, DNER provided in the Intent to Issue a Water Quality Certificate (IWQC) 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 IWQC are met. In accordance with CWA section 401, EPA has incorporated the conditions of the IWQC into the draft permit. Any changes to the IWQC will be incorporated into the final issuance of the permit. The IWQC 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 IWQC were made through the applicable procedures of the Commonwealth of Puerto Rico and not through EPA procedures.

PART I. BACKGROUND

A. Permittee and Facility Description

The Puerto Rico Aqueduct and Sewer Authority (PRASA) (referred to throughout as the Permittee) has applied for renewal on its **Maunabo WWTP** National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. PR0020656. The Permittee submitted Application Form 1, and 2A dated **August 8, 2022**, and applied for an NPDES permit to discharge treated wastewater from Maunabo WWTP, Maunabo, called the facility. The facility is classified as a major discharger by EPA in accordance with the EPA rating criteria.

The Permittee owns and operates the wastewater treatment plant which provides secondary treatment. Attachment A of this Fact Sheet provides a map of the area around the facility and a flow schematic of the facility.

The treatment system consists of the following:

The **Maunabo WWTP** is a publicly owned treatment work (POTW) that treats sanitary wastewater through secondary treatment of the domestic sewage from the Municipality of Maunabo. It has a capacity of 1.0 MGD (design flow rate) and provides secondary treatment and discharge its effluent to Maunabo River.

Sanitary wastewater is processed through the following units, see Attachment A (Schematic Flow Diagram for more details:

- Manual and Mechanical Bar screens
- Grit Removal System
- Biological Treatment Process (Anoxic/Anaerobic/Aerobic)
- Secondary Settling Tanks
- Disc Filters

- UV Disinfection/Chlorine Contact Chambers

Sludge is thickened, dewatered and disposed in a landfill.

Summary of Permittee and Facility Information

Permittee	Puerto Rico Aqueduct and Sewer Authority (PRASA)
Facility contact, title, phone	Mrs. Marichu Valentín Vázquez Environmental Compliance and Quality Control (787) 620-2277, ext. 2893 and 2427
Permittee (mailing) address	Puerto Rico Aqueduct and Sewer Authority P.O. Box 7066 Barrio Obrero Station Santurce, Puerto Rico 00916-7066
Facility (location) address	PR 3 Km 106.2 Maunabo, P.R. 00707
Type of facility	Publically-owned Treatment Works
Pretreatment program	Yes
Facility daily average flow	0.781 MGD (in million gallons per day)
Facility design flow	1.0 MGD (in million gallons per day)
Facility classification	Major

B. Discharge Points and Receiving Water Information

Wastewater is discharged from Outfall 001 to the Maunabo River, 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	Secondary treated municipal wastewater.	18°, 00', 15" N	65°, 54', 15" W	Maunabo River, Class SD waters

As indicated in the Puerto Rico Water Quality Standards Regulations (PRWQSRR), the designated uses for Class SD receiving waters include:

- Primary and secondary recreation; and
- Propagation and preservation of desirable species, including threatened and endangered species.

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 been determined to have water quality impairments for one or more of the designated uses as determined by section 303(d) of the CWA. Total maximum daily loads (TMDLs) has been developed and approved by EPA for the following parameter: **Fecal Coliforms**.

C. Compliance Orders/Consent Decrees

The Permittee has a Consent Decree with the Agency (Civil Action No 3:15-cv-02283(JAG)) in which the facility is included. This consent decree does not affect this permit action.

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

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

- Clean Water Act section 401 certification requirements;
- NPDES regulations (40 CFR Part 122); and
- PRWQSR (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), 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 permit have been developed to ensure compliance with all federal and state regulations, including PRWQSR. The basis for each limitation or condition is discussed below.

A. Effluent Limitations

The permit establishes both Technology-based Effluent Limitations (TBELs) and WQBELs for several pollutants and the basis for these limitations are discussed below. WQBEL are based on WQC

1. **Flow:** An effluent limitation for flow has been established in the permit for 1.0 MGD as a Daily Maximum. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and DNER's Water Quality Certificate. The frequency monitoring for flow shall be continuous with a flow meter.
2. **5-Day Biochemical Oxygen Demand (BOD₅):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 CFR 133.102(a). 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 (see section C.1.—Monitoring Requirements— of this Part).
3. **Total Suspended Solids (TSS):** 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 (see section C.1.—Monitoring Requirements— of this Fact Sheet).
4. **pH:** The effluent limitation for pH is based on technology-based secondary treatment standards for POTWs specified for Class SD D 2.d. of PRWQSR, and the IWQC. In no case the pH will lie outside of 6.0 to 9.0, standard pH units, except when it is altered by natural causes.
5. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for all waters in Puerto Rico as specified in Rule 1303.1 D of PRWQSR, and the IWQC.
6. **Enterococci:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.c of PRWQSR, and the IWQC.
7. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for Class SD waters as specified in Rule 1303.2 D.2.a of PRWQSR, and the IWQC.
8. **Whole Effluent Toxicity (WET):** The permit establishes a requirement for the Permittee to conduct accelerated testing and develop a Toxicity Reduction Evaluation (TRE) Workplan as Special Conditions. These requirements are necessary to ensure that the Permittee has a process for addressing effluent toxicity if toxicity is observed.
9. **Color:** The effluent limitation is based on the water quality criterion for Class SD waters as specified in Rule 1303.2.D 2.e of PRWQSR, and the IWQC.

10. **Copper, Residual Chlorine, and Sulfide (undissociated H₂S):** The effluent limitations is based on water quality criteria established in PRWQSR Rule 1303.1.1.1 of PRWQSR and the IWQC.
11. **Turbidity:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.f of PRWQSR, and the IWQC.
12. **Taste or Odor Producing Substances:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2.D.2.h of PRWQSR, and the IWQC.
13. **Total Phosphorus:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.n of PRWQSR, and the IWQC.
14. **Total Ammonia Nitrogen:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.l of PRWQSR, and the IWQC.
15. **Total Nitrogen:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.m of PRWQSR, and the IWQC.
16. **Total Dissolved Solids:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.g of PRWQSR, and the IWQC.
17. **Oil and Grease:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.H of PRWQSR, and the IWQC.
18. **Suspended, Colloidal or Settleable Solids:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.E of PRWQSR, and the IWQC.
19. **Solids and Other Matter:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.A of PRWQSR, and the IWQC.

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	Average monthly Average weekly	229	20.0 45.0	n/a	30.0 45.0	TBEL
BOD ₅ percent removal	%	Daily minimum	94	85	n/a	85	TBEL
Cadmium	µg/L	Daily Maximum	--	0.26	n/a	--	WQBEL
Color	Pt-Co	Daily Maximum	30	27	n/a	15	WQBEL
Copper	µg/L	Daily Maximum	77.6	7.7	n/a	8.7	WQBEL
Dissolved Oxygen	mg/L	Daily Minimum	6.3	≥ 5	n/a	≥ 5	WQBEL
Enterococci	col/100 mL	Average monthly	2420	35 col / 100 mL	n/a	35 col / 100 mL	WQBEL
	90 th Percentile of the samples	Average monthly	--	130	n/a	130	WQBEL
Flow	MGD	Daily maximum	0.972	1.0	n/a	1.0	WQBEL
Oil and Grease	mg/L	Daily maximum		Monitor	n/a	Monitor	WQBEL
pH	SU	Daily maximum	6.88-7.66	6.0-9.0	n/a	6.0-9.0	WQBEL
Residual Chlorine	µg/L	Daily maximum	--	11	n/a	11	WQBEL
Sulfide (undissociated H ₂ S)	µg/L	Daily maximum	101.8	5	n/a	2	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Suspended, Colloidal or Settleable Solids	ml/L	Daily maximum	--	Monitor	--	Monitor	WQBEL
Temperature	°C	Daily maximum	31.9	32.2	n/a	30	WQBEL
Total Ammonia Nitrogen (NH ₄ ⁺ , NH ₃)	mg/L	Daily maximum	26200	Monitor	n/a	0.081	WQBEL
Total Dissolved Solids	mg/L	Daily maximum	730	700	n/a	845	WQBEL
Total Nitrogen (NO ₂ , NO ₃ , TKN)	µg/L	Daily maximum	35000	4,775	n/a	1,700	WQBEL
Total Phosphorus	µg/L	Daily maximum	4280	480	n/a	160	WQBEL
TSS	mg/L	Average monthly Average weekly	180	30.0 45.0	n/a	Monitor	TBEL
TSS percent removal	%	Daily minimum	98	85	n/a	85	TBEL
Turbidity	NTU	Daily maximum	29	50	n/a	50	WQBEL

Notes, Footnotes and Abbreviations

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

(1) Wastewater data from DMRs dated May 31, 2022, to April 30, 2024.

2. Outfall 001 Narrative Limitations

- a. **Enterococci:** 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.
- b. **Oil and Grease:** The waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oil and greases.
- c. **Solids and Other Matter:** The water of Puerto Rico shall not contain floating debris, scum or other floating materials attributable to the discharge in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
- d. **Suspended, colloidal or Settleable Solids:** Solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the water body.
- e. **Taste and Odor Producing Substances:** Shall not be present in amounts that will render any undesirable taste or odor to edible aquatic life.
- f. **Temperature:** 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).

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 Permit establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements for this facility.

1. Influent Monitoring Requirements

To calculate percent removal values, influent monitoring is required for BOD₅ and TSS in accordance with 40 CFR 133.102. Influent monitoring must be conducted before any treatment, other than de-gritting, and before any addition of any internal waste stream.

2. Effluent Monitoring Requirements

Effluent monitoring frequency and sample type have been established in accordance with the requirements of 40 CFR 122.44(i) and recommendations in EPA's TSD. Consistent with 40 CFR Part 136 monitoring data for toxic metals must be expressed as total recoverable metal. Effluent monitoring and analyses shall be conducted in accordance with EPA test procedures approved under 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act, as amended. For situations where there may be interference, refer to Solutions to Analytical Chemistry Problems with Clean Water Act Methods (EPA 821-R-07-002). 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.

The sampling point for Outfall 001 shall be located immediately after the primary flow measuring device of the effluent of the treatment system.

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 PRWQSR. 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. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit with some exceptions where limitations may be relaxed.

- The effluent limitations in the permit are at least as stringent as the effluent limitations in the existing permit, with the exception of effluent limitation for **BOD, Copper, TDS, and TSS**. The effluent limitation for this pollutant is **less stringent** than those in the existing permit. This relaxation of effluent limitation is consistent with the anti-backsliding requirements of CWA section 401(o), 40 CFR 122.44(l), EPA Region 2's Anti-backsliding Policy dated August 10, 1993, and Puerto Rico's Anti-Degradation Policy Implementation Procedure established in PRWQSR. CWA Sec. 402(o)(2)(B)(i) allows backsliding if information is available which was not available at the time of permit issuance and would have justified a less stringent effluent limitation at the time of permit issuance. EPA has determined that it is appropriate to relax the effluent limitation for these parameters without violating anti-backsliding provisions of the CWA, in accordance with section 402(o)(2), since one of the exceptions to the provisions has been satisfied; and section 402(o)(3) since it complies with DNER's WQS which include antidegradation requirements. The DNER IWQC constitutes a determination that the limit is sufficient to assure that the water quality standards are or will be attained.
- Existing effluent limitations for **Cadmium has 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, the modified discharge does not show a reasonable potential for the exceedance of water quality criteria for these parameters.
- The water quality-based effluent limitations from the previous permit for **Color, Sulfide, Temperature, Total Ammonia Nitrogen (NH₄⁺, NH₃), Total Nitrogen (NO₂, NO₃, TKN) and Total Phosphorus** have been replaced with a **more stringent** water quality-based limitation in the Intent to Issue a IWQC issued by the DNER. Pursuant to Section 401 (d) of the Act and 40 C.F.R. 122.44 (d) and 124.55, all State certified limitations and requirements contained in a Section 401 certification must be incorporated into a NPDES permit issued by EPA. The water quality-based effluent limitations referenced in this paragraph have been included in the draft NPDES permit, based on DNER's IWQC.

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 permit and expressly in Attachment B of the permit. The 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 Permit.

B. Special Conditions

In accordance with 40 CFR 122.42 and other regulations cited below, special conditions have been incorporated into the 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 IWQC in the permit that DNER determined were necessary to meet PRWQSR. The Special Conditions established in this section are:

- a. The flow of discharge 001 shall not exceed the limitation of 3,785.4 m³/day (1.0 MGD) as daily maximum. No increase in flow of discharge 001 shall be authorized without a recertification from the Department of Natural and Environmental Resources (DNER).
- b. No changes in the design or capacity of the treatment system will be permitted without the previous authorization of DNER.
- c. Prior to the construction of any additional treatment system or the modification of the existing one, the permittee shall obtain the approval from the DNER of the engineering report, plans and specifications.
- d. 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.
- e. 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.
- f. 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.
- g. The discharge 001 shall not cause the presence of oil sheen in the receiving water body.
- h. 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.
- i. The permittee shall use the analytical method approved by the Environmental Protection Agency (EPA), with the lowest possible detection limit, in accordance with the 40 CFR, Part 136 for Sulfide (as S). Also, the permittee shall complete the calculations specified in Method 4500-S⁻² F, Calculation of Un-ionized Hydrogen Sulfide, of Standards Methods 18th Edition, 1992, to determine the concentration of undissociated H₂S. If the sample results of Dissolved Sulfide are below the detection limit of the EPA approved method established in the 40 CFR, Part 136, then, the concentration of undissociated H₂S shall be reported as "below detection limit".
- j. 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.

- k. The sampling point for discharge 001 shall be located immediately after the primary flow-measuring device of the effluent.
- l. 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”

- m. The solid waste such as sludge, screenings, and grit generated due to the operation of the Maunabo Wastewater Treatment Plant shall be:
 - 1. 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 the DNER and to the Municipal Water Programs Branch of EPA's Region 2 Caribbean Environmental Protection Division, notifying the method or methods used to dispose the solid waste generated in the facility. Also, a copy of the approval or permit applicable to the disposal method used shall be submitted, if any.
 - 2. Transported adequately in such a way that access is not gained to any water body or soil. In the event of a spill of solid waste on land or into a water body, the permittee shall notify the Point Sources Permits Division of the DNER's Water Quality Area in writing within a term no longer than twenty-four (24) hours after the spill to the following electronic address: bypass@drna.pr.gov.
This notification shall include the following information:
 - i. spilled material,
 - ii. spilled volume,
 - iii. measures taken to prevent the spilled material to gain access to any water body.

This special condition does not relieve the permittee from its responsibility to obtain the corresponding permits from the DNER's Land Pollution Control Area and other state and federal agencies, if any.

- n. A logbook must be kept for the material removed from the Maunabo Wastewater Treatment Plant, such as sludge, screenings and grit, detailing the following items:
 - 1. removed material, date and source of it;
 - 2. approximate volume and weight;
 - 3. method by which it is removed and transported;
 - 4. final disposal and location;
 - 5. 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.

- o. The sludge produced within the facility due to the operation of the treatment system shall be analyzed and all constituents shall be identified as required by “Standards for the Use or Disposal of Sewage Sludge” (40 CFR, Part 503). The sludge shall be disposed properly in such manner that water pollution or other adverse effects to surface waters or to ground waters do not occur.
- p. If any standard or prohibition to the sanitary sludge disposal is promulgated and said prohibition or standard is more stringent than any condition, restriction, prohibition or standard contained in the NPDES permit, such permit shall be modified accordingly or revoked and reissued to be adjusted with regard to such prohibition or standard.
- q. The permittee must request and obtain from the DNER the corresponding permit for the operation of the septic tanks used to dispose the sanitary wastewater coming from the facility, according to the Underground Injection Control Regulation and the Regulation for the Certification of Plans and Documents under Consideration of the Environmental Quality Board.

2. Whole Effluent Toxicity Testing

EPA has imposed the quarterly 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.

3. Best Management Practices (BMP) Plan

In accordance with 40 CFR 122.2 and 122.44(k), BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to waters of the United States. The Permittee is required to develop a BMP Plan in Part IV.B.3.a of the permit to control or abate the discharge of pollutants.

4. Compliance Schedules

A compliance schedule has not been authorized for any pollutant or parameter in the permit on the basis of 40 CFR 122.47.

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. On April 16, 2009, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, according to 50 CFR 402.8. In the past, not federally listed endangered or threatened species, or critical habitat, are in the vicinity of the discharge. Therefore, it has been 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 Maunabo River 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, which is published in **El Vocero**. 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

Lalitsa Lopez
EPA Region 2, Caribbean Environmental Protection Division
Permit Writer Phone: 787-977-5857
Permit Writer Email: lopez.lalitsa@epa.gov

A copy of the draft permit is also available on EPA's website at www.epa.gov/region02/water/permits.html.

ATTACHMENT A — FLOW SCHEMATIC AND FACILITY MAP

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



