



**United States Environmental Protection Agency**  
**Region 2**  
Caribbean Environmental Protection Division  
City View Plaza II–Suite 7000, #48 Rd. 165 km 1.2  
Guaynabo, Puerto Rico 00968-8069

**FACT SHEET**

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**Jayuya WWTP**  
**PERMIT No. PR0026531**

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, 33 U.S.C. § 1342 and its implementing regulations at Title 40 of the Code of Federal Regulations (C.F.R.), Parts 122 through 124, and the Water Quality Certificate (WQC) issued by the Puerto Rico Department of Natural and Environmental Resources (DNER) pursuant to the requirements of CWA C.F.R. Section 401, 33 U.S.C. § 1341.

Pursuant to 40 C.F.R. § 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” or “Agency”) may issue a final permit. On **June 22, 2022**, DNER provided in the 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. Any changes to the interim WQC will be incorporated into the final issuance of the 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.

**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 **Jayuya Wastewater Treatment Plant (WWTP)** National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. **PR0026531**. The Permittee submitted Application Form 1, and 2A dated **October 31, 2023**, and applied for an NPDES permit to discharge treated wastewater from Jayuya WWTP, Jayuya (the facility). The facility is classified as a **minor** discharger by EPA pursuant to minor facility definition at 40 C.F.R. § 122.2.

The Permittee owns and operates Jayuya WWTP 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 Jayuya WWTP is a publicly owned treatment work (POTW) that treats sanitary wastewater through secondary treatment of the domestic sewage from the communities of the Municipality of Jayuya. It has a capacity of 1.0 MGD (design flow rate) and provides advanced secondary treatment and discharge its effluent to **Rio Grande de Jayuya**.

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

- **Grit Chambers**
- **Aeration Tanks**
- **Filter Units**
- **Clarifiers**

- **Sludge Holding Tank**
- **Chlorine Contact Chamber**

Sludge is thickened, dewatered and disposed in a landfill.

**Summary of Permittee and Facility Information**

<b>Permittee</b>	Puerto Rico Aqueduct and Sewer Authority (PRASA)
<b>Facility contact, title, phone</b>	Mrs. Marichu Vazquez, Executive Director Environmental Compliance, Health and Safety (787) 620-2277, ext. 2893 and 2427
<b>Permittee (mailing) address</b>	Puerto Rico Aqueduct and Sewer Authority P.O. Box 7066 Barrio Obrero Station Santurce, Puerto Rico 00916-7066
<b>Facility (location) address</b>	PR 360 Km 1.4 San Germán, P.R. 00683
<b>Type of facility</b>	Publically-owned Treatment Works
<b>Pretreatment program</b>	Yes
<b>Facility daily average flow</b>	0.643 MGD (in million gallons per day)
<b>Facility design flow</b>	1.0 MGD (in million gallons per day)
<b>Facility classification</b>	Minor

**B. Discharge Points and Receiving Water Information**

Wastewater is discharged from Outfall 001 to the Rio Grande de Jayuya a water of the United States.

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

<b>Outfall</b>	<b>Effluent description</b>	<b>Outfall latitude</b>	<b>Outfall longitude</b>	<b>Receiving water name and classification</b>
001	Secondary treated municipal wastewater.	18°, 12', 10.2" N	66°, 37', 34.3" W	Rio Grande de Jayuya, Class SD waters

As indicated in the Puerto Rico Water Quality Standards (PRWQS) Regulations, 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.

**C. Compliance Orders/Consent Decrees**

The Permittee has a Consent Decree with the Agency (**Civil Action No 3:15-CV-02283**) 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 C.F.R. Part 122); and
- PRWQS (April 30, 2025).

## PART II. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

CWA Section 301(b) and 40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 PRWQS. 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 1.206 MGD as a Daily Maximum. Monitoring conditions are applied pursuant to 40 C.F.R. § 122.21(j)(4)(ii) and DNER's WQC. The frequency monitoring for flow shall be continuous with a flow meter.
2. **5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>):** The effluent concentration and percent removal limitations are based on technology-based secondary treatment standards for publicly owned treatment works (POTWs) specified in 40 C.F.R. § 133.102(a). The permit also requires influent monitoring and reporting in accordance with 40 C.F.R. § 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 C.F.R. § 133.102(b). The permit also requires influent monitoring and reporting in accordance with 40 C.F.R. § 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.c. of PRWQS, and the WQC. 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 PRWQS, and the WQC.
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 PRWQS, and the WQC.
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 PRWQS, and the WQC.
8. **Color:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2.D 2.d of PRWQS, and the WQC.
9. **Copper, Residual Chlorine, Sulfide (undissociated H<sub>2</sub>S), and Total Nitrogen:** The effluent limitations is based on water quality criteria established in PRWQS Rule 1303.1.1.1 of PRWQS and the WQC.
10. **Turbidity:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.e of PRWQS, and the WQC.
11. **Taste and Other Producing Substances:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2.D2.g of PRWQS, and the WQC.
12. **Surfactants:** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.i of PRWQS, and the WQC.

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.h of PRWQS, and the WQC.
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.i of PRWQS, and the WQC.
15. **Oil and Grease:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.H of PRWQS, and the WQC.
16. **Suspended, Colloidal or Settleable Solids:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.E of PRWQS, and the WQC.
17. **Solids and Other Matters:** The effluent limitation is based on the water quality standards as specified in Rule 1303.1.A of PRWQS, and the WQC.
18. **Total Dissolved Solids (TDS):** The effluent limitation is based on the water quality criterion for **Class SD** waters as specified in Rule 1303.2 D.2.g of PRWQS, and the WQC.
19. **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.

**B. Effluent Limitations Summary Table**

**1. Outfall Number 001**

Parameter	Units	Effluent limitations					Basis
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	
BOD <sub>5</sub>	mg/L	Average monthly Average weekly	0.968	5.0 45	n/a	5.0 45	TBEL
BOD <sub>5</sub> percent removal	%	Daily minimum	99	85	n/a	85	TBEL
Color	Pt-Co	Daily Maximum	20	15	n/a	15	WQBEL
Copper	µg/L	Daily Maximum	9.8	6.8	n/a	6.8	WQBEL
Dissolved Oxygen	mg/L	Daily Minimum	6.95	≥ 5.0	n/a	≥ 5.0	WQBEL
Enterococci	col/100 mL	Average monthly	2420	35	n/a	35	WQBEL
	90 <sup>th</sup> Percentile of the samples	Average monthly	--	130	n/a	130	WQBEL
Flow	MGD	Daily maximum	0.895	1.0	n/a	1.0	WQBEL
Oil and Grease	mg/L	Daily maximum	5.2	Monitor	n/a	Monitor	WQBEL
pH	SU	Daily maximum	7.85	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 <sub>2</sub> S)	µg/L	Daily maximum	0.8	2	n/a	--	WQBEL
Surfactants	µg/L	Daily maximum	109	100	n/a	100	WQBEL
Suspend, Colloidal or Settleable	mL/L	Daily Maximun	--	--	--	Monitor	WQBEL
Temperature	°C	Daily maximum	29.4	32.2	n/a	30	WQBEL

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Total Ammonia Nitrogen	mg/L	Daily maximum	9.96	0.25	n/a	0.25	WQBEL
Total Nitrogen (NO <sub>2</sub> , NO <sub>3</sub> , TKN)	µg/L	Daily maximum	15000	1,700	n/a	1,700	WQBEL
Total Phosphorus	µg/L	Daily maximum	11660	160	n/a	160	WQBEL
TDS	mg/L	Daily maximum	450	500	n/a	500	WQBEL
TSS	mg/L	Average monthly	114	30.0	n/a	Monitor	TBEL
		Average weekly	170	45.0			
TSS percent removal	%	Daily minimum	98	85	n/a	85	TBEL
Turbidity	NTU	Daily maximum	8.1	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 November 1, 2023, through October 31, 2025.

**2. Outfall 001 Narrative Limitations**

- a. 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.
- b. The waters of Puerto Rico shall be substantially free from floating non petroleum oils and greases as well as petroleum derived oils and greases.
- c. The waters of Puerto Rico shall not contain floating debris, scum, or other floating materials attributable to discharges in amounts sufficient to be unsightly or deleterious to the existing or designated uses of the water body.
- d. Solids from wastewater sources shall not cause deposition in or be deleterious to the existing or designated uses of the waters.
- e. Taste and odor-producing substances shall not be present in amounts that will interfere with primary contact recreation or will render any undesirable taste or odor to edible aquatic life.
- f. 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 C.F.R. § 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 BOD<sub>5</sub> and TSS in accordance with 40 C.F.R. § 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 C.F.R. § 122.44(i) and recommendations in EPA’s TSD. Consistent with 40 C.F.R. 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 C.F.R. 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.44(l) prohibit backsliding in NPDES permits. Further, the Region 2 Antbacksliding 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.

- Existing effluent limitations for **2,4,-6 Trichlorophenol, 2,4- Dichlorophenol, 2,4- Dimethylphenol, 2,4- Dinitrophenol, 2-Chlorophenol, 2-Methyl-4,6-Dinitrophenol, Pentachlorophenol, Fecal Coliform, Fluoride, Cyanide, Lead, Mercury, Nitrate + Nitrite (as N), Phenol, and Total Coliform** 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, 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 C.F.R. § 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 C.F.R. § 122.42 and specified in Part IV.A.2 of the Permit.

#### **B. Special Conditions**

In accordance with 40 C.F.R. § 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 C.F.R. § 124.55, EPA has established Special Conditions from the WQC in the permit that DNER determined were necessary to meet PRWQS. The Special Conditions for this facility are specified in the WQC, included as Attachment B.

##### **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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 122.47.**

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

### **A. Coastal Zone Management Act – Not Applicable.**

### **B. Endangered Species Act**

Under 40 C.F.R. § 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 C.F.R. 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 September 26, 2024, EPA designated PRASA (a non-Federal representative) to conduct informal consultations or prepare a biological assessment for Section 7 Consultations, in accordance with 50 C.F.R. § 402.8. In the past, no 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 - Not Applicable.**

### **D. National Historic Preservation Act – Not applicable.**

### **E. Magnuson-Stevens Fishery Conservation and Management Act - Not Applicable.**

## **PART V. PUBLIC PARTICIPATION**

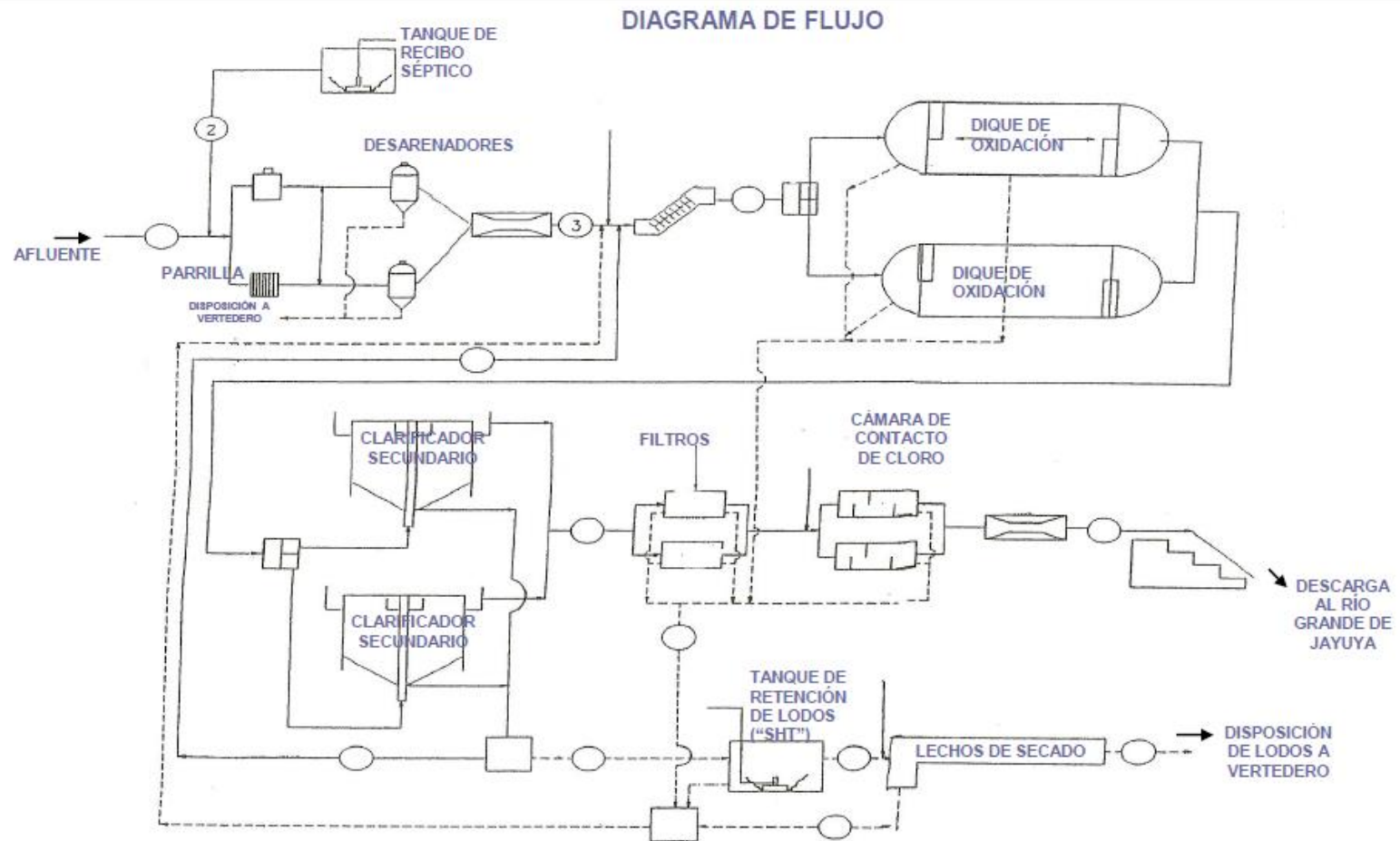
The procedures for reaching a final decision on the draft permit are set forth in 40 C.F.R. Part 124 and are described in the public notice for the draft permit, which is published which is published on EPA's website at <https://www.epa.gov/npdes-permits/puerto-rico-npdes-permits>. Included in the public 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

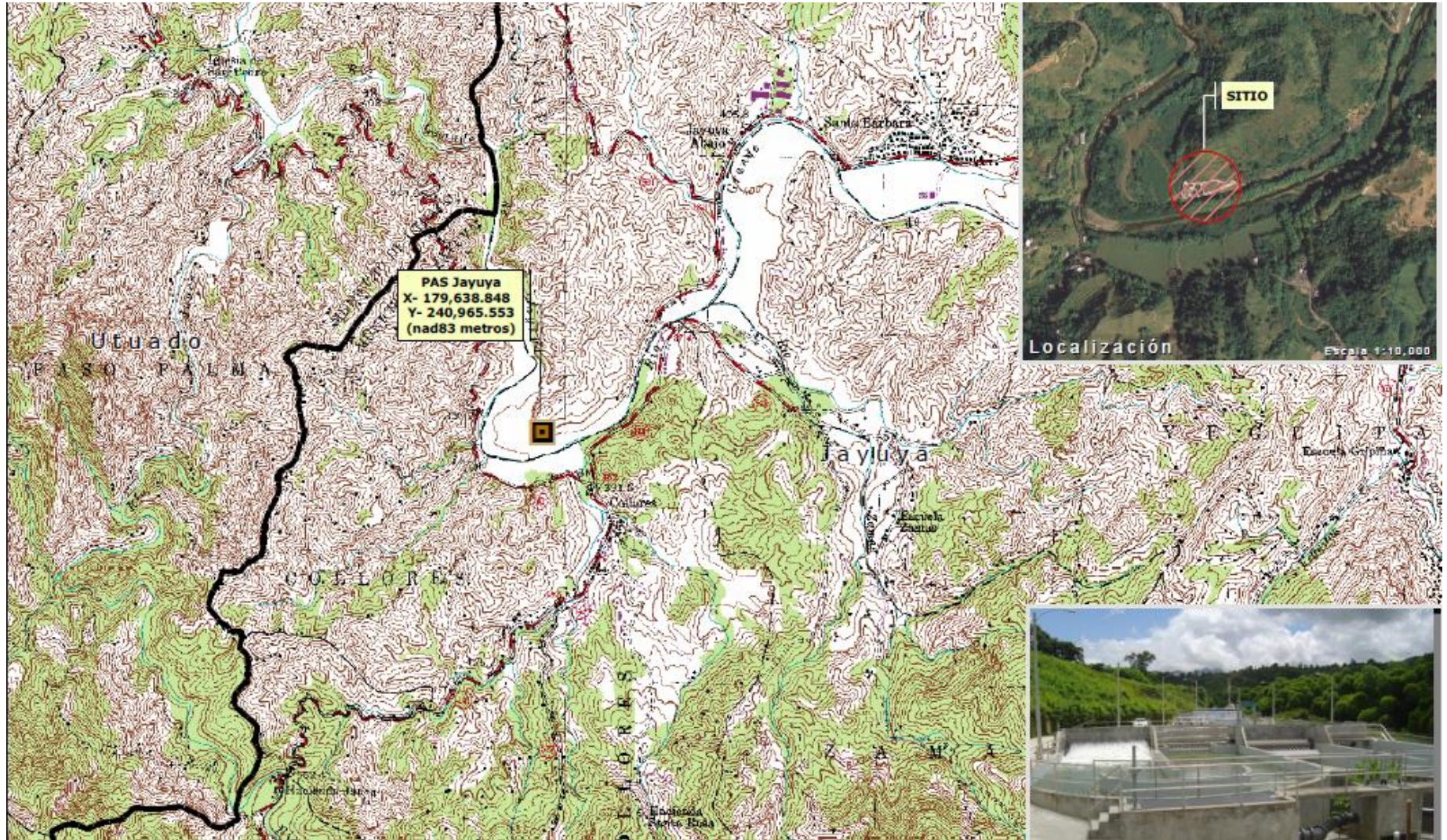
Stephanie Feliciano Cardona  
EPA Region 2, Caribbean Environmental Protection Division  
Permit Writer Phone: 787-977-5820  
Permit Writer Email: felicianocardona.stephanie@epa.gov

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 — FLOW SCHEMATIC AND FACILITY MAP

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





## ATTACHMENT B — WATER QUALITY CERTIFICATE



VIA ELECTRONIC MAIL ([marichu.valentin@acueductospr.com](mailto:marichu.valentin@acueductospr.com))

JUN 10 2025

Mrs. Marichu Valentín Vázquez  
Executive Director  
Environmental Compliance, Health and Occupational Safety  
Puerto Rico Aqueduct and Sewer Authority  
P. O. Box 7066  
San Juan, Puerto Rico 00916-7066

Dear Mrs. Valentín:

**RE: WATER QUALITY CERTIFICATE  
PRASA JAYUYA WASTEWATER TREATMENT PLANT  
STATE ROAD NO. 144, KM 1.0 INTERIOR  
JAYUYA ABAJO WARD  
JAYUYA, PUERTO RICO  
NPDES NO. PR0026531**

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 Table A-1 are met. The conditions specified in the aforementioned table shall be incorporated into the NPDES permit in order to satisfy the provisions of Section 401 (d) of the Act.

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San José Industrial Park, 1375 Ave Ponce de León, San Juan, PR 00926  
www.dna.pr.gov 787.999.2200

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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. Yasmin Laguer, EPA-CEPD

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**TABLE A-1      EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS      NPDES No. PR0026531**

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 secondary treated wastewater. Such discharge shall be limited and monitored by the permittee as specified below:

Receiving Water Body Name and Classification: Rio Grande de Jayuya, 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 <sub>5</sub> (mg/L)	5.0	---	Monthly	Composite
Color (Pt-Co Units)		15	Quarterly	Grab
Copper (Cu) (µg/L)		6.8	Monthly	Grab
Dissolved Oxygen (mg/L)		Shall not be less than 5.0.	Daily	Grab
Enterococci (colonies/100 mL) <sup>σ</sup>		The enterococci density, in terms of geometric mean shall not exceed 35 colonies/100 mL in any 90-day interval; neither the 90 <sup>th</sup> Percentile of the samples taken shall exceed 130 colonies/100 mL in the same 90-day interval.	Twice per Month	Grab
Flow m <sup>3</sup> /day (MGD)		3,785.4 (1.0)	Measured or Estimate	
Oil and Grease (mg/L) <sup>ε</sup>		Non-detectable	Monthly	Grab
pH (SU)		Shall always lie between 6.0 and 9.0.	Daily	Grab
Residual Chlorine (µg/L) <sup>γ</sup>		11	Daily	Grab

**TABLE A-1 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS NPDES NO. PR0026531**

Receiving Water Body Name and Classification: Río Grande de Jayuya, SD

<u>Effluent Characteristics</u>	<u>Gross Discharge Limitations</u> Monthly Average	<u>Daily Maximum</u>	<u>Monitoring Requirements</u> Measurements Frequency	<u>Sample Type</u>
Surfactants as MBAS (µg/L)		100	Quarterly	Grab
Suspended, Colloidal or Settleable Solids (mL/L)		---	Daily	Grab
Temperature °F (°C)	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).			
Total Ammonia Nitrogen (TAN) (mg/L)		0.25	Monthly	Grab
Total Dissolved Solids (mg/L)		500	Monthly	Grab
Total Nitrogen (NO <sub>3</sub> , NO <sub>2</sub> , TKN) (µg/L)		1,700	Monthly	Grab
Total Phosphorus (P) (µg/L)		160	Monthly	Grab
Total Suspended Solids (mg/L)	---	---	Monthly	Composite
Turbidity (NTU)		50	Quarterly	Grab
Special Conditions	See attached sheets which contain special conditions that constitute part of this certification.			

TABLE A-1	EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	NPDES NO. PR0026531
Receiving Water Body Name and Classification: Rio Grande de Jayuya, SD		

Notes:

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

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

- r* See Special Conditions 5 and 6.
- e* See Special Condition 14.
- o* The enterococci density geometric mean and the 90<sup>th</sup> 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 the Municipal Water Programs Branch of the EPA's Region 2 Caribbean Environmental Protection Division, beginning on EDP + 105 days and during the effectiveness of the permit.

## A. SPECIAL CONDITIONS

NPDES NO. PR0026531

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 flow of discharge 001 shall not exceed the limitation of 3,785.4 m<sup>3</sup>/day (1.0 MGD) as daily maximum.
2. The permittee shall provide a written notice to the Water Quality Area of the Department of Natural and Environmental Resources (DNER) and the Environmental Protection Agency (EPA) Region 2 Clean Water Division of the following changes that may affect the treatment system:
  - a. Any new introduction of pollutants to the treatment system, not exclusively sanitary, coming from an industrial facility. If the industrial facility is an existing significant industrial user, shall notify only when the new introduction of pollutants exceeds 1,000 gallons/day.
  - b. Any significant change in volume or character of pollutants being introduced into the treatment system by an existing source at the time of entering in effect the NPDES permit, that may cause a variation in the quality of the effluent to be discharged.

Such notice shall include information on the quality and quantity of the effluent to be introduced into the treatment system and the anticipated impact of such change in quantity and/or quality of the effluent to be discharged from the system.

3. 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.
4. 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.
5. 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.

6. 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.
7. The discharge 001 shall not cause the presence of oil sheen in the receiving water body.
8. 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.
9. Solids from discharge 001 shall not cause deposition in or be deleterious to the existing or designated uses of the water body.
10. 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.
11. 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.
12. 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.
13. 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.

14. The samples taken for the analysis of Oil and Grease shall be analyzed using the analytical method approved by the EPA with the lowest possible detection level, in accordance with Rule 1306.8 of the PRWQSR, as amended.
15. 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.
16. The sampling point for discharge 001 shall be located immediately after the primary flow-measuring device of the effluent of the treatment system.
17. 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"

18. All water or wastewater treatment facilities, whether publicly or privately owned, must be operated by a person licensed by the Examination Board of Water and Wastewater Treatment Plants Operators of Puerto Rico.
19. No later than one hundred eighty (180) days after the Effective Date of the NPDES Permit (EDP), the permittee shall conduct semiannually acute toxicity tests for a period of one (1) year, after which the tests shall be performed annually, of its wastewater discharge through outfall serial number 001, in accordance with the following:
  - a. The test species should be the *Fathead Minnow* (*Pimephales promelas*) and *Cladocera* (*Daphnia magna*). The tests should be static renewal type.
  - b. The toxicity tests shall be conducted in accordance with the EPA publication, EPA-821-R-02-012 Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fifth Edition), October 2002, or the most recent edition of this publication, if such edition is available.
  - c. The tests shall provide a measure of the acute toxicity as determined by the wastewater concentration, which causes 50 percent mortality of the test organisms over a 48-hour period. The test results shall be expressed in terms of Lethal Concentration (LC) and reported as 48-hour, LC<sub>50</sub>.

- d. A procedure report shall be submitted within ninety (90) days after the EDP. The following information shall be included in the procedure report:
    - i. An identification of the organizations responsible for conducting the tests and the species to be tested.
    - ii. A detailed description of the methodology to be utilized in the conduct of the tests, including equipment, sample collection, dilution water and source of test organisms.
    - iii. A schematic diagram, which depicts the effluent sampling location in relation to the wastewater treatment facility and the discharge monitoring point.
    - iv. If stream flow monitoring is required, the method used to obtain the stream flow data in estimating the seven-day two-year low flow ( $7Q_2$ ).
  - e. The results of the tests conducted shall be submitted to the Municipal Water Programs Branch of EPA's Region 2 Caribbean Environmental Protection Division and the DNER's Water Quality Area, within sixty (60) days of completion of the test. Based on the review of the test results, the Regional Administrator of EPA or the DNER can require additional toxicity tests, including chronic tests and toxicity/treatability studies, and may impose toxicity limitations.
20. The solid waste (such as sludge, screenings, and grit) generated due to the operation of the Jayuya Wastewater Treatment Plant shall be:
- a. 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 of the solid waste generated in the facility. Also, copy of the approval or permit applicable to the disposal method used shall be submitted, if any.

- b. Transported adequately in such 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](mailto:bypass@drna.pr.gov).

These notifications 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.

21. A logbook must be kept for the material removed from the Jayuya Wastewater Treatment Plant, such as sludge, screenings and grit, detailing the following items:
  - a. removed material, 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.

22. 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.
23. 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 regarding such prohibition or standard.

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 Puerto Rico Water Quality Standards Regulation, as amended.