ATTACHMENT C

RESPONSIVENESS SUMMARY
FOR THE FOLLOWING WTP DRAFT PERMITS

Adjuntas WWTP (PR0020214)
Dorado WWTP (PR0020460)
Morovis WWTP (PR0020711)
Yabucoa WWTP (PR0021717)
Isabela WWTP (PR0022250)
Cidra WTP (PR0022543)
Adjuntas (Olimpia) WTP (PR0022691)
Negros WTP (PR0024422)
Barranquitas WWTP (PR0025861)
Jayuya WWTP (PR0026531)
Aceitunas WTP (PR0026671)
Las Marías WTP (PR0026930)

On **April 17, 2026**, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTPs) and one Wastewater Treatment Plant (WWTP) owned by the Puerto Rico Aqueduct and Sewer Authority (PRASA) listed above.

According to 40 Code of Federal Regulations (C.F.R.), Part 124.17, at the time that any final permit decision is issued under 40 C.F.R. §124.15, EPA shall issue a response to comments. This response shall (1) specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change; and (2) briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

Comments on behalf of the following comments were received:

Puerto Rico Aqueduct and Sewer Authority (PRASA)
PO Box 7066
Barrio Obrero Station
San Juan, PR 00916

Comments received were just for Aceitunas WTP (PR0026671); Cidra WTP (PR0022543); Las Marías WTP (PR0026930); Negros WTP (PR0024422); Adjuntas WWTP (PR0020214); Barranquitas WWTP (PR0025861); Jayuya WWTP (PR0026531); Morovis WWTP (PR0020711); and Yabucoa WWTP (PR0021717). These permits have been reviewed and considered in this final permit decision. A summary of and response to the comments received follows:

A. GENERAL COMMENT

In its comment letter PRASA has raised a number of issues, many of which address inclusion in the permit of conditions contained in the Water Quality Certificate (WQC) issued by Puerto Rico Department of Natural and Environmental Resources (DNER).

Response: EPA is providing a generalized response to PRASA's comments which relate to requirements in DNER's WQCs.

Section 301(b)(1)(C) of the Clean Water Act (CWA) requires that there be achieved effluent limitations necessary to assure that a discharge will meet Water Quality Standards (WQS) of the applicable State and Federal laws and regulations where those effluent limitations are more stringent than the technology-based effluent limitations required by Section 301(b)(1)(A) of the CWA. Section 401(a)(1) of the CWA requires that the State certify that the discharge will comply with the applicable provisions of Sections 301, 302, 303, 306 and 307 of the CWA. Pursuant to Section 401(d) of the CWA any certification shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal permit will comply with any applicable effluent limitations and other limitations under Section 301 or 302 of the CWA, and with any other appropriate requirement of State law set forth in such certification. Also, 40 C.F.R. §122.44(d) requires that each NPDES permit shall include requirements which conform to the conditions of a State Certification under Section 401 of the CWA that meets the requirements of 40 C.F.R. §124.53. Similarly, 40 C.F.R. §124.55 requires that no final NPDES permit shall be issued unless the final permit incorporates the requirements specified in the certification under §124.53. Concerning the certification requirements in 40 C.F.R. §124.53(e)(1), they specify that all Section 401(a)(1) State certifications must contain conditions which are necessary to assure compliance with the applicable provisions of CWA Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law.

DNER issued final WQCs certifying that pursuant to Section 401(a)(1) of the CWA, after due consideration of the applicable provisions established under Sections 208(e), 301, 302, 303, 304(e), 306 and 307 of the CWA concerning water quality requirements, there is reasonable assurance that the discharge will not cause violations to the applicable WQSs, provided that the effluent limitations set forth in the WQCs are met by the above facility.

The effluent limitations (where more stringent than technology-based effluent limitations), monitoring requirements and other appropriate requirements of State law (including footnotes, Special Conditions, etc.) specified in the final WQC issued by the DNER were incorporated by EPA into the NPDES permit as required by Section 301(b)(1)(C) and 401(d) of the CWA and the applicable regulations. Therefore, concerns and comments regarding the WQC must be directed to DNER or to the Superior Court.

B. Aceitunas WTP (PR0026671)

1. PRASA Comments:

a. Total ammonia nitrogen (TAN), which is listed in the current NPDES permit as Monitor Only, has been changed to 0.081 milligrams per liter (mg/L) in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the Puerto Rico Water Quality Standards Regulation (PRWQSR)indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. It appears the value in the draft NPDES permit was calculated using a maximum pH of 9 SU and maximum temperature of 30°C, resulting in a value of 0.081 mg/L. Using these two fixed input values rather than using field-measured values represents an unlikely condition of pH and temperature occurring simultaneously. Based on the most recent 3 years of DMR data (January 2023 through December 2025), the TAN limit included in the draft NPDES permit is likely to result in recurring exceedances. PRASA requests the limitation remain as Monitor Only.

b. The current NPDES permit requires quarterly monitoring for color and copper (Cu) while the draft NPDES permit calls for monthly sampling of these two parameters. PRASA requests the sampling frequency remain as quarterly.

2. Responses:

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. In the event that EPA receives a revised or modified WQC, we would consider modification of this permit, subject to all applicable federal requirements, to include revised WQC requirements and conditions.

b. The petition is not granted. EPA has incorporated the monitoring requirements for color and copper (Cu) pursuant to the final WQC mandated by DNER. In the event that EPA receives a revised or modified WQC, we would consider modification of this permit, subject to all applicable federal requirements, to include revised WQC requirements and conditions.

C. Cidra WTP (PR0022543)

1. PRASA Comment:

a. TAN, which is listed in the current NPDES permit as Monitor Only, has been changed to 0.081 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. It appears the value in the draft NPDES permit was calculated using a maximum pH of 9 SU and maximum temperature

of 30°C, resulting in a value of 0.081 mg/L. Using these two fixed input values rather than using field-measured values represents an unlikely condition of pH and temperature occurring simultaneously. Based on the most recent 3 years of discharge monitoring report (DMR) data (January 2023 through December 2025), the TAN limit included in the draft NPDES permit is likely to result in recurring exceedances. PRASA requests the limitation remain as Monitor Only.

b. The current NPDES permit requires quarterly monitoring for color while the draft NPDES permit calls for monthly sampling of this parameter. PRASA requests the sampling frequency remain as quarterly.

2. **Response:**

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

b. The petition is not granted. EPA has incorporated the monitoring requirements for color pursuant to the final WQC mandated by DNER.

D. Las Marías (New) WTP (PR0026930)

1. **PRASA Comment:**

a. TAN, which is listed in the current NPDES permit as Monitor Only, has been changed to 0.081 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. It appears the value in the draft NPDES permit was calculated using a maximum pH of 9 SU and maximum temperature of 30°C, resulting in a value of 0.081 mg/L. Using these two fixed input values rather than using field-measured values represents an unlikely condition of pH and temperature occurring simultaneously. Based on the most recent 3 years of DMR data (January 2023 through December 2025), the TAN limit included in the draft NPDES permit is likely to result in recurring exceedances. PRASA requests the limitation remain as Monitor Only.

b. PRASA requests the elimination of Discharge Point 002 from the Las Marías WTP draft NPDES permit. The discharge from the grit classifier was redirected to discharge point 001 on April 22, 2026; therefore, Discharge Point 002 is no longer use and should be removed from the permit.

2. **Response:**

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

b. The petition is not granted. The elimination of discharge point 002 occurred after the WQC was issued (9/25/2024) and there is no certification of this. If Discharge Point 002 was eliminated, please document in the Discharge Monitoring Reports (DMRs) that there was no discharge.

E. Negros WTP (PR0024422)

1. PRASA Comment:

a. TAN, which is listed in the current NPDES permit as Monitor Only, has been changed to 0.081 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. It appears the value in the draft NPDES permit was calculated using a maximum pH of 9 SU and maximum temperature of 30°C, resulting in a value of 0.081 mg/L. Using these two fixed input values rather than using field-measured values represents an unlikely condition of pH and temperature occurring simultaneously. Based on the most recent 3 years of DMR data (January 2023 through December 2025), the TAN limit included in the draft NPDES permit is likely to result in recurring exceedances. PRASA requests the limitation remain as Monitor Only.

b. The parameters of copper, cyanide, phosphorus, and TAN may be elevated above the PRWQSR in the intake water. PRASA requests No Net Addition be added in the effluent limitations table for these parameters.

2. Response:

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

b. The petition is not granted. EPA has incorporated the effluent limitations for copper, cyanide, phosphorus, and TAN pursuant to the final WQC mandated by DNER. See response to A, above.

F. Adjuntas WWTP (PR0020214)

1. PRASA Comment:

a. TAN, which is listed in the current NPDES permit as MO, has been changed to 0.36 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. How the TAN value in the draft NPDES

permit was derived is not clear. The proposed value will result in immediate exceedances based on the most recent 3 years of DMR data (January 2023 through December 2025). PRASA requests the limitation remain as Monitor Only.

b. The current NPDES permit requires quarterly monitoring for cyanide while the draft NPDES permit calls for monthly sampling. PRASA requests the sampling frequency remain as quarterly.

2. Response:

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

b. The petition is not granted. EPA has incorporated the monitoring requirements for cyanide pursuant to the final WQC mandated by DNER. See response to A, above.

G. Barranquitas WWTP (PR0025861)

1. PRASA Comment:

a. Total ammonia nitrogen, which is listed in the current NPDES permit as MO, has been changed to 0.18 mg/L in the draft NPDES. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. How the TAN value in the draft NPDES permit was derived is not clear. The proposed value will result in immediate exceedances based on the most recent 3 years of DMR data (January 2023 through December 2025). PRASA requests the limitation remain as Monitor Only.

2. Response:

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

H. Jayuya Nueva WWTP (PR0026531)

1. PRASA Comment:

a. Total ammonia nitrogen, which is listed in the current NPDES permit as MO, has been changed to 0.25 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not

exceed the concentration in mg/L calculated using the following equation….” The calculation uses temperature and pH. How the TAN value shown in the draft NPDES permit was derived is not clear. The proposed value will result in immediate exceedances based on the most recent 3 years of DMR data (January 2023 through December 2025). PRASA requests the limitation remain as Monitor Only.

2. **Response:**

c. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

I. Morovis WWTP (PR0020711)

1. **PRASA Comment:**

a. Total ammonia nitrogen, which is listed in the current NPDES permit as MO, has been changed to 0.35 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN “…shall not exceed the concentration in mg/L calculated using the following equation….” The calculation uses temperature and pH. How the TAN value shown in the draft NPDES permit was derived is not clear. The proposed value will result in immediate exceedances based on the most recent 3 years of DMR data (January 2023 through December 2025). PRASA requests the limitation remain as Monitor Only.

a. The current NPDES permit requires annual monitoring for TDS, the draft NPDES permit calls for quarterly sampling of this parameter. PRASA requests the sampling frequency remain as annual based on compliance history.

2. **Response:**

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

b. The petition is not granted. EPA has incorporated the monitoring requirements for total disolved solids (TDS) pursuant to the final WQC mandated by DNER. See response to A, above.

J. Yabucoa WWTP (PR0021717)

3. <u>PRASA Comment:</u>

a. Total ammonia nitrogen, which is listed in the current NPDES permit as MO, has been changed to 0.81 mg/L in the draft NPDES permit. For Class SD waters of Puerto Rico, Section 1303.2.C.2.i of the PRWQSR indicates TAN "…shall not exceed the concentration in mg/L calculated using the following equation…." The calculation uses temperature and pH. How the TAN value shown in the draft NPDES permit was derived is not clear. The proposed value will result in immediate exceedances based on the most recent 3 years of DMR data (January 2023 through December 2025). PRASA requests the limitation remain as Monitor Only.

4. <u>Response:</u>

a. The petition is not granted. EPA has incorporated the Total Ammonia Nitrogen (TAN) effluent limitation pursuant to the final WQC mandated by DNER. See response to A, above.

K. CHANGES TO DRAFT PERMITS:

1) All permits Effective Date of the Permit (EDP) was revised to read October 1, 2026. Other dates have been modified according to the EDP.

2) **Whole Effluent Toxicity (WET)** Changes to Adjuntas WWTP (PR0020214); and Isabela WWTP (PR0022250)**,** to correct a typo in Effluent Limitations and Monitoring Requirements for WET parameters on the draft permits published on April 17, 2026. The modifications are explained in the table below.

a) Adjuntas WWTP (PR0020214)

The WET *Menidia beryllina, Mysidopsis bahia*, and *Arbacia punctulata* species parameters were eliminated. This was a typographical error. The WET testing requirements now include the *Pimephales promelas* (Fathead minnow) and *Daphnia magna* (Cladocera).

b) Isabela WTWP (PR0022250)

The WET testing for *Arbacia punctulata* parameter should be eliminated.