

**United States Environmental Protection Agency****Region 2**

Clean Water Division
290 Broadway
New York, New York 10007

FACT SHEET**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
Demaco Corporation
PERMIT No. PR000086**

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 (WQC) issued by the Puerto Rico Environmental Quality Board (EQB) pursuant to CWA section 401 requirements.

Pursuant to 40 CFR 124.53, the Commonwealth of Puerto Rico must either grant a certification pursuant to CWA section 401 or waive this certification before the U.S. Environmental Protection Agency (EPA) may issue a final permit. On March 17, 2017, EQB provided in the interim 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. EQB issued a final WQC *September 29, 2014* which following a Petition for Reconsideration submitted by Demaco Corporation was modified on *February 25, 2015*. In accordance with CWA section 401, EPA has incorporated the conditions of the modified WQC into the draft permit. Any changes to the 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.

Background**A. Permittee and Facility Description**

The Demaco Corporation (referred to throughout as the Permittee) has applied for renewal of its National Pollutant Discharge Elimination System (NPDES) permit. The Permittee is discharging pursuant to NPDES Permit No. PR0000086. The Permittee submitted Application Form 1 dated June 27, 2012, Form 2E and 2F dated June 27, 2012, and applied for an NPDES permit to discharge treated wastewater (from offices and general shop use as well as occasional aerated lagoon waters to outfall 1) and waters composed of entirely stormwater (to outfall 2) from the Demaco Corporation, Guayanilla, called the facility. The facility has been classified as a major discharger by EPA in accordance with the EPA rating criteria.

The Permittee owns and operates a terminal for hire. 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 for outfall 001 consists of the following:

The sanitary wastewater package for the office and general shop wastewater and aeration for the lagoon which consists of rain water and the treated water from the sanitary package plant.

Solids generated from the system are managed as hazardous waste upon removal from the treatment units.

The Permittee will discharge noncontact stormwater runoff through Outfall 002.

Summary of Permittee and Facility Information

Permittee	Demaco Corporation
Facility contact, title, phone	Mr. Gennaro Dessy, President 787-835-2315
Permittee (mailing) address	P.O. Box 8283, Ponce, PR 00732
Facility (location) address	State Road No. 127 KM 13.4, Magas Ward, Guayanilla, PR 00656
Type of facility	Industrial with SIC code 4226
Pretreatment program	N/A
Facility monthly average flow	0.027
Facility design flow	0.720
Facility classification	Major

B. Discharge Points and Receiving Water Information

Wastewater is discharged from Outfall 001 to the Bahia de Guayanilla and stormwater is discharged from Outfall 002 to Bahia de Guayanilla 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	Wastewater/Lagoon	18.00°, 0.00', 25" N	66.00°, 46.0', 24.0" W	Bahia de Guayanilla, SC
002	Stormwater	18.00°, 0.00', 14.0 "N	66.00°, 45.0', 34.0" W	Bahia de Guayanilla, SC

As indicated in the Puerto Rico Water Quality Standards (PRWQS) Regulations, the designated use for Class SC receiving waters include:

Class SC - Coastal waters intended for primary contact recreation use from the zone subject to ebb and flow of tides (mean sea level) to 3 miles seaward, and secondary contact recreation from 3 miles seaward to 10.35 miles seaward, and for the propagation and preservation of desirable species, including threatened or 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 not been determined to have water quality impairments for one or more of the designated uses as determined by section 303(d) of the CWA.

C. Mixing Zone/Dilution Allowance

The WQC has not authorized an interim mixing zone for this discharge in accordance with Rule 1305 of PRWQS.

D. Compliance Orders/Consent Decrees

The Permittee does not have any compliance orders or consent decrees.

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:

1. Clean Water Act section 401 Certification
2. NPDES Regulations (40 CFR Part 122)
3. PRWQS (March 2010), and
4. Secondary Treatment Requirements (40 CFR 133).

PART I. 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 PRWQS. The basis for each limitation or condition is discussed below.

A. Effluent Limitations

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

1. **Flow:** Effluent limitations for flow has been established in the permit. Monitoring conditions are applied pursuant to 40 CFR 122.21(j)(4)(ii) and the WQC.
2. **5-Day Biochemical Oxygen Demand (BOD₅):** The effluent concentrations are based on technology-based secondary treatment standards for biological treatment.
3. **pH:** The effluent limitation for pH is based on the water quality criterion for Class SC waters as specified in Rule 1303 and 1306 of PRWQS, and the WQC.
4. **Temperature:** The effluent limitation for temperature is based on the water quality criterion for Class SC waters as specified in Rule 1303 and 1306 of PRWQS, and the WQC.
5. **Enterococci:** The discharge consists of wastewater/lagoon water outfall 001 and stormwater outfall 002 that is a source of pathogens. To ensure that the recreational use of the water body is met, effluent limitations for enterococci are established in the permit and are based on the water quality criterion for Class SC waters as specified in Rule 1301, 1303 and 1306 of PRWQS, and the WQC. Consistent with the expression of the water quality criteria for enterococci, the geometric mean shall not exceed 35 colonies/100mL in any 90 day interval; neither the 90th percentile of the samples taken shall exceed 130 colonies/100mL in the same 90 day interval.
6. **Dissolved Oxygen (DO):** The effluent limitation is based on the water quality criterion for Class SC waters as specified in Rule 1301, 1303 and 1306 of PRWQS, and the WQC.
7. **Whole Effluent Toxicity (WET):** CWA section 101(a) establishes a national policy of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Specifically, CWA section 101(a)(3) and PRWQS Rule 1303(l) prohibit the discharge of toxic pollutants in toxic amounts. Federal regulations at 40 CFR 122.44(d) also require that where the permitting authority determines, through the analysis of site-specific WET data, that a discharge causes, shows a reasonable potential to cause, or contributes to an excursion above a water quality standard, including a narrative water quality criterion, the permitting authority must establish effluent limits for WET. To satisfy the requirements of the CWA, its implementing regulations, and the PRWQS, a reasonable potential analysis for WET was conducted for this discharge.

PRWQS do not provide a numeric criterion for toxicity. Therefore, consistent with the recommendations of section 2.3.3 of EPA's *Technical Support Document (TSD) for Water Quality-Based Toxics Control* (EPA-505-2-90-001), values of 0.3 acute toxic unit (TU_a) and 1.0 chronic toxic unit (TU_c) were used to interpret the narrative water quality criteria for WET established in PRWQS Rule 1303(l). No limits have been established, however, the permit establishes monitoring requirements which will be evaluated by EQB to determine if effluent limitations are necessary.

In addition, 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.

8. **Toxic Metals, Organic Compounds, Sulfide and Cyanide:** In accordance with 40 CFR 122.44(d), a WQBEL must be established if the discharge of a pollutant demonstrates that it is or might be discharged at a level that will cause, have the reasonable potential to cause, or contributes to an excursion above any state water quality standard. The need for WQBELs is based on the procedures specified in section 5 of EPA's TSD and by comparing effluent data and water quality criteria established in PRWQS Rule 1303 and the National Toxics Rule at 40 CFR 131.36(d)(4). On the basis of review of effluent and other data, EPA has determined the following:

- Cadmium has been identified as a contaminant of concern for the facility.
- Nitrogen was found to be not present in amounts that would exceed the PRWQS, therefore, it has not been included in the Draft WQC.
- Copper, Cyanide, Lead, Mercury, pentachlorophenol, Phenol, Selenium, Silver, Sulfate, Sulfide, and Zinc have been identified as a potential contaminants of concern for the facility. A monitoring program has been established for these parameters.
- Turbidity limitations remain in the permit.
- Acids, Base/Neutrals, pesticides, metals (excluding copper and zinc), and volatiles were not found to be discharged in the effluent. Thus, these toxic pollutants do not have effluent limitations proposed in the permit.

B. Effluent Limitations Summary Table

Outfall Number 001

Parameter	Units	Effluent limitations					Basis
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	
Effluent Flow	mgd	Continuous recording	0.046	0.027	-- --	0.027	TBEL
Effluent BOD, 5-day (20°C)	mg/L	Average Monthly Daily Maximum	-- --	30 45	-- --	30 45	TBEL
	kg/day	Average Monthly Daily Maximum	-- --	3.064 180.40	-- --	81.65 122.47	TBEL
Color	Pt-C Units	Maximum Daily Average Monthly	-- --	-- --	-- --	Narrative	WQBEL
Cadmium	µg/L	Maximum Daily	--	--	--	8.85	WQBEL
Dissolved Oxygen	mg/L	Daily Minimum	--	4.0	--	4.0	WQBEL
Effluent TSS	mg/L	Average Monthly Daily Maximum	54	-- --	-- --	30 45	TBEL
	kg/day	Average Monthly Daily Maximum	--	80.24 125.77	--	81.65 122.47	TBEL
pH	standard units	Minimum Maximum	6.98 (2) 8.96	7.3 8.5	--	7.3 8.5	WQBEL
Enterococci	(colonies/ 100 ml)	--	--	--	--	35/130	WQBEL
Solids and other Matter	N/A	N/A	--	Narrative	--	Narrative	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	--	Narrative	--	Narrative	WQBEL
Taste and Odor Producing Substances	N/A	N/A	--	Narrative	--	Narrative	WQBEL
Temperature	°F (°C)	Daily Maximum	(33.5°C)	90° (32.2°) and Narrative	--	90° (32.2°) and Narrative	WQBEL
Oil and Grease	(mg/l)	Daily Average Maximum Daily	--	Narrative	--	Narrative	WQBEL
Residual Chlorine	µg/L	Daily Maximum	--	500	--	7.5	WQBEL
Total Nitrogen	µg/L	Daily Maximum	--	5,000	--	5,000	WQBEL
Surfactants (as Methyl Blue Active substances)	µg/L	Daily Maximum	--	500	--	500	WQBEL
Turbidity	NTU	Daily Maximum	--	10	--	10	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 April 2012 to April 2017.

Outfall Number 002

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
Effluent Flow	mgd	1/Monthly	--	N/A	--	N/A	N/A
Effluent TSS	mg/L	1/Monthly	--	--	--	Monitor only	N/A
	kg/day	1/Monthly	--	--	--	Monitor only	N/A
pH	standard units	Minimum Maximum	--	7.3 8.5	--	7.3 8.5	WQBEL
Solids and other Matter	N/A	1/Monthly	--	--	--	Narrative	WQBEL
Suspended, Colloidal or Settleable Solids	(mL/L)	1/Monthly	--	--	--	Narrative	WQBEL
Taste and Odor Producing Substances	N/A	1/Monthly	--	--	--	Narrative	WQBEL
Temperature	°F (°C)	Daily Maximum	--	90 (32.2) and Narrative	--	90 (32.2) and Narrative	WQBEL
Oil and Grease	(mg/l)	Bi-Monthly Average	--	--	--	Narrative	WQBEL
2,4,6-Trichlorophenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
2,4-Dichlorophenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
2,4-Dimethylphenol	µg/L	Monitor only	--	--	--	Monitor only	N/A

Parameter	Units	Effluent limitations					
		Averaging period	Highest Reported Value (1)	Existing limits	Interim limits	Final limits	Basis
2,4-Dinitrophenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
2-Chlorophenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
2-Methyl-4,6-Dinitrophenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
Arsenic (As)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Cadmium (Cd)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Chromium VI (Cr ⁺⁶)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Color	Pt-Co Units	Monitor only	--	--	--	Monitor only	N/A
Copper (Cu)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Cyanide, Free (CN)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Dissolved Oxygen	mg/L	Monitor only	--	--	--	Monitor only	N/A
Lead (Pb)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Mercury	µg/L	Monitor only	--	--	--	Monitor only	N/A
Pentachlorophenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
Phenol	µg/L	Monitor only	--	--	--	Monitor only	N/A
Selenium (Se)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Silver (Ag)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Sulfate (SO ₄)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Sulfide (undissociated H ₂ S)	µg/L	Monitor only	--	--	--	Monitor only	N/A
Surfactants as MBAS	µg/L	Monitor only	--	--	--	Monitor only	N/A
Turbidity	NTU	Monitor only	--	--	--	Monitor only	N/A
Zinc (Zn)	µg/L	Monitor only	--	--	--	Monitor only	N/A

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 April 2012 to April 2017.

(2) Minimum reported value.

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. 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.

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 EQB's *Anti-Degradation Policy Implementation Procedure* in Attachment A of PRWQS. In addition, CWA sections 402(o)(2) and 303(d)(4) and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. Further, the Region 2 Anti-backsliding 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.

PART II. 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 WQC in the permit that EQB determined were necessary to meet PRWQS. The Special Conditions established in this section are only those conditions from the WQC that have not been established in other parts of the permit.

2. Best Management Practices (BMP) Plan

The Permittee has developed a BMP in accordance with 40 CFR 122.2 and 122.44(k). The BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to waters of the United States.

3. Compliance Schedules

The schedule (activity/compliance deadline) of the Compliance Plan (CP) is established in the Work Plan – Decommission and Demolition of Industrial Wastewater Treatment Plant, submitted by PECLLC to the Water Quality Area and approved on October 18, 2013. PECLLC must prepare and submit to EQB and EPA bimonthly Progress Reports of the compliance of the Schedule of Activities established in the approved CP. The first Progress Report shall be submitted in the EDP + 2 months, and thereafter until all work is completed. PECLLC must notify EQB and EPA in written when all the activities established in the approved CP have been completed.

4. Other Special Conditions – N/A

PART III. 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.

In a May 2000 memo to the Regions, EPA Headquarters provided guidance to the Regions in making a determination as to whether a final permit may be issued while waiting for consultation to be concluded. As part of this permit action, if consultation has not been completed by final permit issuance and EPA has concluded that permit issuance is consistent with section 7 prior to the conclusion of consultation, EPA will re-issue the final permit before consultation is concluded and will document this decision in the Administrative Record. At the time consultation is completed, EPA may decide that changes to the permit are warranted after permit issuance based on the results of the consultation. Therefore, a reopener provision to this effect has been included in the Permit.

C. Environmental Justice

EPA has performed an Environmental Justice (EJ) Analysis for the discharge in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations*, and EPA's Plan EJ 2014. EJ is the right to a safe, healthy, productive and sustainable environment for all, where "environment" is considered in its totality to include the ecological, physical, social, political, aesthetic and economic environments. In the NPDES permitting program, the public participation process provides opportunities to address EJ concerns by providing appropriate avenues for public participation, seeking out and facilitating involvement of those potentially affected, and including public notices in more than one language where appropriate. The facility is in an area characterized as a Community of Concern and therefore is subject to the EJ requirements. In the EJ Analysis, EPA determined that the area is low-income. As a result, EPA has established conditions in the permit to minimize the impact(s) on the Community of Concern affected by the discharge. These conditions include providing public notice of the availability of the draft permit for public comment. EPA is committed to taking all necessary actions to minimize potential adverse effects in the Guayanilla area from Demaco Corporation. A detailed discussion of the EJ Analysis is provided in the Administrative Record and is available for review upon request.

D. 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.

E. Climate Change

EPA has considered climate change when developing the conditions of the permit. This is in accordance with the draft *National Water Program 2012 Strategy: Response to Climate Change* that identifies ways to address climate change impacts by NPDES permitting authorities (77 Federal Register 63, April 2, 2012, 19661-19662). Climate change is expected to affect surface waters in several ways, affecting both human health and ecological endpoints. As outlined in the draft National Water Program 2012 Strategy, EPA is committed to protecting surface water, drinking water, and ground water quality, and diminishing the risks of climate change to human health and the environment, through a variety of adaptation and mitigation strategies. These strategies include encouraging communities and NPDES permitting authorities to incorporate climate change strategies into their water quality

planning, encouraging green infrastructure and recommending that water quality authorities consider climate change impacts when developing water load and load allocations for new TMDLs, identifying and protecting designated uses at risk from climate change impacts. The 2010 *NPDES Permit Writers' Manual* also identifies climate change considerations for establishing low-flow conditions that account for possible climatic changes to stream flow. The conditions established in the permit are consistent with the draft National Water Program 2012 Strategy.

F. 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.

G. 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 permit may be modified or revoked and reissued based on the results of coordination with National Marine Fisheries Service regarding essential fish habitats (EFH) pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act.

PART IV. 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 **<newspaper name>**. 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

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

ATTACHMENT A — FACILITY MAP AND FLOW SCHEMATIC

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



