



**United States Environmental Protection Agency**  
**Region 2**  
Clean Water Division  
290 Broadway  
New York, New York 10007

**Statement of Basis for Major Permit Modification**

**DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**EcoEléctrica, L.P.**  
**PERMIT No. PR0025984**

A modification is being proposed to the NPDES permit for EcoEléctrica, L.P. in response to a May 14, 2015 request to EPA from the permittee for a permit modification under the National Pollutant Discharge Elimination System (NPDES) to the EcoEléctrica, L.P. facility in the Municipality of Peñuelas, Puerto Rico. EcoEléctrica requested the modification to remove the effluent limitation for sulfates.

Rule 1303.2 of the Puerto Rico Water Quality Standards (PRWQS) states that for "estuarine waters classified as SC, sulfates shall not exceed 2,800 mg/l. The term "estuary" is defined in Rule 1301.1 of the PRWQS as that portion of the mouth or lower course of a river, stream, canal, or lagoon, in which the fresh water meets the sea water and is subject to the ebb and flow of the tides. As shown through extensive water quality monitoring conducted by EcoEléctrica since 2000, the area of the Guayanilla Bay where the facility's outfall is located does not have estuarine characteristics.

Pursuant to 40 CFR 124.53, the Commonwealth of Puerto Rico Environmental Quality Board (EQB) must either grant and certification pursuant to CWA section 401 or waive this certification before the U.S. Environmental Protection Agency (EPA) may issue a final permit. On November 2, 2015, EQB provided notice of its intent to issue a modified water quality certificate (WQC) to eliminate the effluent limitation for sulfate. On December 17, 2015, EQB issued a final WQC that eliminated the effluent limitation for sulfate. This permit is being modified to remove the sulfate effluent limitation and monitoring requirements in order to remain consistent with PRWQS and the final WQC.

All correspondence regarding this modification is part of the administrative record. This modification to the NPDES permit consists of the following:

- 1) Changing the cover page to specify the effective date of the modified NPDES permit and to provide signature for the modified permit,
- 2) Eliminating the sulfates limitations and monitoring requirements from the Effluent Limitations Table in Part II of the permit, and
- 3) Revising footnote 4 of the Effluent Limitations Table in Part II of the permit to remove the sulfate monitoring and reporting details. Text stating "No longer applicable. Retained to preserve footnote numbering" has replaced the original footnote text.

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 de Puerto Rico*. 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](http://www.epa.gov/region02/water/permits.html).