

## **Response to Comments Received during First Public Comment Period of First Draft NPDES Permit Noticed on June 2, 2021**

Comments were received on the June 2, 2021 noticed Draft National Pollutant Discharge Elimination System permit for the Bacardi Corporation from the Puerto Rico Department of Natural and Environmental Resources by email dated June 9, 2021, and from the applicant, Bacardi Corporation, by letter dated June 30, 2021.

### **Response to Comments received from Puerto Rico Department of Natural and Environmental Resources in an email dated June 9, 2021.**

**DNER Comment 1:** Part II.A – Table A-1:

#### **DNER Comment 1a:**

Footnote (5) for Free Cyanide should refer to Part IV.B.1, Special Condition “j” instead of Special Condition “l”.

#### *EPA Response DNER 1a:*

*EPA has made this correction.*

#### **DNER Comment 1b:**

Footnote (7) for Sulfide should refer to Part IV.B.1, Special Condition “i” instead of Special Condition “k”.

#### *EPA Response DNER 1b:*

*EPA has made this correction.*

#### **DNER Comment 1c:**

Sample type and Sample frequency are in blank for Selenium.

#### *EPA Response DNER 1c:*

*EPA has added the sample type and frequency from the final water quality certificate issued on March 5, 2021.*

#### **DNER Comment 1d:**

It seems that footnote (8) is for Dissolved Oxygen instead of Suspended, Colloidal or Settleable Solids.

EPA Response DNER 1d:

*EPA has removed this footnote, as it was added in error.*

**DNER Comment 2: Part II.A – Table A-3:**

**DNER Comment 2.a.**

Reference to Part IV.B.1, Special Condition “s” (which corresponds to special condition 19 of the WQC) is absent for all of the parameters in this table.

EPA Response 2.a.

*The footnotes were omitted in error, references to Special Condition 19 of the WQC have been added.*

**DNER Comment 2.b.**

Please verify if it is, or not, EPA’s intention to require daily and monthly monitoring for the parameters in this table (Mixing Zone Monitoring Stations), as this is different from what is established in Special Condition “s” in Part IV.B.1 (which corresponds to special condition 19.e of the WQC).

EPA Response 2.b.

*It is EPA’s intention to include the mixing zone requirements of the WQC. Any discrepancies were included in error.*

**DNER Comment 2.c.**

Footnotes and the reference to the footnotes corresponding to Free Cyanide and Sulfide (as in Table A-2 of the WQC) are missing.

EPA Response 2.c.

*EPA has corrected the footnotes reference to the analytical methods for these parameters.*

**DNER Comment 3: Part II.A – Table A-3:**

Please verify the title of the footnotes for this table. It reads: “Table A-2 Notes”.

EPA Response 3.d.

*This table has been re-numbered as Table A-6, the footnote list has been corrected to read Table A-6 Notes.*

**DNER Comment 4.**

Tables A-3, A-4 and A-5 of the WQC were not included in Part II.A of the draft NPDES Permit. Also, please include the corresponding references and footnotes of those tables.

*EPA has added these three tables that outline mixing zone and background station monitoring requirements and effluent limitations. They were omitted inadvertently. EPA is re-noticing the draft permit and fact sheet in order to present the full requirements and give an additional 30-day public comment period.*

**DNER Comment 5. Part IV.B.1:**

**DNER Comment 5.a.**

Special Condition “o” must refer to Bacardí Corporation (BC) instead of the Bayamón Regional Wastewater Treatment Plant (BRWWTP).

EPA Response DNER 5.a.

*EPA has made this correction.*

**DNER Comment 5.b.**

Special Condition “o.1” and “s.11” shall refer to the “Multimedia Permits and Compliance Branch” instead of the “Municipal Water Programs Branch” of the EPA.

EPA Response DNER 5.b.

*EPA has made these corrections.*

**DNER Comment 5.c.**

Special Condition “p” must refer to BC instead of BRWWTP.

EPA Response 5.c.

*EPA has made this correction.*

**DNER Comment 5.d.**

The first two (2) sentences of the paragraph that follows the Mixing Zone Geographic Coordinates in Special Condition “s.1” do not correspond to this facility.

EPA Response DNER 5.d.

*EPA has removed these sentences as they were included in error.*

**DNER Comment 5.e.**

The asterisk (\*) and its definition that were added for Geographic Coordinates in Special Condition 19.c of the WQC were missing in Special Condition “s.3” of the Draft NPDES Permit.

EPA Response DNER 5.e.

*EPA has made the correction and added the asterisk information.*

**DNER Comment 5.f.**

Surfactants and its corresponding limitations are missing in Special Condition “s.5”.

EPA Response DNER 5.f.

*EPA has made the correction and added the limitations for Surfactants as MBAS*

**DNER Comment 5.g.**The phrase “except for enterococci” is missing in the first sentence of Special Condition “s.13”.

EPA Response DNER 5.g.

*EPA has made the correction and added the exception for enterococci to Special Condition s.13.*

**DNER Comment 6:**

The reporting requirements for **Bacterial Monitoring** established in Part III.A.5 of the draft NPDES Permit are different from the requirements established for Enterococci in **Footnote (6)** of Table A-1 in Part II.A and in Part IV.B.1, Special Conditions “s.5” and “s.15” (which correspond to special conditions 19.e and 19.v of the WQC) of the same Permit.

*EPA Response DNER 6:*

*EPA has replaced the standard bacterial monitoring condition with the enterococci requirements specific to the Bacardi Corporation and mixing zone Special Condition.*

**DNER Comment 7:**

The WET Special Condition in Part IV.B.2 does not include the requirements established in Special Condition 19.i of the WQC.

*EPA Response DNER 7:*

*EPA has added additional conditions from the Final WQC to the WET Special Condition at Part IV.B.2. We believe all monitoring and reporting requirements by both EPA and DNER have been covered by integrating the DNER mixing zone WET Requirements and the EPA requirements. Some flexibilities from the DNER condition, such as the substitution of other adequate methods, cannot be offered by EPA for WET monitoring to comply with an effluent limit. The testing method manuals referenced do offer some flexibilities that may be pursued by the permittee subject to approval by DNER and EPA.*

Comments Received from Bacardi Corporation dated June 30, 2021

**Comment #1 : Discharge Points Table**

Correct the outfall coordinates as follows to reflect the diffuser apex.

Latitude: 18° 29' 5.46"

Longitude: 66° 8' 20.82"

EPA Response Bacardi 1:

*EPA has made the correction.*

**Comment #2 : PART I - BACKGROUND, D. Mixing Zone/Dilution Allowance**

The final Water Quality Certificate (WQC) was based on the latest mixing zone application from 2016, which revised the dilution to 150:1. Thus the effluent limitations and compliance calculations on which the final WQC was based were all based on 150:1, not 102:1 as stated in the permit. Thus, the Mixing Zone/Dilution allowance should be revised to reflect the 150:1 value.

EPA Response Bacardi 2:

*EPA has made the correction.*

**Comment #3: PART II - Table A-1 Final Effluent Limitations - Outfall # 001-Solids and Other Matter**

The 2021 final WQC does not establish sampling or frequency requirements for Solids and Other Matter. Thus, Table A-1 should be revised to delete the sampling and frequency requirements.

EPA Response Bacardi 3:

*EPA has made the correction.*

**Comment #4: PART II - Table A-1 Final Effluent Limitations - Outfall # 001-Suspended, Colloidal or Settleable Solids**

The footnote used is inappropriate. See comment on Footnote 8.

**EPA Response Bacardi 4:**

*EPA has removed the footnote which was included in error.*

**Comment #5: PART II - Table A-1 Final Effluent Limitations - Outfall # 001-Footnote 5**

Footnote 5 should reference Special Condition "j" rather than Special Condition "i".

**EPA Response Bacardi 5:**

*EPA has made the correction.*

**Comment #6: PART II - Table A-1 Final Effluent Limitations - Outfall # 001-Footnote 7**

Footnote 7 should reference Special Condition "i" rather than Special Condition "k".

**EPA Response Bacardi 6:**

*EPA has made the correction.*

**Comment #7: PART II - Table A-1 Final Effluent Limitations - Outfall # 001-Footnote 8**

DO is a mixing zone parameter, therefore Footnote 8 should be removed. Further, it is misplaced in the table.

**EPA Response Bacardi 7:**

*EPA has removed Footnote (8).*

**Comment #8: PART II - Table A-1 Final Effluent Limitations - Outfall # 001-Footer 9**

Footer 9 should be renumbered as footer 8 and replaced as such throughout Table A-1.

**EPA Response Bacardi 8:**

*EPA has made the correction.*

**Comment #9: PART III. REPORTING REQUIREMENTS AND COMPLIANCE DETERMINATION, A.5. Bacterial Monitoring**

This requirement is based on a previous version of the PRWQSR, therefore It should be changed to reflect footer (6) on Table A-1.

**EPA Response Bacardi 9:**

*EPA has replaced the Bacterial Monitoring requirements with the requirements of footer (6) for Enterococci.*

**Comment #10: PART IV. Standard and Special Conditions - Section B.1.o**

This should reference the Bacardi Corporation instead of BRWWTP.

**EPA Response Bacardi 10:**

*EPA has made the correction.*

**Comment #11: PART IV. Standard and Special Conditions - Section B.1.p**

This should reference the Bacardi Corporation instead of BRWWTP.

**EPA Response Bacardi 11:**

*EPA has made the correction.*



**Comment #12: PART IV. Standard and Special Conditions - Section B.1.s.1**

The diffuser configuration description should be revised to be fully consistent with the configuration description in the 2021 final WQC.

EPA Response Bacardi 12:

*EPA has made the correction.*

**Comment #13: PART IV. Standard and Special Conditions - Section B.1.s.5**

Surfactants are included in the 2021 final WQC and Draft NPDES Permit Mixing Zones; thus, the list of parameters included in this section should be revised to include Surfactants as follows:

Surfactants (MBAS) ( $\mu\text{g/L}$ ),

Daily Maximum Discharge Limitation at Outfall Serial Number 001 of 1,362

Daily Maximum Limitation at the Edge of the MZ of 500

EPA Response Bacardi 13:

*EPA has made the correction and added the above listed Outfall 001 and mixing zone limitations for Surfactants as MBAS.*

**Comment #14: PART IV. STANDARD AND SPECIAL CONDITIONS, B.1.s.5.,  
Footnote ‡**

This condition is for effluent therefore the note should reference item 15) in the mixing zone definition table notes.

EPA Response Bacardi 14:

*EPA has added the references to Item 15) and 16) of Special Condition B.1.s. to Tables A-4 and Table A-5 Table Notes.*

**Comment #15: PART IV. Standard and Special Conditions - Section B.2  
Whole Effluent Toxicity Testing**

The heading should be revised to be aligned with the 2021 final WQC and read “Whole Effluent Toxicity Testing for Combined Discharges.” This clarifies that the entire Section B.2 pertains to the combined discharges of the Bacardi Corporation, the Puerto Nuevo RWWTP and the Bayamón RWWTP. In addition,

the quarterly monitoring should be eliminated from table A-1 and be aligned with the 2021 final WQC.

**EPA Response Bacardi 15:**

*EPA has clarified that the monitoring requirement and effluent limitation applies to the combined discharge. Should Toxicity Reduction Evaluation or Identification activities be necessary, it may be necessary to evaluate individual contributions from either Bacardi or the two PRASA facilities.*

*EPA is retaining the quarterly monitoring requirement as it is for the purposes of determining compliance with the numeric effluent limit, which was included due to the reasonable potential of this discharge to cause or contribute to an exceedance of the Puerto Rico Water Quality Standards for toxicity. EPA must include a numeric limit where reasonable potential is demonstrated, and include regular monitoring to determine compliance with such limits.*

**Comment #16: PART IV. Standard and Special Conditions - Section B.2  
Whole Effluent Toxicity Testing**

This should reference the Bacardi Corporation instead of PRASA.

**EPA Response Bacardi 16:**

*EPA has made the correction.*

**Comment #17: PART IV. STANDARD AND SPECIAL CONDITIONS, B.2.a.1.  
Monitoring Frequency and Sample Type**

The NOEC % effluent value is based on a dilution of 102:1. It should be revised to reflect the dilution of 150:1 used in the 2021 final WQC.

**EPA Response Bacardi 17:**

*EPA has made the correction and calculated both Reasonable Potential and the effluent limitation using a dilution ratio of 150:1.*

**Comment #18: PART IV. STANDARD AND SPECIAL CONDITIONS, B.2.a.1.  
Monitoring Frequency and Sample Type**

The beginning of this paragraph says annual (which is as specified in the final WQC). Table A1 indicates annual acute and quarterly chronic WET testing requirements. Further, the final WQC only requires only annual chronic testing. This description of testing requirements should be revised to include only annual chronic testing of the combined effluent as required in the 2021 final WQC.

**EPA Response Bacardi 18:**

*EPA is retaining the quarterly monitoring requirement as it is for the purposes of determining compliance with the numeric effluent limit, which was included due to the reasonable potential of this discharge to cause or contribute to an exceedance of the Puerto Rico Water Quality Standards for toxicity. EPA must include a numeric limit where reasonable potential is demonstrated, and include regular monitoring to determine compliance with such limits. Annual monitoring is not an adequate frequency to regularly determine compliance with the numeric effluent limit for the combined discharge, nor would it provide enough information to assess reasonable potential for the next permit issuance.*

**Comment #19: PART IV. STANDARD AND SPECIAL CONDITIONS, B.2.b.  
Toxicity Reduction Evaluation (TRE) Workplan**

This should say "...if toxicity is measured in the effluent at levels higher than the trigger point."

EPA Response Bacardi 19:

*EPA has added this phrase and also clarified that this applies to the combined discharge.*

**Comment #20: ATTACHMENT B: Standard Conditions - Number 15**

The reference to “paragraph 2 of Part I.B” needs clarification or correction.

EPA Response Bacardi 20:

*EPA has corrected the reference to “paragraph 2 of Part III.B”*

## **Bacardi Corporation Comments on the June 2, 2021 Fact Sheet**

### **Comment #21: FACT SHEET - Second introductory paragraph**

Clarification is requested from EPA concerning the statement: "Additional requirements might apply to comply with other sections of the CWA."

#### **EPA Response Bacardi 21:**

*EPA includes this language in fact sheets for all NPDES permits in Puerto Rico, as other Sections of the Clean Water Act may apply, depending on the nature of the facility location and activities. For example, CWA Section 403 applies to Ocean Discharges. CWA Section 316 applies to both thermal discharges and facilities that withdraw water for cooling purposes. If additional Sections of the CWA apply to a particular facility, they are discussed later in the fact sheet for that permit.*

### **Comment #22: FACT SHEET - PART I. ADMINISTRATIVE HISTORY**

The following information is provided as clarification of the WQC process history. Application for a WQC and definition of mixing zones was submitted to DNER, with a copy to EPA, on July 29, 2016, updated on June 18, 2019, to include more recent effluent data, and updated again on September 18, 2020, to respond to the new regulations for total nitrogen. The Intent to Issue a Water Quality Certificate and the final WQC were based on these submittals. Further, the statement that "PR DNER issued and Interim Water Quality Certificate..." should be changed to indicate that DNER issued an "...Intent to Issue A Water Quality Certificate..."

#### **EPA Response Bacardi 22:**

*EPA has modified the Fact Sheet to include these additional milestones.*

**Comment #23: FACT SHEET - PART II. BACKGROUND, A. Permittee and Facility Description**

Spelling for "sulfure" should be corrected to "sulfur".

**EPA Response Bacardi 23:**

*EPA has made the correction.*

**Comment #24: FACT SHEET - PART II. BACKGROUND, A. Permittee and Facility Description**

References to EQB should be updated to DNER, as defined on page 1.

**EPA Response Bacardi 24:**

*EPA has made the correction.*

**Comment #25: FACT SHEET - PART II. BACKGROUND, B. Discharge Points and Receiving Water Information**

The outfall coordinates should be corrected as follows to reflect the diffuser apex.

Latitude: 18° 29' 5.46"

Longitude: 66° 8' 20.82"

**EPA Response Bacardi 25:**

*EPA has made the correction.*

**Comment #26: FACT SHEET - PART II. BACKGROUND, C. Mixing Zone/Dilution Allowance**

The final WQC was based on the latest mixing zone application submitted to DNER on July 29, 2016, with copies to EPA, which revised the dilution to 150:1. Thus the effluent limitations and compliance calculations on which the final WQC was based were all based on 150:1. It is noted that the trigger point for WET testing does not reflect this updated dilution. The Critical Initial Dilution (CID) value, the calculations that depend on it, and the MZA submittal date referenced in this paragraph should be corrected to 150:1 and July 29, 2016, respectively.

**EPA Response Bacardi 26:**

*EPA has made the correction in this fact sheet section, as well as in the calculations for reasonable potential and the limitations for whole effluent toxicity.*

**Comment #27: FACT SHEET - PART III. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A.2**

Surfactants is a mixing zone parameter and should be added to this list.

**EPA Response Bacardi 27:**

*EPA has made the correction.*

**Comment #28: FACT SHEET - PART III. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, A.2**

The Critical Initial Dilution factor value should be corrected to 150:1 and the calculations that depend on it should be corrected using that value.

**EPA Response Bacardi 28:**

*EPA has made the correction in this fact sheet section, as well as in the whole effluent toxicity calculations that used the dilution ratio.*

**Comment #29: FACT SHEET - PART III B - 1 - Outfall Number 001 Numeric Limitations**

The Fact Sheet information on Arsenic needs to be corrected to specify monitoring only and no final limit. The 2021 final WQC and the draft NPDES Permit specify "Monitor Only" with no final limit.

**EPA Response Bacardi 29:**

*EPA has made the correction.*

**Comment #30: FACT SHEET PART III B - 1 - Outfall Number 001 Numeric Limitations**

The Fact Sheet Final Limit for BOD<sub>5</sub> should be corrected to 17,700 mg/L.

**EPA Response Bacardi 30:**

*EPA has made the correction.*

**Comment #31: FACT SHEET - PART III B - 1 - Outfall Number 001 Numeric Limitations**

Chromium should be changed to Hexavalent Chromium, as indicated in the draft permit.

**EPA Response Bacardi 31:**

*EPA has made the correction.*

**Comment #32: FACT SHEET - PART III B - 1 - Outfall Number 001 Numeric Limitations**

Fecal Coliforms should be removed from the fact sheet because this parameter is no longer regulated for Class SB marine waters and is not referenced in the draft permit.



EPA Response Bacardi 32:

*Parameters that were included in the previous permit but are no longer regulated in the current permit are included for informational purposes. The Fact Sheet documents the limits that are included in this permit action, as well as those that are no longer included and why. EPA will make a note that these parameters are not regulated in the current permit, either because they are no longer regulated or DNER determined that it was not necessary to regulate in this permit action in order to be protective of water quality standards.*

**Comment #33: FACT SHEET PART III B - 1 - Outfall Number 001 Numeric Limitations**

Outfall Number 001 Numeric Limitations should be revised to delete Pentachlorophenol. The 2021 final WQC and the draft NPDES Permit do not include Pentachlorophenol in the Effluent Limitations tables.

EPA Response Bacardi 33:

*Parameters that were included in the previous permit but are no longer regulated in the current permit are included for informational purposes. The Fact Sheet documents both the limits that are included in this permit action, as well as those that are no longer included and why. EPA will make a note that these parameters are no regulated in the current permit, either because they are no longer regulated or DNER determined that it was not necessary to regulate in this permit action in order to be protective of water quality standards.*

**Comment #34: FACT SHEET PART III B - 1 - Outfall Number 001 Numeric Limitations**

Outfall Number 001 Numeric Limitations should be revised to delete Radioactive Materials. The 2021 final WQC and the draft NPDES Permit do not include Radioactive Materials in the Effluent Limitations tables.

EPA Response Bacardi 34:

*Parameters that were included in the previous permit but are no longer regulated in the current permit are included for informational purposes. The Fact Sheet documents both the limits that are included in this permit action, as well as those that are no longer included and why. EPA will make a note that these parameters are no longer regulated in the current permit, either because they are no longer regulated or DNER determined that it was not necessary to regulate in this permit action in order to be protective of water quality standards.*

**Comment #35: FACT SHEET PART III B - 1 - Outfall Number 001 Numeric Limitations**

The draft permit has limits for Total Nitrogen ((TN), but the current permit has limits on dissolved inorganic nitrogen (DIN), which is no longer the regulated form; therefore, the numbers of the nitrogen-related limits in each permit are not comparable. The reference to DIN should be replaced with TN.

EPA Response Bacardi 35:

*EPA has added a line to the table to clarify that the limit for Dissolved Inorganic Nitrogen has been replaced with that of Total Nitrogen.*

**Comment #36: FACT SHEET PART III B - 1 - Outfall Number 001 Numeric Limitations**

The effluent limitation for Total Suspended Solids in the draft permit is "Monitor Only". The Fact Sheet should be corrected to remove the no data symbol and replace it with Monitor Only.

EPA Response Bacardi 36:

*EPA has made the correction.*

**Comment #37: FACT SHEET PART III. C - 1. Influent Monitoring Requirements**

Table A-3 of the draft permit does not require influent monitoring for TSS, without which it will not be possible to calculate percent removal, which is stated as a requirement in PART III. RATIONALE FOR EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS of the Fact Sheet.

**EPA Response Bacardi 37:**

*EPA has removed the reference to influent monitoring of TSS at Outfall 002.*

**Comment #38: FACT SHEET PART IV. - Rationale For Standard and Special Conditions - B.1. Subpart s.1)**

The diffuser configuration description should be revised to be fully consistent with the configuration description in the 2021 final WQC.

**EPA Response Bacardi 38:**

*EPA has made the correction.*

**Comment #39: FACT SHEET PART IV. - Rationale For Standard and Special Conditions - B.1. Subpart s.5)**

Surfactants are included in the 2021 final WQC and the Draft NPDES Permit Mixing Zones; thus, the list of parameters included in this section should be revised to include Surfactants as follows:

Surfactants (MBAS) ( $\mu\text{g/L}$ ),

Daily Maximum Discharge Limitation at Outfall Serial Number 001 of 1,362

Daily Maximum Limitation at the Edge of the MZ of 500

**EPA Response Bacardi 39:**

*EPA has made the correction.*

**Comment #40: FACT SHEET PART IV. - Rationale For Standard and Special Conditions - B.1. Subpart s.5, Footnote ‡**

This condition is for effluent – the note here should reference table note 15).

**EPA Response Bacardi 40:**

*EPA has added the references to Item 15) and 16) of Special Condition B.1.s. to Tables A-4 and Table A-5 Notes.*

**Comment #41: FACT SHEET PART IV. - Rationale For Standard and Special Conditions - B.1. Subpart s.5, Footnote \***

This condition is for effluent – the note here should reference table note 15).

**EPA Response Bacardi 41:**

*EPA has added the references to Item 15) and 16) of Special Condition B.1.s. to Tables A-4 and Table A-5 Notes.*

**Comment #42: FACT SHEET PART IV. - Rationale For Standard and Special Conditions - B.1. Subpart s.5, Footnote \*\***

This condition is for effluent – the note here should reference table note 15).

**EPA Response Bacardi 42:**

*EPA has added the references to Item 15) and 16) of Special Condition B.1.s. to Tables A-4 and Table A-5 Notes.*

**Comment #43: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, First paragraph**

Reference to Rule 1303.1(I) of PRWQS should be corrected to Rule 1303.1(J) of the PRWQS.

EPA Response Bacardi 43:

EPA has made the correction.

**Comment #44: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, First paragraph**

The statement that "PRWQS do not provide a numeric criterion for toxicity." Should be corrected. Numeric WQS criteria are presented in the Mixing Zone and Bioassay Guidelines, which are incorporated by reference in the PRWQSR.

EPA Response Bacardi 44:

*Puerto Rico Water Quality Standards include the narrative toxicity criterion of "The waters Puerto Rico shall not contain any substance at such concentration which either alone or as a result of synergistic effects with other substances is toxic or produces undesirable physiological responses in human, fish or other fauna or flora." Whole effluent toxicity one measure of such synergistic effects. EPA considers this narrative criterion to be the water quality standard for whole effluent toxicity for all waters of Puerto Rico. The definitions section of the PRWQS which include the criterion maximum concentration (CMC) and the criterion continuous concentration (CCC), which are the numeric interpretation of toxics in toxic amounts, as well as the Mixing Zone and Bioassay Guidelines, are integral components of the PRWQS and implement the narrative toxicity criterion.*

**Comment #45: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Second paragraph**

Bacardi should be added to the second sentence of the paragraph.

EPA Response Bacardi 45:

EPA has made the correction.

**Comment #46: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Second paragraph**

In the second sentence of the paragraph, “conducts” should be replaced with “conducted”.

**EPA Response Bacardi 46:**

*EPA has made the correction.*

**Comment #47: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Second paragraph**

In the second sentence of the paragraph, “*Cyprinidon variegates*” should be replaced with “*Cyprinodon variegatus*”.

**EPA Response Bacardi 47:**

*EPA has made the correction.*

**Comment #48: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Third paragraph**

Rule 1301.1 (DEFINITIONS) does not include the CMC and CCC criteria; rather, they are included in the Mixing Zone and Bioassay Guidelines which are incorporated by reference in the PRWQSR.

**EPA Response Bacardi 48:**

*EPA does not agree with this comment. The definitions for Criteria Continuous Concentration (CCC) and Criteria Maximum Concentration (CMC), with the accompanying numeric interpretations are included in Rule 1301.1 (DEFINITIONS) Section of the Puerto Rico Water Quality Standards Regulation signed April 26, 2019, and are applicable for all waters of Puerto Rico.*

**Comment #49: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Fourth paragraph**

For clarification purposes, it is noted that the 301(h) evaluations were done for the Bayamón and Puerto Nuevo regional wastewater treatment plants, not for the Bacardi Corporation Wastewater Treatment System.

**EPA Response Bacardi 49:**

*EPA removed the reference to the 301(h) evaluation as it is not relevant to the Bacardi conditions and limits.*

**Comment #50: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Fourth paragraph**

The CMC and CCC values calculated should be based on the dilution used in the permit renewal, which is 150:1.

**EPA Response Bacardi 50:**

*EPA has corrected the calculations using a dilution ratio of 150:1.*

**Comment #51: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Sixth paragraph**

The proposed maximum daily effluent limitations for the combined discharge included in the Fact Sheet are based on the WLA and effluent concentration used in the current permit, which used a dilution of 102:1. All dilution-related calculations should be corrected to reflect the updated dilution of 150:1.

**EPA Response Bacardi 51:**

*EPA has corrected the calculations using a dilution ratio of 150:1.*

**Comment #52: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Seventh paragraph**

The final WQC, which should be referenced here, did not require testing of individual waste streams. Comments on the draft WQC noted that testing only the combined flow is appropriate – and DNER agreed with that conclusion.

**EPA Response Bacardi 52:**

*EPA has removed the references to individual effluent testing.*

**Comment #53: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Calculation of Waste Load Allocation (WLA)**

The dilution ratio is now 150:1 – subsequent calculations must be revised using the correct dilution.

**EPA Response Bacardi 53:**

*EPA has corrected the calculations using a dilution ratio of 150:1.*

**Comment #54: FACT SHEET PART IV. B – 2. Whole Effluent Toxicity, Limit Calculation**

These calculations must be updated using the 150:1 dilution ratio.

**EPA Response Bacardi 54:**

*EPA has corrected the calculations using a dilution ratio of 150:1.*