

## **Fact Sheet on the Puerto Rico 2022 Impaired Waters List**

Section 303(d) of the Clean Water Act requires states, territories and authorized tribes to develop lists of impaired waters. Impaired waters are waters that are too polluted or otherwise degraded to meet the state water quality standards. Federal law requires that these jurisdictions establish priority rankings for waters on the lists and develop total maximum daily loads for impaired waters. A total maximum daily load, or TMDL, is a calculation of the maximum amount of a pollutant that a waterbody can receive and still safely meet water quality standards. The EPA has approved the Puerto Rico 2022 list of impaired waters requiring a TMDL. The Puerto Rico 2022 impaired waters list presents information on impaired waters, pollutants causing the impairment and pollutant sources.

### **How States Report on the Quality of their Waters**

The Clean Water Act requires states (Section 502 of the Act defines “state” to include Puerto Rico) to assess the quality of their waterbodies and to report their findings every two years to the EPA. States adopt specific water quality standards that serve as the foundation for water quality management. Water quality standards identify the designated uses for each body of water (such as swimming, drinking, shellfish harvesting, etc.) and set criteria to protect those uses. During the assessment process, states compare the collected data to the established water quality standards.

In addition to reporting on the overall quality of all waters, the Clean Water Act directs states to identify and list specific waterbodies where water quality is impaired by pollutants. A waterbody is considered impaired if it does not meet water quality standards. The requirement to prepare the impaired waters list is found in section 303(d) of the Clean Water Act, and the list is often called the 303(d) list.

Each impairment reflected on the 303(d) list requires a calculation of the maximum amount of the impairing pollutant that a waterbody can receive and still meet water quality standards. TMDLs include reductions for pollution sources impacting the waterbody that, when achieved, will result in the attainment of water quality standards in the waterbody.

In certain cases, impaired waterbodies may not appear on a state’s 303(d) list. If a TMDL has already been developed for the waterbody, another required control measure is expected to result in the attainment of water quality standards within a reasonable amount of time, or the impairment is the result of pollution not caused by a pollutant (e.g., hydrologic or habitat alteration), then the waterbody may not be included.

Water quality monitoring data and other information must be considered by states in assessment and reporting efforts. Monitoring may be carried out by national, state, local and tribal authorities, universities, dischargers, volunteers and others. It can include measurements of physical and chemical parameters (temperature, dissolved oxygen, suspended sediment, nutrients, metals, oils, and/or pesticides, for example), examinations of stream flow, water color, condition of stream banks and lake shores, observations of communities of aquatic wildlife, and sampling of fish tissue or sediment. Land use data, predictive models and land surveys may also be used.

### **Summary of 2022 Findings**

The Puerto Rico 2022 303(d) list includes 838 instances where a pollutant is causing a designated use impairment. The indicators/causes of impairments are:

- turbidity (108),
- enterococcus (99),
- dissolved oxygen (92),
- copper (79),
- temperature (77),
- pH (62),
- phosphorus (57),
- hexavalent chromium (51),
- nitrogen (43),
- thallium (28),
- lead (27),
- mercury (27),
- nickel (18),
- surfactants (17),
- pesticides (16),
- arsenic (12),
- oil and grease (8),
- ammonia (7),
- zinc (5),
- cyanide (3),
- fecal coliform (1),
- silver (1).

Pollutant sources include:

- confined animal feeding operations (point source),
- sanitary sewer overflows (collection system failures),
- on-site treatment systems (septic systems and similar decentralized systems),
- urban runoff/storm sewers,
- agriculture,
- industrial point source discharge,
- municipal point source discharges,
- dam or impoundment,
- upstream impoundments,
- landfills,
- marinas and recreational boating,
- package plant or other permitted small flows discharges,
- sand/gravel/rock mining or quarries,
- industrial thermal discharges,
- historic bottom deposits (not sediment).

Note: a pollutant may come from more than one source.

Puerto Rico added 38 new waterbody/pollutant combinations to the 2022 303(d) list. The number of waters listed for a new pollutant are summarized below:

- temperature (12),
- pH (6),
- nitrogen (6),
- enterococcus (5).
- phosphorus (3),
- cyanide (3),
- turbidity (2),
- dissolved oxygen (1).

The 2022 303(d) list also reflects waterbody/pollutant combinations that no longer require listing. Removal of a waterbody/pollutant combination from the 303(d) list, called delisting, may indicate that the water is restored, a TMDL was developed, the water is receiving management attention that is expected to result in the attainment of water quality standards, or other factors (including errors). Puerto Rico delisted 61 waterbody/pollutant combinations for the 2022 cycle, including:

- 2 waterbody/pollutant combinations where the water quality standard is no longer applicable due to Puerto Rico's adoption of an updated water quality standard. These waterbodies are now listed as impaired for the updated water quality standard:
  - 2 waterbody/pollutant combinations for fecal coliform.
- 2 waterbody/pollutant combinations where data and information were assessed against Puerto Rico's newly developed numeric translation of its narrative water quality criterion:
  - 2 waterbody/pollutant combinations for oil and grease.
- 57 waterbody/pollutant combinations where water quality standards are now met, based on new water quality data:
  - 12 waterbody/pollutant combinations for turbidity,
  - 8 waterbody/pollutant combinations for nitrogen,
  - 7 waterbody/pollutant combinations for copper,
  - 7 waterbody/pollutant combinations for phosphorus,
  - 5 waterbody/pollutant combinations for dissolved oxygen,
  - 5 waterbody/pollutant combinations for lead,
  - 3 waterbody/pollutant combinations for surfactants,
  - 2 waterbody/pollutant combinations for pH,
  - 2 waterbody/pollutant combinations for enterococcus,
  - 1 waterbody/pollutant combinations for temperature,
  - 1 waterbody/pollutant combination for mercury,
  - 1 waterbody/pollutant combination for ammonia,
  - 1 waterbody/pollutant combination for arsenic,
  - 1 waterbody/pollutant combination for cadmium,
  - 1 waterbody/pollutant combination for selenium.

## How the Water Quality Sampling and Reporting Process Works

There are 358 assessment units in Puerto Rico. The Puerto Rico Department of Natural and Environmental Resources' monitoring activities for this reporting cycle (October 1, 2019 to September 30, 2021) included routine ambient water quality sampling at the various networks, special water quality studies performed in the waterbodies of concern, and existing or secondary data requested. Where available, effluent quality data from the discharge monitoring reports submitted by permitted point sources are used as those point sources may be contributing sources impacting the use support potential of the waterbodies. The PRDNER may perform special sampling when necessary to investigate fish kills, hydrocarbons leaks and spills, and illegal discharges to storm sewers and waterbodies.

The PRDNER generates data from four routine monitoring networks that provide physical, chemical and biological water quality data from the different waterbodies:

- Surface Water Monitoring Network: Operated by the U.S. Geological Survey under a cooperative agreement with Puerto Rico, this network includes water quality sampling stations in 49 assessment units.
- Clean Lakes Monitoring Network: Operated by the PRDNER, this network monitors water quality in 18 major lakes (reservoirs) that are mostly used as raw sources of public water supply, propagation and preservation of desirable species, and primary and secondary contact recreation.
- Coastal Monitoring Network: Operated by the PRDNER, this network includes 104 monitoring stations around the coastal perimeter of Puerto Rico. This network covers a total of 419.01 coastal miles of Puerto Rico's main island, out of a total 546.63 shore miles.
- Beach Monitoring and Public Notification Program: Operated by the PRDNER and implemented in the 35 beaches included in the Beach Monitoring and Public Notification Program, all stations are sampled biweekly for enterococcus, pH and temperature.

Puerto Rico uses the data collected through its monitoring program to determine the health of its waters by comparing the data to its water quality standards. Impaired waters are those waters that do not meet water quality standards even after limits based on treatment technology are applied, such as technology requirements at publicly-owned wastewater treatment facilities. For the waters listed as impaired, Puerto Rico must develop loading limits to restore the waterbody. The list must include a priority ranking for each segment and Puerto Rico must document its decisions on which waterbodies to include and not include on the list. The documentation includes a description of the methodology used to develop the list. The availability of the Puerto Rico 2022 draft 303(d) list was publicized by posting notices in the newspapers *Primera Hora* and *El Nuevo Día* on August 2, 2023. The public comment period for the 2022 303(d) list concluded 30 days after the notices were published.

## How to Get Involved

Recognizing that stakeholders throughout Puerto Rico collect valuable water quality data, the PRDNER has established a process that allows groups and individuals to submit information for Puerto Rico to use in its assessment. Submissions must be sent to the PRDNER by September 30 of odd-numbered years. The Department requests that where possible, all data be submitted in electronic format (Word, Excel,

and/or delimited text file formats); however, data may also be submitted in hard copy (paper format if the electronic format is not available) to Department of Natural and Environmental Resources, Plan and Special Projects Division, Water Quality Area, San José Industrial Park, 1375 Ave Ponce de León, San Juan, PR 00926. You may also submit the information by email to the following address: [waterquality@jca.pr.gov](mailto:waterquality@jca.pr.gov). If you have questions or would like to speak directly with a PRDNER representative from the Plan and Special Projects Division of the Water Quality Area, call (787) 767-8181. The PRDNER provides the opportunity for formal public comment on draft 303(d) lists during a public hearing and/or its 30-day comment period.

### **The EPA Contact for Puerto Rico's 303(d) List**

If you have questions or concerns, contact Adam Fisher by phone at (212) 637-3817 or by email at [fisher.adam@epa.gov](mailto:fisher.adam@epa.gov).