

Name of Preparer: Khalid Chowdhry  
Staff Permit Writer: Khalid Chowdhry  
Date: September 10, 2004

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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
290 Broadway  
New York, New York 10007-1866

FACT SHEET  
DRAFT NPDES PERMIT TO DISCHARGE  
INTO THE WATERS OF THE UNITED STATES

NPDES No.            Application No. **PERMIT No PR0026051**

Name and Address of Applicant:

Alberto L. Ramos  
Hilton Engineering Corp.  
281 Matadero Road  
Puerto Nuevo, Puerto Rico 00920

Name and Address of Facility  
where Discharge Occurs:

Whyndham El Conquistador Water Treatment Plant  
1000 El Conquistador Ave.  
Fajardo, Puerto Rico 00738

Receiving Water: Caribbean Sea

Classification: **SA**

I. LOCATION OF DISCHARGE

The above-named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) permit, to the U.S. Environmental Protection Agency (EPA) to discharge into the designated receiving waters. The location of each discharge is described by the following U.S.G.S. Coordinates:

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	<u>Latitude</u>	<u>Longitude</u>
Outfall 001	N 18° 20' 50"	W 65° 34' 05"

A description and/or sketch of the location of the discharges is appended as Attachment I.

## II. DESCRIPTION OF FACILITY

Whyndham El Conquistador Water Treatment Plant (WTP) is a facility owned by Group Services Inc. and operated by Whyndham El Conquistador (Whyndham). A similar permit application on behalf of the owner was received by EPA in 1997 and forwarded in 1998 to EQB for its certification. The present application of May 24, 2004 has also been transmitted by EPA to EQB after recording Whyndham as the applicant. WTP treats seawater by reverse osmosis (RO) to supply potable water for the El Conquistador resort in Palominos Island. A daily maximum of 0.02 MGD of RO discharge from the plant, consisting of saline effluent, is disposed in the sea.

## III. DESCRIPTION OF DISCHARGE

The discharge consists of a daily maximum of 76.0 m<sup>3</sup>/day (0.02 MGD) of RO discharge consisting of saline effluent from the plant. The point of discharge, designated as Outfall 001, discharges to the Caribbean Sea. The receiving body of water is classified as SA by the Puerto Rico Water Quality Standards Regulation (PRWQSR), as amended. See Attachment II.

## IV. DESCRIPTION OF DRAFT PERMIT CONDITIONS

The effluent limitations, monitoring requirements, schedules of compliance and other conditions of the draft permit are described in Attachment III. Also included in Attachment III is a brief summary of the basis for each effluent limitation and other conditions in the draft permit.

## V. STATE CERTIFICATION REQUIREMENTS

State Certification requirements based upon a Draft Water Quality Certificate (WQC) issued on **December 16, 2003** by the Environmental Quality Board (EQB) of the Commonwealth of Puerto Rico are described in Attachment IV. Review and appeals of limitations and conditions attributable to this certification shall be made through the applicable procedures of the Commonwealth of Puerto Rico and may not be made through EPA procedures.

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#### VI. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

These procedures, which are set forth in 40 CFR 124, are described in the public notice of preparation of this draft permit. 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.

#### VII. EPA CONTACT

Additional information concerning the draft permit may be obtained between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday from:

WALTER E. ANDREWS, CHIEF  
WATER PROGRAMS BRANCH  
USEPA-REGION 2  
290 BROADWAY - 24TH FLOOR  
NEW YORK, NEW YORK 10007-1866  
(212) 637-3876

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## ATTACHMENT II

### DESCRIPTION OF DISCHARGE

#### Outfall 001:

The discharge consists of a daily maximum of 0.02 million gallons per day (MGD) of wastewater from the Whyndham El Conquistador Water Treatment Plant.

A description of the type and quantity of pollutants which are to be discharged is listed in Table A-1 of the draft permit.

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### ATTACHMENT III

#### DESCRIPTION OF DRAFT PERMIT CONDITIONS FOR OUTFALL 001

The effluent limitations, monitoring requirements, and other conditions are described in the draft permit. The effluent limitations in the permit are equivalent to the most stringent values specified in the applicable technology-based guidelines or water quality-based limitations.

#### I. Water Quality-based Limits

All limitations of parameters listed in Table A-1 ( including **2-Chlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2-Methyl-4,6 Dinitrophenol, 2,4-Dinitrophenol, 2,4,6-Trichlorophenol, BOD, Color, Copper, Cyanide, Dissolved Oxygen, Flow, Fluoride, Lead, Nitrate plus Nitrite, Pentachlorophenol, pH, Phenol, Residual Chlorine, Solids and Other Matter, Sulfate, Sulfide, Suspended, Colloidal or Settleable Solids, Taste and Odor Producing Substances, Temperature, Total Ammonia, Total Dissolved Solids, Turbidity and Zinc**) and all special conditions are as imposed in EQB's draft WQC, dated December 16, 2003.

The water quality-based effluent limitation from the previous permit for **Phenol** is not included in the WQC issued by EQB. EPA has determined that it is appropriate to remove the effluent limitation for this parameter without violating the anti-backsliding provisions of the CWA, in accordance with section 402(o), since one of the exceptions to the provisions has been satisfied. The CWA Sec. 402(o)(2)(B)(i) new information exception applies since the EQB reasonable potential analyses conducting in developing a new WQC and associated background materials (i.e. NPDES application and the Discharge Monitoring Report (DMR) data) constitute new information. Antidegradation requirements are not violated by removing the limits for this parameter. Since the permittee will be discharging the pollutant at the same level, the discharge would not contribute to further degradation of the receiving water and existing uses would be maintained.

The water quality-based numerical limitation from the existing permit for **Zinc** has been relaxed in the WQC issued by EQB. EPA has determined that it is appropriate to relax these limitations without violating the anti-backsliding provisions of the CWA, since one of the exceptions to the provisions has been satisfied. Section 303(d)(4) of the CWA allows relaxation of the water quality-based effluent limitations developed in accordance with a Total Maximum Daily Load/Waste Load Allocation (TMDL/WLA) procedure, provided that attainment of water quality standards is assured and antidegradation requirements are considered. The EQB water quality certificate constitutes a determination that these limits are sufficient to assure that the water quality standard is or will be attained.

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## II. Monitoring Requirements

The monitoring requirements in Table A-1 for **2-Chlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2-Methyl-4,6 Dinitrophenol, 2,4-Dinitrophenol, 2,4,6-Trichlorophenol, BOD, Color, Copper, Cyanide, Dissolved Oxygen, Flow, Fluoride, Lead, Nitrate plus Nitrite, Pentachlorophenol, pH, Phenol, Residual Chlorine, Solids and Other Matter, Sulfate, Sulfide, Suspended, Colloidal or Settleable Solids, Taste and Odor Producing Substances, Temperature, Total Ammonia, Total Dissolved Solids, Turbidity and Zinc** are based on a BPJ determination in consideration of the draft WQC issued by EQB, dated December 16, 2003. A footnote was added in Table A-1 under the parameter Suspended, Colloidal, or Settleable Solids to clarify that testing for these parameters should be conducted for Settleable Solids.

The Water Quality Certificate (WQC) issued by the Environmental Quality Board of Puerto Rico (EQB) includes a monitoring requirements for phenol. Although the WQC does not specify an analytical method for phenolic substances, EPA has specified in Table **A-1** that Method 420.1, using the chloroform extraction procedure, must be used to analyze samples for phenolic substances.

## III. Special Conditions

The Special Conditions in the draft permit are part of EQB's draft WQC dated December 16, 2003.

IV. General Conditions - These conditions apply to all permits as required by 40 CFR Part 122.7.

## V. Permit Expiration Date

The validity of the permit is being limited to five years.