

**ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL**

**IN RE:
LISTA DE CUERPOS DE AGUA
IMPACTADOS PARA EL CICLO
2006 QUE EXCEDEN LOS
ESTÁNDARES DE CALIDAD DE
AGUA DE P.R. LISTA 303 (d)**

R-06-30-9

SOBRE: VISTAS PÚBLICAS

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RESOLUCIÓN Y NOTIFICACIÓN

En reunión celebrada el 24 de octubre de 2006 se sometió ante la consideración de la Junta de Gobierno de la Junta de Calidad Ambiental el Informe de la Oficial Examinadora, Lcda. Miriam González Olivencia, relacionado con la vista pública celebrada el 6 de septiembre de 2006 sobre la Lista de Cuerpos de Agua Impactos para el Ciclo 2006 que exceden los Estándares de Calidad de Agua de Puerto Rico y sobre la intención de desarrollar e implementar "TMDL" para los contaminantes descritos en la Lista 303(d).

I. INTRODUCCIÓN

La Sección 303(d) de la Ley Federal de Agua Limpia del 1972, según enmendada, requiere que las jurisdicciones desarrollen una lista donde se incluyan los cuerpos de agua impactados de cada jurisdicción, que no cumplieron con las normas (estándares de calidad de agua) aplicables a cualquier uso designado especificado en la Ley, durante el periodo de evaluación bajo consideración. Para los cuerpos de agua que no cumplieron con la norma aplicable a algún uso designado específico, la Ley requiere que se implanten medidas de control para los contaminantes (sustancias químicas, organismos o condiciones físicas) que impidieron el logro de las metas (cumplimiento con los estándares). Las medidas de control a implantarse deben ser aquellas que atiendan el problema causante del incumplimiento de las normas aplicables al uso designado afectado. Los usos designados para la aguas de Puerto Rico son contacto primario (natación), contacto secundario

(pesca y paseo en botes), preservación de especies deseables (vida acuática) y abasto crudo de agua potable.

Como parte de las estrategias establecidas en la Sección 303(d) de la Ley Federal de Agua Limpia se indica que debe ser considerada en la planificación necesaria para buscar la restauración de los cuerpos de agua impactos es el mecanismo de Carga Diaria Total Máxima ("Total Maximum Daily Load, TMDL") en las correspondientes cuencas hidrográficas. Un TMDL representa la cantidad máxima de un contaminante particular que puede descargarse a un cuerpo de agua diariamente, sin comprometer la capacidad asimilativa del cuerpo de agua, lo que causaría violaciones a los estándares de calidad de agua aplicables.

Por lo antes expuesto, la Junta de Calidad Ambiental desarrolló la Lista de Cuerpos de Agua Impactos (Lista 303(d) para el Ciclo 2006), para lo cual se determinó celebrar vistas públicas y simultáneamente sobre la intención de desarrollar e implementar "TMDL" para los contaminantes descritos en la Lista 303(d) para que el público pudiera revisar y evaluar el borrador de dichos documentos y somer comentarios.

II. RESOLUCIÓN

Luego de discutidos todos los méritos de este caso y al amparo de los poderes y facultades que le confiere a esta Junta de Calidad Ambiental la Ley Número 416 del 22 de septiembre de 2004, Ley Sobre Política Pública Ambiental, por la presente esta Junta **RESUELVE:**

- Se aprueba el Informe del Oficial Examinador en todas sus partes, copia del cual se hace formar parte de la presente Resolución.

III. APERCIBIMIENTO

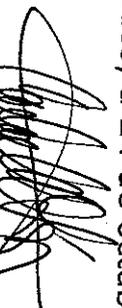
La parte adversamente afectada por una resolución u orden parcial o final podrá dentro del término de veinte (20) días desde la fecha de archivo en autos de la notificación de la resolución u orden, presentar Moción de Reconsideración de la Resolución u orden.

La agencia dentro de los quince (15) días de haberse presentado dicha moción deberá considerarla. Si la rechazare de plano o no actuare dentro de los quince (15) días, el término para solicitar revisión comenzará a correr nuevamente desde que se notifique dicha denegatoria o desde que expiren esos quince (15) días, según sea el caso. Si se tomare alguna determinación en su consideración, el término para solicitar revisión empezará a contarse desde la fecha en que se archive en autos una copia de la notificación de la resolución de la agencia resolviendo definitivamente la moción de reconsideración. Tal resolución deberá ser emitida y archivada en autos dentro de los noventa (90) días siguientes a la radicación de la moción de reconsideración. Si la agencia acoge la moción de reconsideración pero deja de tomar alguna acción con relación a la moción dentro de los noventa (90) días de ésta haber sido radicada, perderá jurisdicción sobre la misma y el término para solicitar revisión judicial empezará a contarse a partir de la expiración de dicho término de noventa (90) días, salvo que la agencia, por justa causa y dentro de esos noventa (90) días, prorrogue el término para resolver por un periodo que no excederá de treinta (30) días adicionales.

NOTIFIQUESE por correo certificado con acuse de recibo a:

Maridali de León, Río Piedras Heights, Yaguez #133, San Juan, P.R. 00926; y personalmente a los siguientes funcionarios de la Junta de Calidad Ambiental: Lcdo. Eugene Scott Amy, Vicepresidente; Ing. Angel O. Berríos, Miembro Asociado; Biol. Julio Iván Rodríguez, Miembro Alterno; Lcda. Linda Rodríguez, Directora Oficina de Asuntos Legales; Sr. Carmelo Vázquez, Director Interino Area de Evaluación y Planificación Estratégica; y a la División de Vistas Públicas.

DADA en San Juan, Puerto Rico, a 24 de octubre de 2006.



CARLOS W. LOPEZ FREYTES
PRESIDENTE

CERTIFICO: Que he notificado copia fiel y exacta de la Resolución **R-06-30-9** a Maridali de León a la dirección mencionada en el Notifíquese y por mensajero interno a los funcionarios de la Junta de Calidad Ambiental, habiendo archivado el original en autos.

En San Juan, Puerto Rico a 30 de enero de 2007.


SECRETARIO
JUNTA DE GOBIERNO

COMMONWEALTH OF PUERTO RICO
GOVERNOR'S OFFICE
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROTECTION

IN RE:

METHOD OF EVALUATION 305(b) AND
CRITERIA FOR THE 303(d) LIST OF
IMPACTED WATERS PROPOSED FOR
2006

ENVIRONMENTAL PROTECTION
AGENCY -COMMONWEALTH OF
PUERTO RICO

JCA
JUNTA DE GOBIERNO
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EXAMINER'S REPORT

TO: THE BOARD OF DIRECTORS

COMES NOW, Miriam Gonzalez Olivencia, Examiner for the Environmental Protection Agency, and very respectfully submits before the Board of Directors the following report:

I. BRIEF STATEMENT OF FACTS:

1. On September 6, 2006 the undersigned presided a public hearing in accordance to Article 4 of Law Number 9 of Environmental Public policy wherein we were to receive comments from the general public with regards to the 303(d) LIST OF IMPACTED WATERS PROPOSED FOR 2006 from the Environmental Protection Agency, Division of Quality water, according to Article 303 (d) of the Clean Water Act.

2. The Clean Water Act requires that the States and Territories of the United States elaborate a list of those bodies of water, which have a potential impact on the environment or do not comply with the quality water standards. For each of the bodies of water, the above-mentioned Act requires that measures be adopted for the management of the contaminants that exceed the quality water standards to re-establish the same in order that they be apt for their intended usage. The uses are, primary contact, (i.e. swimming); secondary contact, (fishing and sailing); preservation of desirable species (marine life) and for use of drinkable water. One of the mechanisms established by the Puerto Rico Environmental Protection Agency ("PR-EPA") is the establishment of Total Maximum Daily Loads ("TMDL's") in the corresponding watersheds. The latter is a strategy to protect and restore the marine

ecosystems in an effective manner, and protect public health.

3. In accordance to the above, the 303(d) LIST OF IMPACTED WATERS PROPOSED FOR 2006 object of this report, is an effort to establish a draft of a list of impacted waters, [303(d) List], which also established the priorities for the establishment of TMDL'S for the different watersheds object of the above mentioned document. The list has 96 hydrographic watersheds.

4. On August 2, 2006, an edict was published in the newspaper El Vocero inviting the general public to review and evaluate the document entitled METHOD OF EVALUATION AND CRITERIA FOR THE 303(d) LIST OF IMPACTED WATERS PROPOSED FOR 2006 proposed and inviting the public to a public hearing to be held on September 6, 2006 to receive oral or written comments in this regard. Another edict with the same information and announcement was also published in the newspaper El San Juan Star the same date, August 2, 2006.

5. The undersigned presided a public hearing held for the purpose mentioned above. At the hearing, there was only one public appearance by Ms. Maridalis De León, resident of Rio Piedras Heights, Yaguez #133, San Juan, Puerto Rico 00926. We will discuss her oral arguments later on.

6. The Clean Water Act requires that each state establish water quality standards. Section 303(d) requires a TMDL for all bodies of water listed by the states. (in this case Puerto Rico) to the Federal Environmental Protection Agency. This list of waters must be sent to the Federal Environmental Agency every two years to notify that agency with the names of those bodies of water of which the quality has improved.

7. The document object of this analysis appears to be very thorough. We will discuss it in detail, henceforth.

II. METHOD OF EVALUATION AND CRITERIA FOR THE 303(d) LIST OF IMPACTED WATERS PROPOSED FOR 2006 DOCUMENT.

The above-mentioned document is intended to comply with the Clean Water Act inasmuch as it is a document prepared every two years with regards to the evaluation of different bodies of water to determine if they comply with the applicable water quality standards.

According to the document, the criteria for the evaluation used on the 2004 document have changed significantly in the 2006 document.

A. The new criteria are described as follows:

1) Segmentation criteria: was implemented in 2005 for the interior watersheds. The segmentation of the coastal water is unchanged from that of 2004, therefore, the unit evaluation also is the same. This segmentation will be evaluated during the year 2006. The 2004 document reported 471 units for evaluation, and the 2006 document reported 201. Each unit increased significantly in size. The 2006 document also reduced the hydrographic watersheds from 102 (2004 document) to 96. The 2006 document included a descriptive Table that showed and identified the 96 hydrographic watersheds (Please refer to pages 3 to 5). Only 23 of the 96 hydrographic watersheds are monitored. Said 23 are part of the permanent evaluation system. The Environmental Protection Agency divided all the hydrographic watersheds in 4 geographic regions: North (4 of 9 were monitored); South (7 of 33 were monitored); East (8 of 28 were monitored); and West (4 of 26 were monitored).

2) Meaning of the Evaluation Unit: the old system was based on the segmentation of small portions of rivers and individual streams. Said system was replaced by a new system based on the segmentation of hydrographic watersheds.

B. The 2006 document contained five (5) evaluation categories:

(1) Category one: include the evaluation units that complied with the water quality standards applicable to all the designated uses according to the Puerto Rico Water Quality Standards Regulation;

(2) Category Two: include the evaluation units that complied with the water quality standards applicable to some of the designated uses. The available data is insufficient to make compliance determinations for the other uses according to the Puerto Rico Water Quality Standards Regulation;

(3) Category Three: include the evaluation units that have insufficient available information to determine if the uses are meet;

(4) Category Four: include the evaluation units that some uses are threaten and in order to complied with the water quality standards it should implied control measures without the necessity of develop

daily maximum cargo for the specify parameters that been causing the problem;

(5) Category Five: include the evaluation units where at least did not comply one of the water quality standards and it is necessary the development of a maximum daily cargo for the parameters.

C. Evaluation of the quality water by a designated use:

Superficial waters so identified, were evaluated, according to available data, for the following uses: recreational (direct contact); recreational (indirect contact); sources of drinkable water - rivers and lakes; and marine wildlife.

D. Criteria of the 303(d) List:

The 2006 document was developed using water quality data, evaluations of various sources according to section 319 of the Clean Water Act, and special studies of water quality. The 2006 List 303(d) was prepared considering the available information of the two most recent consecutive years for each parameter in each evaluation unit. The evaluation was made using the multiple category method for each use.

For the 2006 List, the Environmental Protection Agency used the 2003 amendments of the Puerto Rico Water Quality Standards Regulation and the enactment of the Federal Agency of Environmental Protection. The 303(d) List for Puerto Rico for the year 2006 will be included as a Exhibit I of the Integrated Report for 2006.

E. Priority order for the hydrographic watersheds:

The criteria used to established the priority order and selective watersheds was presented in the Puerto Rico Unified Watershed Assessment and Restoration Activities ("PRUWA") and was discussed in the 2004 Integrated Report.

F. Structure of the 303(d) List of Impacted Water proposed for 2006:

The 303 (d) List proposed for 2006 was divided in the following sub-groups: Estuaries; San Juan Bay Estuary; Lagoons; Lakes; and Rivers.

In accordance with the Federal Guidelines for the Preparation of the Integrated 305(b)/303(d) report and the Puerto Rico water Quality regulations, the PREPA established criteria for the segmentation and identified the method to make a determination for the support of waters in Puerto Rico. A method for the evaluation of

the waters was established for the attainment of water quality taking into consideration the new federal EPA guidelines for this integrated report. Superficial waters so identified, were evaluated, according to available data, for the following uses: recreational purposes, (primary and secondary contact); marine wildlife; sources of drinkable water.

Finally, a list of watersheds that have been impacted forms part of the document.

III. COMMENTS RECEIVED AND CONSIDERED:

At the hearing held on September 6, 2006, there was only one public appearance by Ms. Maridalis De León, resident of Rio Piedras Heights, Yaguez #133, San Juan, Puerto Rico 00926. Ms. De León also submitted her comments in writing. The same were divided on four topics that we has summarized as follows:

- 1) There is no explanation of the water parameter codes used on the 303(d) List;
- 2) It is unknown if the Environmental Protection Agency has identified the septic systems mentioned on the 303(d) List;
- 3) The evaluation of the various sources should be explain;
- 4) "Las Cuiñas" Lake is not connected to the San Juan Bay Estuary.

On September 20, 2006 we received a Report by Mr. Carmelo Vázquez, Manager for the Evaluation and Strategic Planning Area of the Puerto Rico Environmental Protection Agency. In his responses to the comments, Mr. Vázquez analyzed the comments made by Ms. De León during the hearing held on September 6, 2006.

With regards to Ms. De León's first comment, Mr. Vázquez argued that she did not mention any specific codes. He explained that on the 2006 document and its supplements they used the following abbreviations: R1, R2, VA and AP that are utilized on the 303(d) List. These codes represented the designated uses. Those are the only abbreviations that were used without an explanation. Notwithstanding, on pages 8 and 9 of the document titled "Trasfondo y Apoyo" there is a complete description of each of the designated uses. Regarding the numbers of the evaluation categories, they were also defined on Page 7 of the "Trasfondo y Apoyo" document. Finally, the number used as identification of each source of contamination and each impairment cause, identified each source and each impairment cause according the national

requirements of the EPA.

Regarding Ms. De León's second comment, Mr. Vázquez explained that the septic systems mentioned in the 2006 document are the ones in communities without sanitary infrastructure. At the present, those systems are under the jurisdiction of the Health Department and the Puerto Rico Permit and Regulations Department. The information related to the kind of septic systems that Ms. De León mentioned during her oral argument did not were included on the 2006 document. Also, said information is not available at the Health Department or at the Puerto Rico Permit and Regulations Department. The indication of potential sources of contamination of the 303(d) List is not an outcome imposing responsibility for water quality standards violations to specific sources. The principal purpose is to serve as a guide for development of strategies that should develop in each watershed in order to find its restoration.

Ms. De León's third comment is regarding the evaluation of various sources. To this comment also it is important to establish that the indication of potential sources of contamination of the 303(d) List is not an outcome imposing responsibility for water quality standards violations to specific sources. The principal purpose is to serve as a guide for development of strategies that should develop in each watershed in order to find its restoration.

Concerning Ms. De León's fourth comment, regarding the connection of "Las Curias Lake" as part of the San Juan Bay Estuary, Mr. Vázquez explained that her argument is incorrect because the San Juan Bay Estuary it has continuity with the "Las Curias" stream. He explained that the implementation is under consideration by the Office of the San Juan Bay Estuary, which is an office independent from the PR Environmental Quality Agency.

On October 9, 2006, we received additional comments from Maridali De León, with a group of other people. Their names are: Carmen Buxó, Edna Pacheco, Lyzbeth A. Cordero, Lisa Marie González and Raúl Rivera. They have added the following comments to the 303 (d) List.

Basically, they stated that there still doubts or questions regarding the procedure held in this case that Engineer Roberto Ayala couldn't clarify or explain after the public hearing held on September 6, 2006.

They commented that Engineer Ayala referred them to the electronic data on the Environmental Protection Agency ("EPA") site named "STORET" to obtain data on which the Section 303 (d) list is based on, but in their opinion said data is quite illegible and complicated for common use.

Another of their comments was the focus on the samples taken of each watershed and sub-watershed. They stated that the samples taken, may not be representative of all of the watershed, because at present, samples are taken from various points of the watershed, instead of a point representative of the total watershed. They stated that the samples taken by the Environmental Quality Board may over or underestimate the quality of water or contamination, causing the treatment or correction of the potential contamination to be over or underestimated, affecting the ultimate quality of water. Moreover, the present system may bring economic consequences due to the magnitude of treatment of potentially contaminated water, when there is none. This could also affect the Total Maximum Daily Load, ("TMDL") of these waters.

They stated that EPA has established a system for this testing consisting of, the identification of the pollutant, the calculation of the amount necessary for its reduction, identification of the sources of the watershed, the assignment of maximum permitted amounts for the activity at the watershed, a control plan, a follow-up and evaluative plan, and the evaluation of the TMDL, if it is necessary.

Their main concern was regarding the Puerto Rico septic systems, their maintenance and the existences of fecal coliforms in these septic systems. They stated that before these systems were considered temporary arrangements, but that in a study carried out in the year 1999, only 43% of the Puerto Ricans were connected to the sanitary state pipeline and that the rest of the Puerto Ricans had septic tanks. They are of the opinion that a septic tank system complies with its purpose if it is constructed and maintained adequately. A septic tank system, to adequately dispel soiled waters, must be adequately located, selected, and properly maintained. There are about twenty (20) models of septic systems that can be recommended for the areas that don't have direct access to the sanitary infrastructure. They commented on a study done in Florida in 1995 that resulted in 2 out of every 5 septic tanks evaluated having fecal contamination when the septic tanks are located at less than 2.9 kilometers to the

septic tank discharge area. However, there was very little contamination of superficial or underground water is the septic tank was located at a distance between 3.4 and 9.2 kilometers from the septic tank discharge.

They also mentioned that the State Rotary Fund provides low interest rates loans to fund environmental projects and that this fund could be used, for example, for projects involving technology for treatment of septic tanks.

Their recommendations in order to have a better quality of water sources are the following:

1. Develop guidelines for the taking of samples in the watersheds and sub-watersheds based to their geographic area, the adjoining population, the operations made in the proximity of the watershed and the identification of sources of contamination.
2. Promote additional regulations for the register, supervision or control, construction, operation and the maintenance of the septic systems.
3. Promote agreements between private entities, universities and agencies in order to have expertise and human resources in the identification of sources of contamination.
4. The Puerto Rico Permit and Regulations Agency should manage the regulation of septic systems with more diligence.
5. Consider the use of the State Rotary Fund and other emergency funds, in order to evaluate potential sources of contamination and consider the municipalities for the development of infrastructure in it in order to resolve or minimize the problem.
6. Maintenance and samples of the septic systems by a group of agencies.
7. Use the State Rotary Fund to monitor the septic systems in conjunction with the municipalities.
8. Create measures of implementation with real time wise projections for the TMDL that would permit systematic evaluations of these measures.
9. Finally, they ask the Environmental Quality Board the following questions:
 - If they have the economic resources to establish the new evaluation method of the bodies of water?
 - Has the change in focus of the evaluation of the segments been fully discussed?
 - Can you form general conclusions when the data is obtained by very little measures?

-How the samples were made? Depending on the population or the watershed areas?
-What is the economic impact of the new evaluation model?

IV. APPLICABLE LAW:

Law Number 416 of September 22, 2004, was created with the purpose of establishing environmental public policy for Puerto Rico. Article 3(A) establishes that the Commonwealth of Puerto Rico must use all of its means and practical measure, including technical assistance, to promote the general well being of the public in order that man and nature may coexist in a productive manner to satisfy social and economic needs and any other that may arise. (Free Translation of ours)

Article 9 of Law No. 416 establishes the parameters of the process of environmental review, which is a mechanism, directed towards assuring the implementation of the public policy, which is part of the legislative intent.

The Puerto Rico law regarding the environmental public policy was enacted and adopted almost: literally, taking into consideration the National Environmental Policy Act of 1969, 42 USCA 4321. Salas Soler v. Secretary of Agriculture.

The Clean Water Act (CWA) is the cornerstone of surface water quality protection in the United States. (The Act does not deal directly with ground water nor with water quantity issues.) The statute employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."

Evolution of CWA programs over the last decade has also included something of a shift from a program-by-program, source-by-source, pollutant-by-pollutant approach to more holistic watershed-based strategies. Under the watershed approach equal emphasis is placed on protecting healthy waters and restoring impaired ones. A full array of issues are addressed, not just those subject to CWA regulatory authority. Involvement of stakeholder groups in the development and implementation of

strategies for achieving and maintaining state water quality and other environmental goals is another hallmark of this approach.

The Clean Water Act, an important piece of Federal Legislation, requires states to identify bodies of water or segments thereof, which are "impaired" or which do not meet the standards of water quality in the state. (In this particular case, Puerto Rico.) This established the basic structure for regulating discharges of pollutants into the waters of the United States. It gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry. The Clean Water Act also continued requirements to set water quality standards for all contaminants in surface waters.

Section §303 (d)(1)(A) requires states to list those waters for which the effluent (waste) limits 'required by 301(b) (1) (A) (point source BPT and pretreatment limits) and §301(b) (1) (B) (POTh' secondary treatment) are not stringent enough to implement any water quality standard applicable to such waters, For all waters so identified under §303(d)(1)(A), the state then establishes TMDL5 for all pollutants preventing the attainment of water quality standards (WQS). 40 CFR130.7(c)(1)(i)(j).

The Act does not specifically predicate a §303(d)(1)(A) listing on the prior identification of the water body as impaired in a §305(b) Report. However, the specific link between §303(d) and §305(b) is contained in 40 CFR 130.7(b)(5)(i) which requires §303(d) listings to be based upon the assembly and evaluation of "all existing and readily available water quality related data and information". Such readily available data includes: (i) waters identified by the State in its most recent §305(b) report as "partially meeting" or "not meeting" designated uses or as "threatened". Therefore, the §305(b) reports provide the foundation for determining where the impaired water body should be listed and, if listed under §303(d), how that water body should be prioritized. Without such a §305(b) report listing, the public is denied information and meaningful participation in the decisions regarding listing and prioritization. Each state, (including the Commonwealth of Puerto Rico) must report every two years on the health of all its waters, not just those that are impaired. Information from this report, known as the 305(b) report or "biennial water quality report to Congress," is used to develop the "impaired waters" list. Most states start with the data and findings from the 305(b) report and add information from other sources, such as the EPA report of waters affected by nonpoint sources. States have often failed to list waters for which there was ample

evidence of impairment. Most state water quality agencies are able to sample or monitor only a small percentage of their waters consistently enough to detect many water quality problems. Nevertheless, some state agencies have chosen to disregard almost all data other than their own. This is despite the fact that regulations say states must use "all readily available data and information" in developing their 303(d) lists.

V. RECOMMENDATIONS:

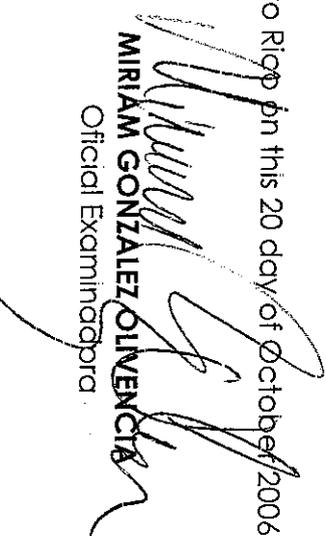
Due to the very technical nature of the report, this Examiner can only examine the same in accordance to the Clean Water Act, and the applicable local law and regulations. The hearing was held according to established regulations in the Rules for the Procedure of Administrative Hearings, Rule 26. Opportunity was given to the public to present their comments, and only one deponent used her right at the hearing. Afterwards, she was joined with additional people to further expand upon her initials comments.

This examiner believes that the document should take into consideration the analysis of Section 303 (d) made above. Our findings are that essentially it does.

The criteria used to determine the standard of water for the selected parameters is numerical, in accordance to the Puerto Rico water Quality Regulations and 40 CFR §131.3(f). They are also categorized in the document for the different bodies of water, such as coastal, superficial or underground waters in accordance to the Puerto Rico water Quality Regulations of 1990.

As we mentioned above, at the hearing held on September 6, 2006, there was only one person submitting comments and the same were fully addressed by Carmelo Vázquez, of the Environmental Quality Board. We recommend approving the List of Waters of Section 303(d) as is, incorporating the comments made by Carmel Vázquez, addressing those made by the deponent, Maridalis De León.

In Guaynabo, Puerto Rico on this 20 day of October 2006.


MIRIAM GONZALEZ OLIVENCIA
Oficial Examinadora