



**Commonwealth of Puerto Rico
Puerto Rico Aqueduct and Sewer Authority**

DEPARTMENT OF STATE

Regulation No. 6685

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**Approved: Ferdinand Mercado
Secretary of State**

**By: 
Giselle Romero Garcia
Assistant Secretary for Services**

**RULES AND REGULATIONS
FOR THE SUPPLY OF
WATER AND SEWER SERVICE**

JUNE 19, 2003

**COMMONWEALTH OF PUERTO RICO
PUERTO RICO AQUEDUCT AND SEWER AUTHORITY**

Pursuant to and in accordance with Section 4, subparagraphs (j), (k), and (n) and Section 19 of the Aqueduct and Sewer Act, Law 40 of May 1, 1945, as amended (L.P.R.A. 144 (j) and (k) and 159), this

**RULES AND REGULATIONS FOR THE SUPPLY
OF WATER AND SEWER SERVICES**

Has been approved by the Board of Directors of the Puerto Rico Aqueduct and Sewer Authority by means of Resolution Number 1970 of June 19, 2003 to enables the Authority to comply with and enforce applicable requirements of Commonwealth of Puerto Rico and Federal laws including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations promulgated by the Environmental Protection Agency (EPA) there under (40 CFR 403).

This Rules and Regulations repeal the Regulation # 512 of June 20, 1958 and the following amendments: No. 2213 of December 30, 1976, No. 2488 of March 19, 1979, No. 2938 of December 14, 1985, No. 3308 of November, 1989 and No. 3786 of February 7, 1989.

Dated: June 19, 2003



**Juan Agosto Alicea
Executive President**

RULES AND REGULATIONS FOR THE SUPPLY OF WATER AND SEWER SERVICE

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CHAPTER I

GENERAL PROVISIONS

SECTION 1.01 - LEGAL BASIS

These Rules and Regulations, issued in compliance with, and pursuant to Section 4, subparagraphs (j), (k), and (n) and Section 19 of the Aqueduct and Sewer Act, Law 40 of May 1, 1945, as amended (22 L.P.R.A. 144 (j) and (k) and 159), shall have force of law. Promulgation of these regulations also enables the Authority to comply with and enforce applicable requirements of Commonwealth of Puerto Rico and Federal laws including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations promulgated by EPA there under (40 CFR 403).

SECTION 1.02 - STATEMENT OF PURPOSE

The purpose of these Rules and Regulations is to comply with the provisions of the Aqueduct and Sewer Act, which requires their promulgation (see Legal Basis, Section 1.01); facilitate the rendering of the public services, for which purpose the Authority was created, in an orderly way; protect the its water supply source, treatment works, and water system; safeguard the public health, and establish the rights and obligations of the customers and users, the public, and the Authority.

These Rules and Regulations are intended to be administered in a spirit of cooperation with the public, customers, and users, without failing to enforce compliance, and in compliance with the legal requirements of other concerned federal and local agencies.

These Rules and Regulations establish requirements applicable to all dischargers of waste to treatment works of the Authority, including, without limitation, discharge prohibitions and limitations, permitting procedures, sampling and monitoring requirements, and a fee system for use of the treatment works.

The objectives of these Rules and Regulations are also:

1. To prevent the introduction of pollutants into treatment works that will damage or interfere with their operations, including interference with the treatment works' use or disposal of sludges;
2. To prevent the introduction of pollutants into treatment works that will pass through, inadequately treated, into receiving waters, causing a violation of the treatment works, NPDES permit or Water Quality Standards, or which otherwise will be incompatible with the treatment works;

3. To protect both the general public and Authority personnel who may be affected by wastewater and sludge in the course of their employment;
4. To prevent sludge contamination and improve opportunities to recycle and reclaim wastewater and sludges from treatment works;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the treatment works; and
6. To enable the Authority to comply with the conditions of its NPDES permits, the requirements concerning the use and disposal of sludge, and any other Federal or Commonwealth of Puerto Rico laws to which the treatment works are subject.

SECTION 1.03 - SCOPE

These Rules and Regulations establish requirements for the protection of the water supply source, treatment works, and water system; safeguarding of the public health; and the use of water and sewer services. They shall take precedence over all previous regulations promulgated by the Authority relating to the use of water and sewer service. Except as otherwise provided herein, the Executive President or a designated official of the Authority shall administer, implement, and enforce the provisions of these Rules and Regulations. The rights reserved to the Authority by these Rules and Regulations are unequivocal and perpetual until they are modified, suspended, or otherwise relinquished by the Authority or by a higher authority.

Pursuant to the provisions herein, the Authority reserves the right to develop more stringent requirements at any time when, in the opinion of the Executive President or a designated official, such action is necessary to protect the water supply source, public health, the water system, the sewer system, the treatment works, and the receiving body of water, or to ensure compliance with requirements of Federal or Commonwealth law and/or regulations.

SECTION 1.04 - DEFINITIONS

Unless a provision states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings designated below:

Accessory Building - Any building dependent upon another for its use, located within the limits of the same property.

Accidental Discharge - An exceptional incident in which there is unintentional and temporary noncompliance with the conditions of discharge limitations of these Rules and Regulations.

Account - The individual record maintained by the Authority for services rendered to customers.

Apartment Building - Any structure of two or more units belonging to the same owner, regardless of whether these units are used for residences, offices, commercial establishments, or any other use.

Approval Authority - The Regional Administrator of the United States Environmental Protection Agency (EPA) for Region II, unless EPA delegates to the Commonwealth of Puerto Rico the authority to administer the pretreatment program under Sections 307 and 402 of the FWPCA.

Authority or Control Authority - The Puerto Rico Aqueduct and Sewer Authority (PRASA).

Authorized Representative -

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- (3) If the user is a federal, Commonwealth, or local governmental entity: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates

or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Authority.

Baseline Monitoring Report (BMR) - A report required from a categorical user which provides baseline data about the user and the pollutants in its discharge that are regulated by the categorical standards in accordance with 40 CFR 403.12(b).

Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter for five (5) days at 20°C expressed as mg/L, as determined in accordance with 40 CFR 136.

Biomedical Waste - Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes, and embalming wastes.

Branch - The extension or diversion of the water pipelines.

Bulk Discharger - A user who discharges to a treatment works via a waste hauler.

Bypass - The intentional diversion of wastewater from any portion of a user's treatment facility.

°C - Degrees Centigrade (Celsius).

Categorical User - A user subject to National Categorical Pretreatment Standards promulgated by EPA.

Charge - The amount a customer is invoiced for water and/or sewer service rendered by the Authority, according to rates in force.

Chain of Custody - Written record of data related to the collection, transportation, storage, and analysis of waste and/or wastewater samples, including but not limited to identification of the persons who handle samples, dates, times, and procedures followed.

Chemical Oxygen Demand (COD) - The measure of the oxygen equivalent to that portion of organic matter susceptible to oxidation by a strong chemical oxidant, as determined in accordance with 40 CFR 136.

Cleanout Hole - An opening to facilitate the cleaning of sewer service connections.

Code of Federal Regulations (40 CFR) - The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies

of the United States Government, of which Title 40 contains environmental regulations promulgated by the Environmental Protection Agency (EPA).

Composite Sample - A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample; composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

Combined Waste Stream Formula - The formulas contained in 40 CFR 403.6(e) for calculating alternative concentration limits for determining compliance with categorical pretreatment standards or with these Rules and Regulations.

Combined Water Service - The use of water for combined residential and non-residential purposes.

Compliance Plan - A schedule with measures to be taken by an user to bring a discharge into compliance with the Authority's Rules and Regulations.

Consumption - The volume of water supplied to a customer.

Concentration - Amount of specific matter contained in a mixture, including in a solution or suspension, expressed either in weight per unit volume, in volume per unit volume, or in weight per unit weight; for example, milligrams per liter (mg/L), milliliters per liter (ml/L), or milligrams per kilogram (mg/kg).

Concentration-Based Limit - A limit based on the relative strength of a pollutant in a wastewater, usually expressed in mg/L.

Condominium Building - Any structure of two or more units of housing, offices, commercial establishments, or for any other use pursuant to the Horizontal Property Act or the provisions of the Puerto Rico Civil Code.

Connection Permit - A permit required of all customers prior to connection to the Authority's the water system and/or treatment works.

Corrosive - A substance which, by chemical or electrochemical action, may cause or causes damage, deterioration, or destruction of sewage treatment or conveyance facilities.

Customer - Any person having an account registered with the Authority under his name for services rendered by the Authority.

Executive President - The chief executive of the Authority or his or her designated representative.

Discharge - The introduction of pollutants into a treatment works from any source.

Discharge Authorization - A document issued by the Authority authorizing a discharge not covered by a discharge permit.

Discharge Permit - A permit issued by the Authority to significant users, bulk dischargers of nondomestic waste, waste haulers, and certain nonsignificant users, authorizing a nondomestic discharge to a treatment works.

Dissolved Solids - The portion of solids that passes through a filter under conditions specified by the applicable analytical method.

Domestic Discharge - A discharge of water-borne materials normally from sanitary conveniences (such as toilets, showers, sinks), free from nondomestic discharges such as, but not limited to, storm water, and utility and process discharges.

Effluent - Wastewater discharge into a treatment works.

EPA - The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

EQB - The Environmental Quality Board of the Commonwealth of Puerto Rico.

Examiner - An attorney appointed by the Authority to preside over administrative hearings under the Regulation for Administrative - Legal Procedures of the Puerto Rico Aqueduct and Sewer Authority. The person shall be admitted by the Supreme Court to practice law in Puerto Rico and shall not be an employee of the Authority.

Existing Source - With respect to categorical pretreatment standards, any source of discharge that is not a new source.

Existing User - A user discharging to the Authority's treatment works as of the effective date of these Rules and Regulations.

°F - Degrees Fahrenheit.

- Fast Meter - A water meter that registers water in excess of the correct consumption.
- Federal Register - The publication of the executive branch of the United States Government.
- Flow - The volumetric measure per unit of time of water, wastewater, or other stream.
- FWPCA - Federal Water Pollution Control Act, 33 U.S.C. §101 et seq., also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq.
- Grab Sample - An individual discrete sample collected in less than 15 minutes, without regard for flow or time in accordance with 40 CFR 136 and 40 CFR 403.
- Hazardous Waste - Waste identified as hazardous pursuant to 40 CFR 261 or the EQB Regulation for the Control of Hazardous and Non-Hazardous Solid Wastes.
- Hidden Leakage - An undetected leakage from subterraneous pipes or from pipes located beneath tiles or embedded in walls.
- Illegal Connection - An unauthorized connection to the Authority's treatment works. This term shall also include the unauthorized reconnection of a suspended or discontinued service.
- Illegal Discharge - An unauthorized discharge.
- Indirect Discharge - The introduction of pollutants or waste into a treatment works from any nondomestic wastewater source regulated under Section 307(b), (c), or (d) of the FWPCA.
- Interior Installations - The whole set of pipelines and/or appurtenances thereto located up to the service connection.
- Interference - A discharge by a user which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a treatment works, its treatment processes or operations, or its sludge processes, use or disposal, and which is a cause of either a violation of any requirement of the treatment works' NPDES permit (including an increase in the magnitude or duration of a violation) or the requirements concerning sewage sludge use or disposal by the treatment works in accordance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent Puerto Rico regulations): Section 405 of the FWPCA as amended; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA) as amended, and including Puerto Rico regulations contained in any Puerto Rico

sludge management plan prepared pursuant Subtitle D of RCRA as amended; the Clean Air Act as amended; the Toxic Substances Control Act as amended; and the Marine Protection, Research and Sanctuaries Act as amended.

Law 170 - Commonwealth of Puerto Rico Uniform Administrative Procedures Act of August 12, 1988, as amended, Title 3 of the Laws of Puerto Rico, Annotated, Section 2101, et seq.

Leakage - Any liquid raw material, product, water, wastewater, or sludges escaping from pipes or installations.

Local limits - Specific effluent limits for nondomestic dischargers developed to prevent interference or pass through and necessary to ensure renewed and continued compliance with a treatment works' NPDES permit or sludge use or disposal practices.

Manifest - A document required for a waste hauler, which tracks the source, transport, and discharge to a treatment works pursuant to these Rules and Regulations.

Meter - A device to measure and register among others pH, temperature, water consumption, wastewater, or other flows.

Meter Testing - Procedure to determine the accuracy of a meter.

Monitoring Facility - A device or structure suitable and appropriate for the observation, sampling, and/or flow measurement of a discharge to determine compliance with these Rules and Regulations.

National Categorical Pretreatment Standards or Categorical Standards - Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a treatment works by existing or new users in specific industrial subcategories, promulgated by EPA as regulations under 40 CFR Chapter I, Subpart N.

National Pretreatment Standard - Any regulation containing a pollutant discharge limit promulgated by EPA in accordance with Sections 307(b) and (c) of the FWPCA that applies to users. This term includes National Categorical Pretreatment Standards and prohibited discharge limits established pursuant to 40 CFR 403.5.

New Source - With respect to National Categorical Pretreatment Standards:

- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed National Categorical Pretreatment Standards

pursuant to Section 307(c) of the FWPCA which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not

constitute a contractual obligation under this paragraph.

Nipple - A piece of pipe used to connect the meter with the customer's private pipeline.

Noncontact Cooling Water - Water used for cooling which does not come in direct contact with any raw material, intermediate product, waste product, or finished product.

Nondomestic Discharge - A discharge from industrial, trade, manufacturing, commercial, or institutional sources, which is not domestic. Wastewaters that are a mixture of domestic and nondomestic wastewaters at the discharge point, shall be regulated as a nondomestic discharge.

Nonsignificant user - A user who is a nondomestic discharger and who is not a significant user.

NPDES - National Pollutant Discharge Elimination System. The system through which permits are issued pursuant to Section 402 of the Act to regulate discharges into navigable waters from point sources of pollution, including industries and POTWs.

O&M - Operation and Maintenance.

Oil and Grease (Animal and Vegetable) - Oil and grease of animal or vegetable origin.

Oil and Grease (Hydrocarbon-Based) - Oil and grease of hydrocarbon origin such as petroleum or mineral oil, measured in accordance with approved methods as set forth in 40 CFR 136, or any other applicable method specified by the Authority.

Organic Matter - Matter containing carbon compounds such as hydrocarbons or their derivatives, produced by living organisms, plants and animals, or synthetically produced, and which have the potential to degrade the quality of water.

Pass through - A discharge which exits the treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment works' NPDES permit (including an increase in the magnitude or duration of a violation).

Person - Any individual, association, partnership, company, firm, corporation, joint stock company, joint venture, trust, estate, governmental entity, municipality, commission, or any other legal entity or their legal representatives, agents or assigns. This definition includes all Commonwealth of Puerto Rico or United States agencies, public corporation, or any of their subdivisions.

pH - The reciprocal of the logarithm of the hydrogen ion concentration. This measure is used to test the acidity or alkalinity of an aqueous solution. The measure is expressed in standard units (SU).

Pollutants - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, biomedical wastes, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, and certain characteristics of wastewater (e.g., pH, TSS, turbidity, color, BOD, COD, toxicity, or odor) discharged into a treatment works.

PRASA - Puerto Rico Aqueduct and Sewer Authority

Pretreatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a treatment works. The reduction or alteration may be obtained by physical, chemical, or biological processes, or process changes or by other means, except dilution as prohibited in these regulations. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the treatment works.

Pretreatment Facility - Any devices or systems utilized to reduce the amount of pollutants, eliminate pollutants, or alter the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the Authority's treatment works.

Pretreatment Requirements - All of the substantive or procedural requirements, and discharge prohibitions, categorical pretreatment standards, and local limits set forth in these Rules and Regulations, imposed on a user.

Primary Treatment System - A treatment system in which only physical or mechanical separation of solids from liquids is attained.

Priority Pollutants - Those toxic pollutants designated by the Administrator of EPA pursuant to Section 307(a)(1) of the FWPCA, as amended.

Process Wastewater - Any water which during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Publicly Owned Treatment Works (POTW) - A treatment works as defined by Section 212 of the FWPCA, which is owned by a State or municipality (as defined by Section 502(4) of the FWPCA). This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances, sewers, and pipes which convey wastewater to a treatment plant.

Quality Assurance/Quality Control - Management/administrative checks of procedures and practices used during sampling and analysis that ensure the accuracy, precision, reproducibility, and representativeness of reported data.

Receiving Body of Water - Coastal and surface waters as defined by the Environmental Quality Board of Puerto Rico.

Registered Professional Engineer (PE) - An engineer licensed by the Board of Engineers & Surveyors of the Commonwealth of Puerto Rico, and who is a member in good standing of the College of Professional Engineers and Surveyors of Puerto Rico, as required by law.

Removal - The reduction in the amount of a pollutant in the treatment works' effluent or alteration of the nature of a pollutant during treatment at the treatment works. The reduction or alteration may be obtained by physical, chemical, or biological means and may be the result of specifically designed treatment works capabilities or may be incidental to the operation of the treatment system. Removal shall not mean dilution of a pollutant in the treatment works.

Representative of the Authority - A duly authorized person, with written authorization by the Authority to act on its behalf.

Reservoir - A body of water created or used as a water supply. This term shall also include the adjacent grounds and surrounding structures.

Rules and Regulations - The Rules and Regulations for the Supply of Water and Sewer Service of the Puerto Rico Aqueduct and Sewer Authority, including without limitation, its appendices, attachments, and amendments thereto, and all regulations of the EPA or the EQB adopted by reference therein.

Secondary Treatment System - A treatment system in which, besides the physical or mechanical separation of solids from liquids, degradation of organic matter is attained by biological means.

Self-Monitoring - Sampling and analysis performed by a user to demonstrate compliance with a discharge limit or other regulatory requirement.

Self-Monitoring Report (SMR) - A report including wastewater sampling and analysis results and other information required by the permit or authorization submitted by the user to the Authority in compliance with a discharge permit or authorization or other requirement in these Rules and Regulations.

Severe Property Damage - With respect to a bypass, substantial physical damage to property, damage to the pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage - See wastewater.

Sewer - A pipe or conduit used to collect and/or to convey wastewater.

Sewer Main - The primary pipeline collecting sewage.

Sewer Service - The service rendered to users by means of a sewer system.

Sewer Service Connection - The connection from the customer's property to the sewer main.

Sewer System - All systems, facilities, or properties used or usable or having the present capacity for future use in connection with the collection and conveyance of sewage, which are owned, operated, or controlled by the Authority. The sewer system includes pumping stations, intercepting sewers, collecting sewers, lateral sewers, pressure lines, sewer mains, and all necessary appurtenances and equipment, improvements to any of such properties, heretofore or hereinafter constructed or acquired, and all properties, rights, easements, and franchises relating to such facilities and deemed necessary or convenient by the Authority for the operation thereof.

Sewerage Wells - Subsurface facilities for the treatment and disposal of wastewaters through sedimentation and percolation into the ground. Such systems may include, but are not limited to:

- (1) Septic Tank - The tank where sewage settles and decays.
- (2) Filter Well or Leaching Pit - An open bottom pit or well through which effluent is applied to the ground via percolation after settling in a septic tank.

- (3) Cesspool - A well or pit in which sedimentation and percolation are supposed to occur in the same compartment. This type of system is not recommended for most applications.
- (4) Leaching Field - A field, or set of trenches, through which sewage is applied to the ground after settling in a septic tank. This is normally used in lieu of the leaching pit.

Shutoff Valve - The valve located just before the meter, interrupting the flow of water in the pipe.

Significant User - Shall mean a user discharging nondomestic wastewater that is:

- (1) A user subject to a National Categorical Pretreatment Standard; or
- (2) A user that either:
 - (a) Discharges an average of 10,000 gallons per day or more of nondomestic wastewater (excluding sanitary, noncontact cooling and boiler blow down wastewaters); or
 - (b) Contributes a nondomestic waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of a particular treatment plant; or
 - (c) Is designated as a significant user by the Authority on the basis that the user's discharge has a reasonable potential for adversely affecting the treatment works' operation or for violating any pretreatment standard or requirement.
- (3) Upon finding that a user meeting the criteria in paragraph (2) above has no reasonable potential for adversely affecting the treatment works or for violating any pretreatment requirement, the Authority may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant user.

Sludge - Any residual solid or semi-solid created as a result of water or wastewater treatment.

Slug Control Plan (SCP) - A plan prepared by a user to minimize the likelihood of slug discharges and to expedite control and cleanup activities should such occur.

Slug Discharge - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, at a flow or concentration which could cause a violation of Sections 2.04 or 2.05.

Standard Industrial Code (SIC) - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget (1972), and amendments thereto.

Storm Water Runoff - Water which after falling as precipitation, is not absorbed into the earth, but which flows from the area upon which it has fallen.

The Public - Any person or persons with the exception of the Authority.

Total Suspended Solids (TSS) - The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by filtering, as determined in accordance with 40 CFR 136.

Toxic Pollutant - Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, are known to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in such organisms or their offspring. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to Section 307(a)(1) of the FWPCA.

Treatment Works - All treatment plants, sewer systems or other controls, and appurtenances which are owned, operated, or controlled by the Authority, related to the collection, transportation, storage, treatment, recycling, reclamation, disposal, and management of wastewater, and residues resulting from the Authority's treatment of wastewater, within an existing or proposed service area.

Tributary - A stream or river flowing into a bigger river or into a lake or other body of water.

Upset - An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

U.S.C. - United States Code

User - Person using the water and/or sewer service, whether or not that person is a customer.

- (1) Registered User - Person using the water and/or sewer service registered in his name at the Authority.
- (2) Non-Registered User - Person using water and/or sewer service registered in the name of another person.
- (3) Illegal User - Person using water and/or sewer service without all authorizations and permits required by these Rules and Regulations.

Waste - Any solid, liquid, semi-solid, or gaseous substance, or a combination of such substances which has either fulfilled its useful purpose or which is disposed of or discarded.

Waste Hauler - Any person transporting and discharging wastewater to a treatment works by any means other than by pipeline.

Wastewater Treatment Plant (WWTP) - Any arrangement of devices and structures which are owned, operated, or controlled by the Authority and designed to provide treatment (including recycling and reclamation) of sewage.

Wastewater - Any liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged to the treatment works.

Water Quality Standards - Standards established by the Puerto Rico Environmental Quality Board or established by EPA at 40 CFR 131, as amended, applicable to the surface and coastal waters in and around the Commonwealth.

Water Service - The water supplied to users.

Water Service Connection - The connection from the main pipeline to the water meter, or in its absence, to the point where it enters the particular property.

Water Supply Source - The springs, river beds, torrents, streams, rivers, deep wells, shallow wells, reservoirs, lakes, lagoons, and any other natural or artificial bodies of water supplying the Authority's water system.

Water System - The installations, water treatment facilities, pipelines, and appurtenances thereto functioning as a unit to provide water service to a community.

SECTION 1.05 - PROTECTION OF THE WATER SUPPLY SOURCES

It is hereby prohibited to discharge or release into a water supply source or its tributaries, untreated sewage, industrial wastes and substances, liquids or any matter or objects that may pollute the waters and/or cause any harm to the Authority's water system. This prohibition includes the throwing or depositing on the banks or shores of a water supply source or in any service box of said wastes, or any substances, liquids, solid matter, or objects. In general, any act that may pollute a water supply source of the Authority hinder the effectiveness of a water system, is prohibited.

SECTION 1.06 - OTHER PROVISIONS FOR THE SAFEGUARD OF THE PUBLIC HEALTH

It is likewise prohibited to bathe, swim, wash clothes, water and bathes animals, spit or wash vehicles in a water supply source and its tributaries or to use a water system in any such way as to jeopardize the public health or alter the physical, chemical, or bacteriological state of the waters. It is also prohibited to urinate, defecate, throw or deposit urine, excrement, or manure on the surrounding grounds, on the tributary banks as well as depositing molasses, any waste or garbage, animal carcasses, refuse from slaughter houses, pounds, or meat markets where a water supply source might become polluted, or any refuse containing organic matter, or chemicals harmful to the quality of the waters, such as, but not limited to: detergents and petroleum derivatives, etc.

The Authority may order the removal or interment of the prohibited matter and, if not removed within twenty-four (24) hours, it may do so at the expense of the offender.

SECTION 1.07 - PROVISION OF SEWER SERVICE

A. To Whom Sewer Service Will Be Provided

The Authority shall render sewer services to any person whose property has access to sewer mains in use and has complied with all established requirements. The owner or operator of any building or structure adjacent to any street, avenue, or thoroughfare having a sewer system or which may have access to same, shall register as a customer under the terms and conditions required by the Authority. Said person shall cease to use any other means for the disposal of wastewaters, the discharge of which is not prohibited by these Rules and Regulations, unless such person owns an independent system for such disposal, constructed, and operated in accordance with all applicable laws and regulations of the Commonwealth of Puerto Rico and the United States.

B. Sewer Connections

Sewer service installations connecting the Authority's sewer system to the customer's installation at the customer's property line, shall remain under the exclusive control of the

Authority and shall become the property of the Authority even though the cost of said installations may have been defrayed by the customer.

The Authority shall be responsible for the maintenance of the connections up to the customer's property limits, excluding those installations for the exclusive use of the customer. The customer shall be responsible for the maintenance of all installations within his property limits or for his exclusive use.

SECTION 1.08 - REGULARITY OF THE SERVICES RENDERED BY THE AUTHORITY

The Authority shall render its water and sewer services in the most regular and continuous possible manner, but may interrupt them by reason of special circumstances, such as, but not limited to, a decrease in the volume of water, repair, and improvements to the systems in operation. The Authority, however, reserves the right to interrupt these services without prior notification, for emergency repairs and to prevent damages to its property in case of strikes, orders from competent authorities, or due to accidental causes or acts of God, public enemies, or when dangerous situations threaten the life, health, or property of the citizenry. Such interruptions shall not constitute a breach of contract on the part of the Authority and, neither the Authority, nor its employees shall be held responsible for service interruptions due to such causes. Nevertheless, the Authority shall use the reasonable means available to reestablish the services as soon as possible. Whenever possible, the Authority shall inform the public of any necessary interruption of the services.

SECTION 1.09 - OPERATION OF THE WATER AND SEWER SYSTEMS - INTERFERENCE WITH THESE SYSTEMS PROHIBITED

Only the employees and duly authorized agents of the Authority, or a person contracted by the Authority under an operation and maintenance contract shall operate the water and sewer systems of this instrumentality and shall install connections and perform other works in said systems. It is hereby prohibited to any unauthorized person to perform said acts to manipulate, alter, obstruct, deface, mutilate, destroy, or tamper with any installation or any part of said systems.

SECTION 1.10 - AMENDMENTS TO THESE RULES AND REGULATIONS

None of the provisions of these Rules and Regulations shall be construed as a restriction on the power of the Authority's Board of Directors to amend and impose other terms and conditions in accordance with applicable laws and regulations, and as set forth at 40 CFR 403.18.

When amending these Rules and Regulations, the Authority shall hold a public hearing and comply with the public notice requirements established in Law 170.

SECTION 1.11 - PUBLIC NOTICE FOR REGULATION AMENDMENTS

A public notice shall be published at least once in two newspapers of general circulation in Puerto Rico. In addition to the requirements of Law 170, the notice shall include: the date, time, and place of the required hearing that the Authority shall hold to amend these Rules and Regulations. The notice shall be published thirty (30) days before the hearing. The Authority may give additional notice in any manner it deems appropriate.

The notice shall indicate at least one depository where the full text of the proposed amendment will be available for public review.

SECTION 1.12 - JUDICIAL PROCEDURES

The Authority may request injunctive relief and any other legal remedy according to law to enforce these Rules and Regulations.

SECTION 1.13 - CITATIONS

Unless otherwise specifically stated, all citations contained herein shall refer to these Rules and Regulations.

CHAPTER II GENERAL PRETREATMENT REQUIREMENTS

SECTION 2.01 - APPLICABILITY

Section 2.04 is applicable to all users. All other sections in this chapter are applicable only to those users that discharge nondomestic wastewater into the Authority's treatment works.

Where there is overlap among the pretreatment requirements applicable to a user in Sections 2.04, 2.05, and 2.07, the most stringent requirement shall apply to the user.

SECTION 2.02 - POLLUTION PREVENTION AND WATER CONSERVATION

To meet the following objectives for pollution prevention and water conservation, the Authority may establish specific requirements for a user:

1. To meet federal and Puerto Rico environmental quality standards, including sludge disposal requirements, air emission requirements, and NPDES wastewater discharge requirements;
2. To reduce the transfer of pollutants from one environmental medium to another;
3. To increase POTW worker safety and reduce collection system hazards from toxic or hazardous gases;
4. To reduce the occurrences of interference and pass through;
5. To reduce sludge management costs;
6. To reduce the impacts of users' discharges;
7. To conserve flow and pollutant allocations to satisfy demands for sewer service; and
8. To conserve water supply sources.

User requirements may include, but are not limited to, specific requirements in a discharge permit or authorization and the implementation of a pollution prevention or water conservation plan.

SECTION 2.03 - PRETREATMENT FACILITIES

A. General

Each user shall achieve compliance with all applicable Pretreatment Requirements. Any user required to pretreat wastewater to levels that comply with such pretreatment requirements shall provide, operate, and maintain a pretreatment facility at the user's expense. Plans describing such facilities and operating procedures shall be submitted to the Authority for review. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of these Rules and Regulations.

B. Special Facilities for Users Discharging Wastewater Containing Lard, Fats, Oils, Grease, Sand, or Similar Substances

A trap or interceptor shall be installed by users discharging wastewater containing lard, fats, oil, grease, or settling matter such as sand, dirt, or grit, or similar material in such quantities that could cause pass through, interference or adverse effects on the collection system. Gasoline stations, restaurants, bakeries, hospitals, supermarkets, shops, and other establishments who discharge such wastewaters, shall install a trap or interceptor for collection and removal of such substances. Existing users at such establishments shall install a trap or interceptor by no later than six months after the effective date of these regulations. In order to be exempted from this requirement or to receive an extension to the compliance date, an existing user must first receive written approval by the Authority. Approval will only be granted by the Authority if the user can demonstrate that its discharge will not pass through or cause interference. For new users, installation of a trap or interceptor shall be completed before a new user shall be authorized to discharge into the sewer system. Facilities shall be properly operated and maintained by the user at the user's expense. The user shall properly remove and dispose of materials accumulated in the trap or interceptor and maintain records of said disposal. The records shall at least provide the date, amount of material removed, and the name of the person to whom the removed material was delivered for transport and reclamation or disposal.

Failure of the user to operate and maintain a trap or interceptor properly or to maintain records of the produced and disposed material will be considered a violation of these Rules and Regulations and shall be subject to enforcement actions provided herein.

C. Operation and Maintenance Plan

All users who operate pretreatment systems shall be required to develop and implement an operation and maintenance plan, to ensure compliance with these Rules and Regulations. A user's operation and maintenance plan shall, at a minimum, include:

1. Operation and maintenance manual, covering:
 - a. Waste and wastewater sources;
 - b. Description of treatment process units with treatment process flow diagram;
 - c. Description of treatment process control;
 - d. Instrument calibration procedures;
 - e. Troubleshooting and corrective action procedures;
 - f. Preparation and handling of treatment chemicals;
 - g. Maintenance of log and record sheets used in relation to the pretreatment facilities;
 - h. Maintenance schedule for equipment and instrumentation; and
 - i. Emergency telephone numbers;
2. A list of adequate operating staff duly qualified to carry out operation, maintenance, and testing functions;
3. Operating log for recording operating data, maintenance performed, analytical results, and the volume of wastewater discharged to the treatment works;
4. Records showing the handling of wastewater residues and sludges generated by the pretreatment facility, including waste manifests; and
5. A copy of applicable licenses required by law for the operation of such facilities.

SECTION 2.04 - DISCHARGE PROHIBITIONS

A. Obligation to Obtain Permit or Authorization

No new user shall discharge into a treatment works unless the user has first obtained a connection permit, discharge permit, or discharge authorization, as applicable, pursuant to these Rules and Regulations.

B. General Discharge Prohibitions

No user shall discharge, or cause to be discharged, any of the following substances or wastewaters into a treatment works. All new discharges shall be in compliance with the general discharge prohibitions prior to commencing discharge.

1. Any pollutant or wastewater which passes through or interferes with the operation or performance of a treatment works. This prohibition applies to all users of a treatment works whether or not they are subject to any National Categorical Pretreatment Standards, or Puerto Rico Pretreatment Requirements, or other Federal or Commonwealth requirements.
2. Wastes containing pollutants as described below:
 - a. Pollutants which create a fire or explosion hazard in the treatment works including, but not limited to wastewaters with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified at 40 CFR 261.21.
 - b. Pollutants having any corrosive property which may cause damage to the Authority's treatment works or to the personnel in charge of them, but in no case may discharges have a pH lower than 5.0 or higher than 10.0. When pH is continuously monitored, excursions are permitted subject to the following limitations:
 - (i) The total time during which the pH values are outside the required range of pH values shall not exceed seven (7) hours and twenty-six (26) minutes in any calendar month; and no individual excursion from the range of pH values shall exceed thirty (30) minutes.

- (ii) No individual excursion is allowed below a pH of 5.0 unless the POTW is specifically designed to accommodate such discharge. Such a finding would be made by PRASA during development of site specific local limits;
 - (iii) No excursion which would cause pass through or interference is allowed.
 - (iv) No excursion of upper pH values based on categorical standards is allowed unless expressly permitted by the categorical standards.
- c. Solid, semi-solid, or viscous substances, including but not limited to lard, wax, fats, oils, feathers, blood, tissues, animal viscera, hair, bones, and sand, in amounts which will cause obstruction to the flow in any treatment works resulting in interference.
 - d. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the treatment works resulting in interference.
 - e. Bones, egg shells, and similar matter, including the discharge of waste from garbage grinders, unless the particles have been reduced to less than half an inch in size considering the dimension of the largest particle.
 - f. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, which will cause interference with the treatment works.
 - g. Any discharge, at a flow rate which may cause interference.
 - h. Any liquid, vapor, pollutant, or wastewater which by reason of its temperature may inhibit biological activity resulting in interference in a treatment works or present a hazard to the health of sewer maintenance personnel. In no case may any liquid or vapor be discharged that causes the temperature at the point closest to the user's discharge into the sewer system to exceed 60°C (140°F), unless the Authority approves alternative temperature limits. Additionally, in no case may wastewater be discharged that causes

the temperature of the influent of a treatment plant to exceed 40°C (104°F), unless the Approval Authority upon request of the Authority approves alternate temperature limits.

- i. Wastewaters with oil and grease concentration greater than 100 mg/L, unless a user receives written approval from the Authority in accordance with Section 2.05(D). In no case, however, shall a user be allowed to discharge wastewaters containing petroleum oil, no biodegradable cutting oil, or no biodegradable products of mineral oil origin in excess of 100 milligrams per liter (mg/L). At no time can a discharge of any or any combination of the above substances cause pass through or interference at a treatment works.
- j. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that may cause acute worker health and safety problems.
- k. Any trucked or hauled pollutants, except at discharge points designated by the Authority pursuant to a bulk discharge permit or authorization and waste hauler permits.
- l. Concentrations of dissolved solids such as chlorides and sulfates that would cause the Authority to undertake extraordinary measures to keep the treatment works operating properly.
- m. Any isotope or radioactive substance, unless the Authority has issued a special permit for the discharge of such substances or their isotopes upon satisfactory demonstration that the half-life or concentration of said radioactive substances or isotopes does not exceed applicable limits established by the United States or the Commonwealth, including standards for potable water, where applicable.
- n. Any toxic or poisonous solid, liquid, or gaseous substance in sufficient amount which, the Authority has determined, after consideration of the particular conditions of each case, either singly or by interaction, may interfere with a treatment works, constitute a hazard to the health and/or life of human beings and/or animals, endanger the environment, become a public nuisance, or constitute any other unreasonable risk.
- o. Wastes which by reason of their color may cause interference or may pass through the treatment works which consequently imparts

color to the treatment plant's effluent, thereby violating the POTW's NPDES permit.

- p. Wastes containing noxious elements or antibiotic effects that, either alone or in conjunction with discharges by other sources, cause interference.
 - q. Sludges, screenings, or other residues from traps or interceptors or the pretreatment of wastes.
 - r. Biomedical wastes, except as specifically authorized by the Authority in a discharge permit or authorization.
 - s. Wastewater causing, alone or in conjunction with other sources, a treatment works' effluent to fail a toxicity test.
 - t. Detergents, surfactants, or other substances which may cause excessive foaming in a treatment works or may cause interference.
 - u. Any material containing polychlorinated biphenyls (PCBs) unless specifically authorized by the Authority in a discharge permit or discharge authorization.
3. Uncontaminated storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, or cooling water unless specifically authorized by the Authority;
 4. Any material identified as a hazardous waste pursuant to 40 CFR 261 and any revisions thereof, except in accordance with applicable Federal and Puerto Rico regulations.

SECTION 2.05 - LOCAL LIMITS

Local limits shall be developed and enforced to implement the general discharge prohibitions in Section 2.04(B). The need for site-specific local limits shall be evaluated for each of the Authority's treatment works, based on each its characteristics, including but not limited to, its influent quality, treatment plant design and capacity, effluent limitations, receiving water quality standards, sludge quality requirements, and sewer collection system. Until site-specific local limits are developed for a particular treatment works, all users of that treatment works will be subject to the generally-applicable local limits in this section and to any other limitation the Authority may impose as necessary in accordance with Section 2.05(C) and the due process and

review process in Section 3.05. A user may apply to the Authority for less stringent limitations in accordance with Sections 2.05(D) and 3.08.

Local limits may be revised from time to time and whenever needed in accordance with 40 CFR 403.8(f)(4) and 122.44(j)(2)(ii).

All new discharges shall be in compliance with applicable local limits prior to commencing discharge.

A. Generally-Applicable Local Limits

The following generally-applicable local limits apply to all users of a treatment works for which the Authority has determined that site-specific local limits are not required or for which the Authority has not yet developed site-specific local limits. These limits apply at the point at which the wastewater is discharged to the sewer. All concentrations for metals are for "total" metal unless indicated otherwise. The Authority may impose mass limitations in addition to, or in place of, the concentration-based limits.

Parameter	Generally-Applicable Local Limits* (mg/L unless otherwise noted)
Temperature	60 °C (140°F)
pH (minimum)	5.0 units
pH (maximum)	10.0 units
Copper	1.0
Mercury	0.05
Nickel	0.5
Chromium	1.0
Silver	0.05
Cadmium	0.1
Zinc	0.5
Lead	0.2
Selenium	0.2
Manganese	4.00
Cyanide	0.1
Phenols (phenolic substances)	1.00
Oil and Grease	50
BOD**	
Total Suspended Solids**	

* All limits are based on 24-hour composite samples except for temperature, pH, cyanide, and oil and grease. Grab samples shall be taken for temperature, pH, cyanide, and oil and

grease unless, upon request by the user, the Authority approves use of a mathematically calculated "composite sample," based on individual grabs that are analyzed separately. The Authority shall specify the manner in which these grab samples will be collected and mathematically combined.

** Generally-applicable local limits are not established for these parameters; however, limits may be set in a user's discharge permit or authorization, based on the capacity of the treatment works. The Authority will typically use a default value of 250 mg/L in a permit or authorization unless the user demonstrates a higher limit will not cause pass through or interference.

B. Site-Specific Local Limits

Site-specific local limits are developed (and shall continue to develop) for an individual treatment works. For each particular treatment works, site-specific local limits replace the generally-applicable local limits in their entirety. These limits apply at the point at which the wastewater is discharged to the sewer. All concentrations for metals are for "total" metal unless indicated otherwise. The Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations.

C. Additional or More Stringent Limits

The Authority reserves the right to impose additional and/or more stringent discharge limitations applicable to an individual user when the Authority determines that such action is necessary to prevent interference or pass through of pollutants, or a violation of a treatment plant's NPDES permit, or to ensure compliance with EQB Water Quality Standards or standards promulgated pursuant to Section 303(c)(4) of the Act. Moreover, additional or more stringent limitations may be adopted in an initial wastewater discharge permit or authorization, a renewed wastewater discharge permit or authorization, or upon the Authority's own motion through a modification to an existing wastewater discharge permit or authorization.

D. Less Stringent Limits

The Authority reserves the right to modify the site-specific local limits in Section 2.05(B) and to provide less stringent limits for individual users where it can be shown that the revised limits will not cause pass through or interference.

Changes that involve only reallocations of the maximum allowable nondomestic load of all users (or a subgroup of users identified by the Authority) of a pollutant, if the reallocation does not increase the total nondomestic load for the pollutant, are considered to not cause pass through or interference. The change must be consistent with the reallocation methodology for the treatment works.

In cases where a change in a limit would involve a change in the maximum allowable nondomestic load or the reallocation methodology, the user requesting the change shall demonstrate to the satisfaction of the Authority that a less stringent limit will not cause pass through or interference. The user shall provide any additional information that the Authority requires in order to act upon the application.

E. Notification of Site-Specific Local Limit Implementation

The Authority shall provide public notice in a local and regional newspaper when site-specific local limits are proposed for a treatment works. The Authority shall provide a 30-day period after public notice for submittal of written comments.

SECTION 2.06 - SLUG DISCHARGES

A. Prevention of Slug Discharges

1. Each user shall adopt reasonable measures to prevent the occurrence and effect of any slug discharge. Facilities to prevent slug discharges shall be provided and maintained at the user's own cost and expense. Additionally, each user required by the Authority to have a Slug Control Plan shall, in accordance with paragraph B below, prepare and file with the Authority, a detailed Slug Control Plan.
2. New users that are required by the Authority to prepare a Slug Control Plan must submit a detailed Slug Control Plan in their application for a discharge permit or authorization. Existing users that are required to prepare Slug Control Plans, shall submit a detailed Slug Control Plan as part of their discharge permit or authorization renewal application, or in response to the biennial review in Section 2.06(B) hereof, whichever occurs first. Acceptance by the Authority of detailed plans or other descriptions of facilities and operating procedures to prevent the accidental or slug discharge of prohibited materials will in no way relieve a user from the responsibility of modifying its facility and operating procedures as necessary to produce a discharge that complies with these Rules and Regulations, or from the responsibility of complying with other applicable laws and regulations.

3. Each user shall establish procedures for notifying the Authority of any slug discharge and shall insure that all appropriate employees at the user's facility are informed of such procedures.
4. In the event of a slug discharge, it is the responsibility of the user to notify the Authority by telephone immediately and in no event later than twenty-four (24) hours after the commencement of the incident or knowledge thereof. The notification shall include: (1) the location of the discharge; (2) the type of waste discharged; (3) the concentration and volume; and (4) the corrective actions taken by the user. Within five (5) calendar days following a slug discharge, the user shall submit to PRASA's Pretreatment Program a detailed written report describing the cause of the discharge, its duration, and the measures to be taken by the user to prevent similar occurrences in the future. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to a treatment works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations or other applicable law.

B. Biennial Review to Determine Need for Slug Control Plans

At least once every two (2) years, the Authority will evaluate each significant user to determine whether the user should prepare or revise a plan to control slug discharges. The Authority will make its determination of the need to prepare or revise a Slug Control Plan through use of evaluation factors such as those outlined in EPA's "Guidance Manual for Control of Slug Loadings to POTWs" (September 1988), as well as all other criteria deemed relevant by the Authority. Upon finding that a Slug Control Plan is required, a user shall develop and implement such a plan. A Slug Control Plan shall include, at a minimum, the following:

1. A description of discharge practices of the significant user, including nonroutine batch discharges;
2. A list of chemicals and their Chemical Abstract System (CAS) numbers stored at the user's facilities;
3. Procedures for immediately notifying the Authority of any slug discharge, including any discharge that would violate a prohibition in Section 2.04(B)(2), with procedures for follow-up written notification within five (5) days;

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
5. Procedures for updating the plan and notifying the Authority of such updates whenever there are any significant changes in the user's discharge practices, the nature or quantity of chemicals stored on site, or the storage facilities for chemicals.

SECTION 2.07 - NATIONAL CATEGORICAL PRETREATMENT STANDARDS

A. Incorporation by Reference of National Categorical Pretreatment Standards

Users shall comply with all prohibitions, limitations, and requirements contained in the National Categorical Pretreatment Standards which are more stringent than any corresponding prohibitions, limitations, and requirements imposed under these Rules and Regulations for sources in that subcategory.

National Categorical Pretreatment Standards that have been promulgated by EPA at 40 CFR Chapter I, Subchapter N, Parts 405-471, are appended to and made part of these Rules and Regulations. National Categorical Pretreatment Standards promulgated by EPA in the future will become part of this regulation after being filed with the Department of State of the Commonwealth of Puerto Rico in accordance with Law 170. This provision shall be applicable only to those industries which are subject to the particular National Categorical Pretreatment Standard.

B. Removal Credits

Where a treatment works achieves consistent removal of pollutants limited by National Categorical Pretreatment Standards, the Authority may apply to the Approval Authority for modification of specific limits in the National Categorical Pretreatment Standards that are applicable to users discharging to the treatment works. "Consistent Removal" shall mean reduction in the amount of a pollutant in a treatment works' effluent or alteration of the nature of a pollutant during treatment at a treatment works, when demonstrated and determined according to the procedures set forth in 40 CFR 403.7. The Authority may modify pollutant

discharge limits in the National Categorical Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

C. Modification to National Standards for Fundamentally Different Factors

If data specific to a particular user indicates that factors relating to the user's discharge of a pollutant are fundamentally different from the factors considered by EPA in developing a National Categorical Pretreatment Standard controlling the discharge of the pollutant, the user and/or the Authority may request a variance from the National Categorical Pretreatment Standard in accordance with the requirements of 40 CFR 403.13.

Factors which may be considered fundamentally different include:

1. The nature or quality of pollutants contained in the raw waste load of the user's process wastewater;
2. The volume of the user's process wastewater and effluent discharged;
3. The non-water quality environmental impact of control and treatment of the user's raw waste load;
4. Energy requirements of the application of control and treatment technology;
5. The age, size, land availability, and configuration as they relate to the user's equipment or facilities, processes employed, process changes, and engineering aspects of the application of control technology; and
6. The cost of compliance with required control technology.

D. Dilution Prohibited as a Substitute for Treatment

Except where expressly authorized to do so by an applicable pretreatment requirement, no user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with these Rules and Regulations.

The Authority may impose mass limitations on users which are using dilution to meet applicable Pretreatment Requirements, or in cases where the imposition of mass limitations is appropriate. In such cases, the periodic compliance report shall indicate the mass of pollutants present in the user's effluent.

SECTION 2.08 - BULK DISCHARGES

- A. Except as specifically authorized in a discharge permit, the discharge of wastewater into a treatment works by means of trucks, tanks, suction pumps, individual tanks, containers, or any such other means, is hereby prohibited. Users that have their waste transported to a treatment works and waste haulers shall obtain a discharge permit or authorization.
- B. Bulk discharges may be made only at locations at a treatment works specifically approved by the Authority.
- C. The Authority may collect samples of any bulk discharge to ensure compliance with applicable Pretreatment Requirements.
- D. Waste haulers shall provide the Authority with a waste manifest for each load of wastewater prior to discharging to a treatment works. This form shall include, at a minimum, the name and address of the waste hauler, its permit number, its truck identification, the names and addresses of the generators of waste in the load, date and time each waste was collected, the volume, and a current, representative characterization of the hauled waste. The form shall identify the type of businesses generating the hauled waste, known or suspected waste constituents, and a certification that the waste is not a hazardous waste unless the treatment works has a permit as a hazardous waste treatment, storage, and disposal facility (TSDF) and the permit specifically allows management of the bulk discharge. If any waste generator refuses to provide a waste hauler with the foregoing analysis, or fails to prepare the analysis in accordance with the requirements of Section 4.03, the waste hauler may not discharge the wastewater into the treatment works.
- E. The services provided by the Authority in accordance with this subsection are subject to charges based upon the volume and concentration of the wastewater discharged.
- F. There shall be no bulk discharges of wastes that are defined as a hazardous waste to any treatment works unless that treatment works has a permit as a hazardous waste treatment, storage, and disposal facility (TSDF) and the permit specifically allows management of the bulk discharges.
- G. A waste hauler shall not discharge into a treatment works any wastewater from a bulk discharger that has not obtained a bulk discharge permit or authorization.
- H. A waste hauler shall not discharge into a treatment works any wastes removed from sewer traps or interceptors.

SECTION 2.09 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Authority shall publish annually, in the largest daily newspaper published in each municipality where a treatment plant is located, and/or in a newspaper of general circulation throughout Puerto Rico, a list of the users which at anytime during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed, by any amount, the daily maximum limit or average limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of treatment plant personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Authority determines will adversely affect the operation or implementation of its pretreatment program under these Rules and Regulations.

SECTION 2.10 - SEWER CHARGES

The Authority may establish different unit costs for different types of users, based on wastewater characteristics for the particular type of user.

A. Nonsignificant Users

A user discharging nondomestic wastewater to the Authority's treatment works, who is not a significant user or bulk discharger, shall pay a sewer service charge based on the volume of wastewater discharged times a unit cost per volume of discharge. The Authority may establish different unit costs for different types of nonsignificant users, based on wastewater characteristics for the particular type of user, in accordance with Section 8.02. The charge shall be calculated as follows:

$$S_{ns} = V \times U_{ns}$$

where:

S_{ns} - monthly charge for nonsignificant user

V - volume of wastewater discharged per month (thousands of gallons)

U_{ns} - unit cost for service (dollars per 1,000 gallons) for that particular type of nonsignificant user, reflecting the wastewater characteristics and cost of wastewater handling for that type of user

The volume of wastewater discharged shall be assumed to be equal to eighty percent (80%) of the amount of water consumed, unless the user demonstrates to the Authority that the wastewater discharged is significantly less than eighty percent (80%) of the water consumed. The volume of wastewater discharged shall be the actual meter reading multiplied by eighty percent (80%), or if applicable, the percentage of water consumed specific to that user.

B. Significant Users and Bulk Dischargers

A user discharging nondomestic wastewater to the Authority's treatment works, who is a significant user or bulk discharger, shall pay a sewer service charge based on the volume of wastewater discharged times a unit cost per volume of discharge. In addition, such users shall pay charges based on the concentration of BOD and TSS in their wastewaters. The charges shall be calculated as follows:

Volume Charge

$$\$v = V \times Uv$$

where:

$\$v$ - monthly volume charge for significant user or bulk discharger

V - volume of wastewater discharged per month (thousands of gallons)

Uv - unit cost for service (dollars per 1,000 gallons), reflecting the wastewater characteristics and cost of wastewater handling

All significant users and bulk dischargers of nondomestic waste shall be required to monitor the flow of their discharges. For existing users that are not bulk dischargers of nondomestic waste, the monthly volume of wastewater discharged shall be calculated by taking the total wastewater discharged from the previous January - December period and dividing this total by twelve (12). For new users who are not bulk dischargers of nondomestic waste, volume shall be based on actual wastewater discharged until twelve months of data are collected. The monthly volume for bulk dischargers of nondomestic waste shall be the actual volume of wastewater discharged for that particular month.

BOD and TSS Charges

All significant users and bulk dischargers of nondomestic waste shall be required to monitor BOD and TSS in their discharges. If the annual average concentration of BOD or TSS in a significant user's discharge exceeds 250 mg/L, then the user shall pay additional fees for each parameter exceeding this limit. Bulk dischargers of nondomestic waste shall pay an additional fee for BOD or TSS for each load whose BOD or TSS concentration exceeds 250 mg/L. For existing users that are not bulk dischargers of nondomestic waste, the annual average concentration for BOD or TSS shall be equal to the flow weighted-average from self-monitoring data for the previous January - December period. For new users who are not bulk dischargers of nondomestic waste, the flow weighted-average concentration for each particular month shall be used until twelve (12) months of data are collected. Nothing in this section is meant to override or replace any local limits established in the user's permit. Any violation of such local limits could result in penalties in addition to any BOD and TSS charges.

The charges shall be calculated as follows:

BOD Charge

$$\$BOD = V \times 8.34 \times 0.001x (CBOD-250) \times UBOD$$

where:

\$BOD - monthly BOD charge for significant user or bulk discharger
CBOD - annual average BOD concentration for significant user or bulk discharger
(mg/L)
V - volume of wastewater discharged per month (thousands of gallons)
UBOD - unit BOD cost for service (dollars per pound of BOD)

TSS Charge

$$\$TSS = V \times 8.34 \times 0.001 \times (CTSS - 250) \times UTSS$$

where:

\$TSS - monthly TSS charge for significant user or bulk discharger
CTSS - TSS concentration for significant user or bulk discharger (mg/L)
V - volume of wastewater discharged per month (thousands of gallons)
UTSS - unit TSS cost for service (dollars per pound of TSS)

C. Alternate Charge Systems

The sewer service charge system in paragraph (B) shall not be applicable to users that have entered into legally-binding agreements with the Authority for a different charge or fee system.

D. Changes to Average Flow, BOD, or TSS

If a user's discharge changes significantly, the user may request a change in the average flow, BOD, or TSS used in the calculation of its sewer charge. In addition, the Authority may recalculate the average flow, BOD, or TSS used to calculate a user's sewer charges if the Authority determines that a change in a user's discharge significantly increases the Authority's cost of providing service. Such changes shall be made only once in a calendar year.

E. Challenge of Sewer Charges

A user may challenge the assessment of sewer charges in accordance with the Regulation for Administrative-Legal Procedures of the Puerto Rico Aqueduct and Sewer Authority.

SECTION 2.11 - MODIFICATION TO STANDARDS TO OBTAIN A NET/GROSS ADJUSTMENT

Adjustment of National Categorical Pretreatment Standards to reflect the presence of pollutants in a user's intake water may be made when the categorical user applies for such an adjustment in accordance with the procedures set forth in 40 CFR 403.15.

CHAPTER III PERMITS AND AUTHORIZATIONS

SECTION 3.01 - APPLICABILITY

This chapter applies to all users.

SECTION 3.02 - VIOLATIONS

Any violation of the terms and conditions of a discharge permit or authorization shall be deemed a violation of these Rules and Regulations and subjects the user to the enforcement actions and the sanctions set out in Chapter V. Obtaining a discharge permit or authorization does not relieve a user of its obligation to comply with all federal and Puerto Rico pretreatment requirements, or with any other applicable federal or Commonwealth law requirements.

SECTION 3.03 - WHO APPLIES AND WHEN

A. General

All persons desiring to connect to the Authority's sewer system or discharge either domestic or nondomestic wastewater to the Authority's treatment works must obtain all applicable permits prior to connection or discharge. All applications shall be completed on forms provided by the Authority.

B. Connection Permit

All users, whether domestic or nondomestic, proposing to connect to the Authority's sewer system, shall obtain a connection permit at least one-hundred and twenty (120) days prior to connecting. A user that discharges domestic wastewater that is not commingled with nondomestic waste prior to discharging may be required to obtain a discharge authorization from the Authority, unless the discharge originates from a residence, apartment building, condominium, or other residential dwelling.

C. Discharge Authorization

All nonsignificant users except bulk dischargers of nondomestic waste and waste haulers shall apply for a discharge authorization (bulk dischargers of nondomestic waste and waste haulers shall apply for discharge permits). The Authority reserves the right to require a nonsignificant user to apply for a discharge permit

instead of a discharge authorization if it is necessary to establish specific discharge conditions to prevent pass through or interference. All new nonsignificant users shall apply for a discharge authorization at least one hundred and twenty (120) prior to discharging. To modify an authorization, a user shall submit a discharge authorization application to the Authority at least thirty (30) days before the change in discharge is expected to begin. To renew an authorization, a user shall submit a discharge authorization application to the Authority at least thirty (30) days before the expiration date of the existing authorization.

D. Discharge Permit (Except Waste Haulers)

All significant users and bulk dischargers of nondomestic waste shall apply for a discharge permit. A nonsignificant user may be required by the Authority to apply for a discharge permit instead of a discharge authorization if it is necessary to establish specific discharge conditions to prevent pass through or interference. New users requiring a permit shall submit a discharge permit application to the Authority at least one hundred and twenty (120) days prior to discharge. To modify a permit, a user shall submit a discharge permit application to the Authority at least one hundred and twenty (120) days before the change in discharge is expected to begin. To renew a permit, a user shall submit a discharge permit application to the Authority at least one hundred and twenty (120) days before the expiration date of the existing permit.

E. Discharge Permit for Waste Haulers

All waste haulers shall apply for a discharge permit. New waste haulers requiring a permit shall submit a discharge permit application to the Authority at least thirty (30) days prior to discharge. To modify a permit, a waste hauler shall submit a discharge permit application to the Authority at least thirty (30) days before the change in discharge is expected to begin. To renew a permit, a waste hauler shall submit a discharge permit application to the Authority at least thirty (30) days before the expiration date of the existing permit. In addition to a discharge permit, waste haulers shall obtain an EQB nonhazardous solid waste transporter permit, a permit from the Public Service Commission, and, if applicable, a hazardous waste permit, prior to discharging wastewater or sewage into the treatment works.

F. Waiver of Time Period for Filing

The time periods for filing discharge permits or authorizations in Sections 3.03 (C) and (D) may be waived upon written request by the applicant, demonstrating a compelling need for the waiver. The request shall be submitted to the PRASA's Executive President Designee. Written approval by the PRASA's Executive

President Designee shall be required for approval of a waiver.

SECTION 3.04 - CONTENTS OF APPLICATIONS

A. Discharge Authorizations

New discharge authorization applications shall include, but not be limited to, the following information:

1. Name of the owner and operator;
2. Location;
3. Description of business or processes generating discharge;
4. Facility contact name and telephone number;
5. Water account number(s);
6. Volume of wastewater to be discharged;
7. Wastewater constituents and characteristics including, but not limited to, those mentioned in these Rules and Regulations. Sampling and analysis shall be performed in accordance with Section 4.03; and.
8. Any other information as deemed necessary by the Authority to evaluate the permit application.

Application for modification or renewal of a discharge authorization shall include, at a minimum, changes to the above items since the discharge authorization was last issued.

B. Permit Application for Non-Bulk Dischargers

For users that are not bulk dischargers, information submitted with the application for a new discharge permit shall include, but will not necessarily be limited to, the following:

1. The name, title, and address of the authorized representative for the user;
2. The baseline monitoring report (BMR) required by Section 4.05 of these Rules and Regulations;

3. A description of activities, facilities, and plant processes on the premises of the user, including a list of raw materials and chemicals used or stored at the facility including those which are, or could accidentally, or intentionally be discharged to the treatment works;
4. The number of employees and average hours of operation;
5. Type of product produced, manufactured, or assembled by the user at the subject facilities, and if used in a National Categorical Pretreatment Standard, the rate of production;
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
7. The time and duration of discharges;
8. Wastewater flow rate, constituents, and characteristics. Sampling and analysis shall be performed in accordance with Section 4.03;
9. For existing users, a statement reviewed by an authorized representative of the user that states that the discharge complies with the general prohibitions, applicable categorical pretreatment standards, and applicable local limits and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet these effluent limitations;
10. An application fee in accordance with the Authority's rates and charges for water and sewer service;
11. A certification by the authorized representative as to the accuracy of the information provided on the discharge permit application in accordance with Section 4.04;
12. Analyses for priority pollutants upon PRASA's request and if discharging at the time of permit application. If application submitted before discharge commences, results of analysis for priority pollutants must be submitted within 45 days of first discharge; and
13. Any other information as deemed necessary by the Authority to evaluate the permit application.

Application for modification or renewal of a discharge permit shall include, at a minimum, changes to the above items since the discharge permit was last issued.

C. Permit Application for Bulk Dischargers of Nondomestic Waste

For users that are bulk dischargers of nondomestic waste, information submitted with the permit application shall include, but will not necessarily be limited to, the following:

1. The name and title of the authorized representative of the bulk discharger;
2. Wastewater flow rate, constituents, and characteristics including but not limited to those mentioned in these Rules and Regulations. Sampling and analysis shall be performed in accordance with Section 4.03;
3. An application fee in accordance with the Authority's rates and charges for water and sewer service;
4. A certification by the authorized representative of the user as to the accuracy of the information provided in the application in accordance with Section 4.04;
5. Analyses for priority pollutants upon PRASA's request and if discharging at the time of permit application. If application is submitted before discharge commences, results of analysis for priority pollutants must be submitted within 45 days of the first discharge; and
6. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

D. Permit Application for Waste Hauler

Applications for new permits, permit modifications, and permit renewals for waste haulers shall include, but not necessarily be limited to, the following information. All information shall be included at the time the application is submitted.

1. Name, address, and telephone number of the owner and operator of the waste hauler;
2. Name, address, telephone number, description of, and frequency of hauling for the clients using the applicant's services;

3. Where applicable, the name and address of any and all principals, owners, and major shareholders of the company; Articles of Incorporation; most recent Report of the Secretary of State; registration number of incorporation; and certificate of good standing from the Department of State;
4. If applicable, name and address of lease holder of the vehicle(s) or trailer(s);
5. Number of trucks and trailers and the license numbers and the hauling capacity of each;
6. Copy of EQB nonhazardous solid waste transporter permit and Puerto Rico Public Service Commission permit, if apply;
7. If applicable, EPA identification number;
8. Copy of vehicle license(s) from the Puerto Rico Department of Transportation;
9. Photograph of each vehicle;
10. Emergency response plan;
11. Certificate of insurance; and
12. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

SECTION 3.05 - DISCHARGE PERMIT OR AUTHORIZATION DECISIONS

A. Review for Administrative Completeness

Applications shall be reviewed by the Authority for administrative completeness. If the application is not administratively complete, the Authority shall send the applicant a notice of deficiency, listing information which is missing or incomplete. The applicant shall submit the requested information within thirty (30) of the notice of deficiency. Additional time may be granted by the Authority. If the applicant does not submit the necessary information within the stated time period for administrative completeness, the Authority may refuse to accept the application.

B. Decision to Issue or Deny a Discharge Permit or Authorization

If the Authority decides to deny a discharge permit or authorization, it shall issue a written statement of its decision. The statement shall include a brief summary of the basis for the denial.

If the permit or authorization includes numerical limitations other than those of the general prohibitions or local limits established in these Rules and Regulations, the statement shall include an explanation of the reasons for modification and the technical basis used to establish the modified limits.

SECTION 3.06 - DISCHARGE PERMIT CONDITIONS

This section applies to all discharge permits except waste hauler permits. A discharge permit shall include such terms and conditions as are deemed reasonably necessary by the Authority to prevent pass through or interference, protect the quality of the water body receiving a treatment works' effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the treatment works.

A. Discharge permits shall contain, at a minimum, the following conditions:

1. The permittee shall be bound by these Rules and Regulations and all other applicable regulations, including any amendments to or modifications of these Rules and Regulations and such other applicable regulations, user charges and fees as are hereafter adopted;
2. The permit shall be effective for a period no longer than five years;
3. A statement of applicable civil and criminal penalties for violation of pretreatment requirements and any applicable compliance schedule in accordance with Sections 5.11(A) and 5.13, respectively;
4. The permit shall be nontransferable without prior notification and approval of the Authority in accordance with Section 3.09 of these Rules and Regulations;
5. Effluent limits for the wastewater constituents and characteristics discharged by the user;
6. Rate and time of discharge or requirements for flow regulations and/or equalization, as applicable;

7. Requirements for installation and maintenance of inspection and sampling facilities;
 8. Self-monitoring, sampling, reporting, notification, and record keeping and document retention requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal and Puerto Rico laws;
 9. A compliance schedule, as provided at Section 3.11(C), if necessary, to allow the existing user to meet applicable pretreatment standards and requirements;
 10. Requirements for submission of technical reports or discharge reports to the Authority;
 11. Requirements for notification to the Authority of:
 - a. Noncompliances that endanger health, safety, or the environment in accordance with Section 4.09;
 - b. Potential problems in accordance with Section 4.10;
 - c. Categorical noncompliances in accordance with Section 4.11;
 - d. Noncompliances in self-monitoring reports in accordance with Section 4.12;
 - e. Changed conditions in accordance with Section 4.13;
 - f. Discharge of hazardous waste in accordance with Section 4.14;
 - g. Upsets in accordance with Section 5.16(A);
 - h. Bypasses in accordance with Section 5.16(B); and
 - i. Slug discharge in accordance with Section 2.06.
 12. Requirements for O&M manual.
- B. Discharge permits may include, but not be limited to, the following conditions:
1. Requirements for the development and implementation of slug control

plans or other special conditions including management practices necessary to prevent accidental, unanticipated, or nonroutine discharges;

2. Development and implementation of waste minimization plans to reduce the amounts of pollutants discharged to the treatment works;
3. A statement that compliance with the discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and Puerto Rico pretreatment requirements, including those which become effective during the term of the discharge permit.
4. Other conditions as deemed necessary by the Authority to ensure compliance with these Rules and Regulations and to ensure that the treatment work receiving the user's discharge can meet the requirements in its NPDES permit and any other federal or Commonwealth requirements applicable to it.

SECTION 3.07 - APPEALS OF PERMIT OR AUTHORIZATION DECISIONS

- A. The Authority shall provide written notice of the issuance, denial, termination, or modification of a discharge permit or authorization. The written notice shall include an explanation of the reasons on which the Authority based its decision to issue, deny, terminate, or modify a discharge permit or authorization. The applicant or user may file a petition with the PRASA's Executive President Designee to review the Authority's decision to issue, deny, terminate, or modify a discharge permit or authorization within twenty (20) days of receiving notice of the decision to issue, deny, terminate, or modify the discharge permit or authorization. Failure to submit a timely petition for review shall be deemed to be a waiver of the right to administrative review.
- B. In its petition, the appealing party must indicate the discharge permit or authorization provisions objected to, the reasons, including the legal and/or technical considerations, for the objection, and the alternative conditions, if any, it seeks to place in the discharge permit or authorization. Alternatively, a party aggrieved by an Authority decision to issue, deny, terminate, or modify a discharge permit or authorization shall explain in its petition any and all reasons, including the legal and/or technical considerations, why the Authority's action was incorrect, and shall identify those terms and conditions, if any, that the party believes would adequately address the Authority's decision concerning the discharge permit or authorization.
- C. Until the Authority issues its decision on the extent to which, if at all, a petition

for review shall be granted, only contested conditions of the permit or authorization shall be stayed and the user shall be subject to the conditions of the previous permit or authorization, if applicable. All non-contested conditions of the permit or authorization shall be in force. In the case where monitoring requirements are contested, such requirements in the previous permit or authorization remain in force.

- D. The PRASA's Executive President Designee shall give a user written notice of its decision to deny or grant the review within forty-five (45) days of the filing of a petition. Decisions not to review a permit or authorization decision, including but not limited to, decisions to issue, deny, terminate, or modify a discharge permit or authorization shall be subject to an adjudicatory proceeding in accordance with Chapter VII of the Regulation for Administrative Legal Procedures of the Puerto Rico Aqueduct and Sewer Authority if the person challenging the Authority's decision complies with Section 3.07(A). A decision pursuant to the Regulation for Administrative Legal Procedures of the Puerto Rico Aqueduct and Sewer Authority is a final administrative decision. Any final administrative decision shall be based entirely on the administrative record.
- E. Any party aggrieved by a final administrative decision, and which has exhausted all administrative remedies available under Authority rules, may file a petition for judicial review, as provided by Law 170.

SECTION 3.08 - PERMIT OR AUTHORIZATION MODIFICATIONS

- A. The Authority may modify a discharge permit or authorization, including, but not limited to, the following reasons:
1. To incorporate any new or revised federal or Puerto Rico pretreatment requirements;
 2. When, in the opinion of the Authority, a modification is necessary to protect any treatment works, to protect public health or welfare, to prevent contamination of treatment plant sludge, or to protect the receiving water quality, or other just cause;
 3. To address any substantial change in the volume or character of pollutants in its discharge, including listed or characteristic hazardous wastes and any additions or changes to a process or operation which would change the nature or increase the quantities of materials discharged to the treatment works such that the user would be noncompliant with the requirements in its permit or authorization or these Rules and Regulations;

4. To address or remedy violation of any terms or conditions of the discharge permit or authorization;
 5. To address or remedy misrepresentations or failure to fully disclose all relevant facts in the discharge permit or authorization application or in any required reporting;
 6. To reflect a revision of or a grant of variance from National Categorical Pretreatment Standards pursuant to 40 CFR 403.7 or 403.13;
 7. To correct typographical or other errors in the discharge permit or authorization;
 8. To reflect a change in the treatment works that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
 9. To reflect a transfer of the facility ownership or operation to a new owner or operator. A modification for this purpose may not be allowed unless the permittee complies with the requirements in Section 3.09.
 10. To implement local limits.
- B. The user shall be informed of any proposed changes in the permit or authorization at least thirty (30) days prior to the effective date of the change, including a brief summary of the legal and technical justification for the change. Any changes or new conditions in the permit or authorization shall include a reasonable time schedule for compliance.
- C. The permittee may petition for review of the permit or authorization modifications as provided in Section 3.07.

SECTION 3.09 - PERMIT OR AUTHORIZATION TRANSFER

A permit or authorization shall only be transferred to a new owner or operator if the following conditions are met.

- A. The nature of the discharge or operation of the facility will not change under the new user;
- B. The current user notifies the Authority at least thirty (30) days in advance of the proposed transfer date;

- C. The notification includes a written agreement between the current and new user containing a specific date for transfer of permit responsibility, coverage, and liability between them;
- D. A sworn statement by the new user that operational conditions and discharge characteristics of the facility have not been altered by the change in ownership and that acknowledges full responsibility for complying with the discharge permit or authorization; and
- E. The Authority does not notify the current and new user of the Authority's intent to revoke and reissue the permit or authorization. If the Authority does not notify, the transfer is effective on the date specified in the written agreement.

The expiration date of the permit or authorization shall not be extended by the transfer. The Authority shall send to the new owner or operator a modification to the permit or authorization to reflect the change in owner or operator.

SECTION 3.10 - PERMIT OR AUTHORIZATION DURATION

Discharge permits (with the exception of waste hauler permits) or authorizations shall be issued for a specified time period not to exceed five (5) years. The terms and conditions of the permit or authorization are subject to modification by the Authority during the term of the permit or authorization in accordance with Section 3.08. If a user submits a complete application for permit or authorization renewal in accordance with Section 3.03 and the Authority, through no fault of the user, does not issue a new permit or authorization on or before the expiration date of the existing permit or authorization, then the conditions of the expired permit or authorization will continue in force until the effective date of the new permit or authorization.

SECTION 3.11 - COMPLIANCE SCHEDULE

This section is not applicable to waste haulers.

- A. If additional pretreatment or O&M is required for a significant user to meet discharge limits established in these Rules and Regulations on a continuous basis, the user shall submit to the Authority the shortest schedule by which the user will provide such additional pretreatment or O&M. This schedule shall be submitted as part of the discharge permit or authorization application, or whenever necessary, except as provided in Section 4.05(C)(8). Submittal of this compliance schedule does not in any way relieve the user from fulfilling any of the other requirements of these Rules and Regulations nor does it exempt or protect the

user from the provisions of Chapter V or prosecution or enforcement of any other applicable Puerto Rico or federal laws or regulations.

- B. A user's proposed compliance schedule shall contain increments of progress in the form of calendar dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Requirements (for example, hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, startup).
- C. The schedule shall require compliance as soon as possible, but in no event later than the date by which compliance with an applicable National Categorical Pretreatment Standard is required, or three years after the issuance of the permit, whichever is earlier. No increment referred to in Section 3.11(B) shall exceed nine (9) months. Increments of progress in the proposed compliance schedule must reflect the nature of the work to be performed during the proposed schedule.
- D. Upon approval by the Authority, the compliance schedule will become part of the user's discharge permit or authorization. A compliance schedule may also be established in a consent order.
- E. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a written progress report to the Authority, informing the Authority at a minimum, whether or not the user has complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the activity to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority. The report submitted after the final date for compliance also shall state whether all applicable Pretreatment Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring them into compliance. This shall be signed by an authorized representative of the user in accordance with Section 4.04.

SECTION 3.12 - DENIAL OF PERMISSION TO DISCHARGE

Notwithstanding the prior issuance of a discharge permit or authorization, the Authority may deny permission to any user to connect or discharge to any treatment works if the proposed discharge is considered by the Authority to be harmful in any way to the operation of the treatment works, to the health and safety of the workers or the public, to the environment, or to

the body of water receiving the discharge from the treatment works or if it does not meet applicable Pretreatment Requirements. It may also prohibit or condition any new or increased contribution of pollutants, or any changes in the nature of pollutants, to a treatment works by a new or existing user where such changes would cause the treatment works to violate its NPDES permit, interfere with the treatment works or its use or disposal of sludges, preempt capacity allotted to an existing user, or fail to meet applicable Pretreatment Requirements.

CHAPTER IV MONITORING AND REPORTING REQUIREMENTS

SECTION 4.01 - APPLICABILITY

Sections 4.02 to 4.04, 4.08, 4.09, and 4.12 to 4.20 are applicable to all users. Sections 4.05, 4.06 and 4.11 are applicable only to categorical users. Section 4.07 is applicable to nondomestic users who are significant users or waste haulers. Section 4.10 is applicable to all nondomestic users.

SECTION 4.02 - DUTY TO PROVIDE INFORMATION

A user shall provide to the Authority, within a reasonable time, any information which the Authority may request to determine compliance with these Rules and Regulations, or to determine whether cause exists for modifying, revoking and reissuing, or terminating the user's discharge permit or authorization, or to determine its compliance therewith.

SECTION 4.03 - SAMPLE AND ANALYTICAL REQUIREMENTS

A. Sampling and Analytical Procedures

Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136, annexes, and amendments thereto. Samples shall be collected in accordance with the guidelines presented in 40 CFR 403, Appendix E, "Sampling Procedures," unless specified otherwise in these regulations. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where EPA determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by qualified technical staff and by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other entities, as approved by EPA.

B. Data Certification

All chemical analyses shall be certified by a chemist licensed by the Board of Chemists of the Commonwealth of Puerto Rico to practice the profession and who is in good standing with the Board and who is an active member of the Puerto Rico Chemist Association. All bacteriological tests shall be certified by a medical technologist licensed by the Board of Examiners of Medical Technologists of the Commonwealth of Puerto Rico to practice the profession and who is in good standing with the Board.

Any person rendering under the provisions of this Regulation any professional service or the execution of any work for which a licensed engineer or architect is required, shall meet the licensing requirements established in Law No.173 of August 13, 1988 as amended.

C. Quality Assurance and Quality Control (QA/QC)

A user is required to show the validity of all data by requiring its laboratory to adhere to the following minimum quality assurance practices:

1. Duplicate¹ and spike² samples must be run for each constituent analyzed for permit compliance on 5% of the samples, or at least on one sample per month, whichever is greater. If the analysis frequency is less than one sample per month, duplicate and spiked samples must be run for each analysis.
2. For spiked samples, a known amount of each constituent is to be added to the discharge sample. The amount of constituent added should be approximately the same amount present in the unspiked sample, or must be approximately that stated as maximum or averages in the discharge permit.
3. The data obtained in (1) shall be summarized in an annual report submitted at the end of the fourth quarter of reporting in terms of precision, percent recovery, and the number of duplicate and spiked samples run.
4. Precision for each parameter shall be calculated by the formula, standard deviation $s = \sum(d^2/2k)^{1/2}$, where d is the difference between duplicate results, and k is the number of duplicate pairs used in the calculation.
5. Percent recovery for each parameter shall be calculated by the formula $R = 100(F-I)/A$, where F is the analytical result of the spiked sample, I is the result before spiking of the sample, and A is the amount of constituent added to the sample.
6. The percent recovery, R, for each parameter in (5) above shall be summarized yearly in terms of mean percent recovery and standard

¹ Duplicate samples are not required for the following parameters: color, temperature, and turbidity.

² Spiked samples are not required for the following parameters listed in Table 1 of 40 CFR 136: acidity, alkalinity, bacteriological, benzidine, chlorine, color, dissolved oxygen, hardness, pH, oil and grease, radiological residues, temperature, and turbidity.

deviation from the mean. The formula, $s = \frac{\sum(X-x)^2}{(n-1)}$, where s is the standard deviation around the mean, X, x is an individual recovery value, and n is the number of data points, shall be applied.

7. The permittee and/or his contract laboratory is required to maintain records of the specified analytical methods used, including options employed, if any, within a particular method, and or reagent standardization and equipment calibration operation.
 8. If a contract laboratory is utilized, permittee shall submit the name and address of the laboratory and the parameters analyzed at the time it submits its discharge monitoring reports.
 9. Any change in the contract laboratory being used or the parameters analyzed shall be reported prior to or together with the monitoring report covering the period during which the change was made.
- D. All samples must be representative of the user's discharge, and shall have been taken within the required monitoring period.
- E. Where a standard or limit for a particular analyte is below the detection level of approved analytical methods, the Authority shall require in any self monitoring that such analyte be analyzed by the approved analytical method with the lowest detection level consistent with the NPDES permit of the treatment works receiving the discharge.

SECTION 4.04 - APPLICATION SIGNATORIES AND CERTIFICATION

All discharge permit and authorization applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

" I certify under penalty of law that this document and all attachments thereto were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SECTION 4.05 - BASELINE MONITORING REPORTS

A. Existing Categorical Users

Within one hundred and eighty (180) days after the effective date of a National Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision on a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing categorical users shall submit to the Authority a Baseline Monitoring Report containing the information listed in Section 4.05(C)(1)-(8).

B. New Categorical Users

At least ninety (90) days prior to commencing discharges to a treatment works, new sources shall submit to the Authority a Baseline Monitoring Report which contains the information listed in Section 4.05(C)(1)-(6). New sources shall give estimates of the information in Section 4.05(C)(4) and (6).

C. Contents

1. The name and address of the facility including the name of the operator and owner.
2. A list of any environmental control permits held by or for the facility.
3. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by the user. This description should include a schematic process diagram which indicates points of discharge to a treatment works from the regulated processes.
4. Information showing the measured average daily and maximum daily flow, in gallons per day, to each and every treatment works from each of the following:
 - (a) Regulated process streams; and
 - (b) Other streams as necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e).

Where justified by cost or feasibility considerations, the Authority may allow verifiable estimates of the specified flows.

5. The National Categorical Pretreatment Standards applicable to each regulated process;

6. The results of sampling and analysis identifying the nature and concentration (or mass where required by the National Categorical Pretreatment Standard) of regulated pollutants in the discharge from each regulated process. Both daily maximum and long-term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and subject to the following conditions:
- (a) Where feasible, samples must be obtained through the flow-proportional composite sampling techniques specified in the applicable National Categorical Pretreatment Standard. In the event flow-proportional sampling is not feasible, the Authority may authorize the use of time-proportional samples or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. For oil and grease, temperature, pH, cyanide, phenols, sulfide, and volatile organic compounds, a minimum of four (4) grab samples must be taken in a 24-hour period and reported individually.
 - (b) Where the flow of a stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gallons per day, gpd), the user must, within a two-week period, take three 24-hour composite samples and/or necessary grab samples, depending on the parameters. Where the flow of the stream being sampled is greater than 950,000 liters/day (approximately 250,000 gpd), the user must take six samples within a two-week period.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with the discharge limits prescribed by these Rules and Regulations. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Authority.
 - (d) A Baseline Monitoring Report may be submitted which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment measures.

- (e) The Baseline Monitoring Report shall indicate the time, date, and place of sampling, and methods of analysis, date of analysis, technician performing the analysis, method detection limit, and shall certify that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the treatment works.
- 7. A statement, reviewed by an authorized representative, indicating whether discharge limits prescribed by these Rules and Regulations are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required for the user to meet these limits.
- 8. If additional pretreatment and/or O&M will be required to meet the discharge limits prescribed by these Rules and Regulations, a compliance schedule shall be prepared in accordance with Section 3.11. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard for those parameters subject to such standards.
- D. Where a user's National Categorical Pretreatment Standard has been modified by a removal allowance in accordance with 40 CFR 403.7, the combined waste stream formula in accordance with 40 CFR 403.6(e), and/or a fundamentally different factors variance in accordance with 40 CFR 403.13 at the time the user submits the Baseline Monitoring Report required by Section 4.05(A) or 4.05(B), the information required by Sections 4.05(C)(7)-(8) shall pertain to the modified limits.
- E. If the National Categorical Pretreatment Standard is modified by a removal allowance in accordance with 40 CFR 403.7, the combined waste stream formula in accordance with 40 CFR 403.6(e), and/or a fundamentally different factors variance in accordance with 40 CFR 403.13 after the user submits the Baseline Monitoring Report required by Section 4.05(A) or 4.05(B), any necessary amendments to the information required by Section 4.05(C)(7)-(8) shall be submitted by the user to the Authority within sixty (60) days after the modified limit is approved.

SECTION 4.06 - COMPLIANCE REPORT FOR CATEGORICAL PRETREATMENT STANDARDS DEADLINE

Within ninety (90) days following the date for final compliance with applicable National Categorical Pretreatment Standards, or in the case of a new source, following commencement of the introduction of wastewater into a treatment works, the user shall submit a report containing

the information in Sections 4.05(C)(4)-(7). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, this report shall include the user's actual production during the appropriate sampling period.

SECTION 4.07 - PERIODIC COMPLIANCE REPORTS

- A. At least once every six (6) months, each significant user, except waste haulers, shall submit a report to the Authority describing the nature and concentration of pollutants in its effluent discharges to the treatment works during the reporting period. In addition, this report shall include a record of average daily (monthly) flows, the maximum daily flow for each month, and all daily flows which exceeded the daily flow limit. At the discretion of the Authority and in consideration of such factors determined to be relevant by the Authority, such as local high or low flow rates, holidays and budget cycles, the Authority will specify the months during which compliance reports are to be submitted.
- B. Where the Authority has imposed mass limitations on significant users, the report shall indicate the mass of pollutants in the discharge from the user. For users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 CFR 403.6(c), the periodic compliance report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other means of operation), the periodic compliance report shall include the user's actual average production rate for the reporting period.
- C. Waste haulers shall submit a monthly report to the Authority identifying generators by name, the address and type of operations conducted by each generator, the date and time each wastewater was collected, and the quantity of wastewater collected from each generator for each treatment plant to which the waste hauler makes a bulk discharge. Report dates and additional provisions shall be contained in the waste hauler's discharge permit.

SECTION 4.08 - SELF-MONITORING

- A. The monitoring reports required in Sections 4.05, 4.06, and 4.07 of this chapter shall contain the results of sampling and analysis of the discharge, including the flow and the nature or concentration, or production and mass where required, of pollutants contained therein that are limited by the user's discharge permit or

authorization. All reports of analysis shall include the details specified in section 4.16 of this regulation.

- B. The frequency of monitoring shall be prescribed in the discharge permit or authorization. If a user measures its discharge flow, or analyzes its discharge, using test procedures prescribed in 40 CFR 136 or amendments thereto, and those alternate procedures approved by EPA, at the discharge permit or authorization sampling point more frequently than required by the Authority the results of this monitoring shall be included in the report.

SECTION 4.09 - NOTIFICATION OF NONCOMPLIANCES THAT ENDANGER HEALTH, SAFETY, OR THE ENVIRONMENT

A user shall notify the Authority of any noncompliance with its permit or these Rules and Regulations which may endanger human health and safety or the environment and may enter the Authority's sewer system. The user shall make the notification orally within twenty-four (24) hours from the time the user becomes aware of the noncompliance. The user shall make a written notification within five (5) days of becoming aware of the noncompliance. Written notification shall include: description of the noncompliance and its cause(s), the period of noncompliance including exact date and time, the time the noncompliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance and the impact on the user's compliance status. The description should also include location of discharge, and type, concentration, and volume of waste.

SECTION 4.10 - NOTIFICATION OF POTENTIAL PROBLEMS

A user shall notify the Authority immediately of all discharges that could cause problems to the treatment works, including any slug loading, as defined by Section 2.03(B). Notification shall be as set forth in Section 2.06(A)(4).

SECTION 4.11 - NOTIFICATION OF CATEGORICAL NONCOMPLIANCES

If sampling performed by a user indicates a violation(s) of an applicable National Categorical Pretreatment Standard, the user shall notify the Authority within twenty-four (24) hours of becoming aware of the violation(s). The user shall repeat the sampling and analysis for the parameter that was in violation and submit the results of the repeat analysis to the PRASA's Executive President Designee within thirty (30) days after becoming aware of the violation. The user is not required to resample if an analysis has been performed as part of its regular monitoring before becoming aware of the violation and the violation is not reflected in the analysis, or the Authority samples the user's discharge between the user's initial sampling and when the user receives the results of this sampling.

SECTION 4.12 - NOTIFICATION OF NONCOMPLIANCES IN SELF-MONITORING REPORTS

A user shall notify the Authority of all noncompliances with discharge limitations in a permit or authorization when the user submits its self-monitoring report.

SECTION 4.13 - NOTIFICATION OF CHANGED CONDITIONS

- A. A user shall notify the Authority in advance of any substantial change in the volume or character of pollutants in its discharge, including listed or characteristic hazardous wastes for which the user has submitted initial notification under Section 4.14.
- B. If a user with a discharge permit or authorization wishes to add or change a process or operation which would change the nature or increase the quantities of materials discharged to the treatment works such that the user would be noncompliant with the requirements in its permit or authorization or these Rules and Regulations, the user shall obtain approval by the Authority prior to making these additions or changes to the discharge. Time periods for filing an application for modifying a discharge permit or authorization are set forth in Section 3.03.

SECTION 4.14 - NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE

- A. Any user who commences any discharge into a treatment works of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261 shall notify in writing the Authority, the EPA Regional Waste Management Division Director, and EQB. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).
- B. If the user discharges more than one hundred (100) kilograms of such waste per calendar month to a treatment works, the notification also shall contain the following information to the extent such information is known and readily available to the user:
 - 1. The specific hazardous constituents contained in the wastes;
 - 2. An estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
 - 3. An estimate of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

C. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 4.13. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 4.05, 4.06, and 4.07.

D. Users are exempt from the requirements of Sections 4.14(A)-(C), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e). The discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

E. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Authority, the EPA Regional Waste Management Waste Division Director, and the EQB of the discharge of such substance within ninety (90) days of the effective date of such regulations.

F. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

G. This section does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a discharge permit or authorization issued thereunder, or any applicable federal or Commonwealth of Puerto Rico law.

SECTION 4.15 - NOTICE OF VIOLATION / REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Authority orally within 24 hours of becoming aware of the violation. The user shall repeat the sampling and analysis for the parameter that was in violation and submit the results of the repeat analysis to the PRASA's Executive President Designee within thirty (30) days after becoming aware of the violation. The user is not required to resample if an analysis has been performed as part of its regular monitoring before becoming aware of the violation and the violation is not reflected in the analysis, or the Authority samples the user's discharge between the user's initial sampling and when the user receives the results of this sampling.

SECTION 4.16 - RECORDKEEPING REQUIREMENTS

A. Records of Sampling and Analysis

A user shall maintain records of all information resulting from any monitoring activities required by these Rules and Regulations.

Such records shall include for all samples:

1. The date, exact place, method, time of sampling and the names of the person or persons taking the samples, including the chain of custody;
2. The dates of sample preparation and when analyses were performed;
3. The name and address of the laboratory and the name of the technician who performed the analyses; the name and license number of the licensed chemist or medical technologist certifying the analyses;
4. The analytical techniques/methods used, method detection limits, date and time of analyses; and
5. The certified results of such analyses.

B. Retention of Records

A user subject to the reporting requirements established in these Rules and Regulations shall be required to maintain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by these Rules and Regulations) and shall make such records available for inspection and copying by the Authority or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the user or a treatment works or when requested by the Authority or EPA.

SECTION 4.17 - MONITORING FACILITIES

- A. In order to ensure compliance with these Rules and Regulations, all users must provide a point of access to the user's connection to the Authority's sewer systems to enable the user and/or the Authority to sample the user's discharge as required by the Authority in the user's discharge permit or authorization. Monitoring facilities shall be constructed and operated at the user's expense to allow inspection, sampling, and flow measurement of the user's discharge into the sewer system.

- B. The user shall provide adequate room in or near such monitoring facilities, including manholes, if required by the Authority to allow accurate monitoring. The facilities, including sampling and measuring equipment, shall be maintained at all times in a safe, secure, and continuous mode of operation by the user at the expense of the user.
- C. If in a user's discharge permit or authorization, the Authority requires construction of monitoring facilities, such facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed as required by the discharge permit or authorization.
- D. Appropriate measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected for flow measurement shall be capable of measuring flows with a maximum deviation of ± 10 percent from true discharge rates throughout the range of expected discharge volumes. Each recording sheet of the flow meter shall be marked with date and time of commencement and termination of the sheet. If the user uses the sheet record for more than one day, each day shall be identified separately. Devices selected for pH and temperature measurement shall be capable of measuring pH with a maximum deviation of ± 0.1 S.U. and temperature with a maximum deviation of $\pm 1^\circ\text{C}$. Each recording sheet of the pH and temperature meter shall be marked with the date and time of commencement and termination of the sheet. If the user uses the sheet record for more than one day, each day shall be identified separately.
- E. The failure of a user to maintain its monitoring facilities in accordance with Section 4.17(D) shall not be grounds for the user to claim that sample results are unrepresentative of its discharge, unless the user demonstrates that circumstances were beyond its control.

Failure to maintain monitoring facilities in accordance with Section 4.17(D) may constitute a violation of permit conditions.

SECTION 4.18 - INSPECTION AND SAMPLING

- A. Whenever required to (1) develop local limits; (2) determine if the conditions in a discharge permit or authorization should be modified; (3) determine if any person is in violation of these Rules and Regulations, its discharge permit or

authorization, or an administrative order issued pursuant to these Rules and Regulations; or for any other valid reason pertinent to the provision of water and sewer service, the Authority, including an authorized representative of PRASA's Executive President Designee, upon presentation of credentials:

1. Shall have a right to enter the premises where a source or discharge is located, or where records must be kept under these Rules and Regulations;
 2. Shall have access to and copy, at reasonable times, any records that must be kept under these Rules and Regulations;
 3. Shall inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under these Rules and Regulations; and
 4. Shall sample or monitor, at reasonable times, at any location, for the purpose of assuring compliance with these Rules and Regulations.
- B. Pursuant to the requirements of 40 CFR 403.8(f)(2)(v), the Authority shall conduct annual inspections and sampling of all significant users. Analysis may be performed by the Authority for any pollutant that the Authority considers necessary to implement these Rules and Regulations.
- C. Any permanent or temporary obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user upon written request of the Authority and shall not be replaced. The costs of such access clearing shall be at the user's expense.
- D. Unreasonable delays in allowing the Authority access to the user's premises shall be a violation of these Rules and Regulations.
- E. Any contractor used by the Authority to conduct sampling and analyses shall demonstrate to the Authority that it has implemented a quality assurance and quality control program that is capable of ensuring that the methods, techniques, and procedures used for sampling, analyses, and data reporting will produce representative data as required by these Rules and Regulations.

SECTION 4.19 - SEARCH WARRANT

If the user denies right of entry and there is a need of the Authority to inspect and/or sample to verify compliance with these Rules and Regulations or any permit or authorization or order issued hereunder, or to protect the overall public health, safety and welfare of the

community, then the Authority may seek issuance of a search warrant from the appropriate Commonwealth Court in order to proceed with the inspection or sampling inspection.

SECTION 4.20 - CONFIDENTIAL INFORMATION

- A. Information and data on a user obtained from reports, surveys, discharge permit or authorization applications, discharge permit or authorization permits, and monitoring programs, and from the Authority's inspection and sampling activities, shall be available to the public with restriction, unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable law. The demonstration of the need for confidentiality made by the user must meet the burden necessary for withholding such information from the general public under applicable federal and Commonwealth of Puerto Rico law. Any such claim must be made at the time of submittal of the information by marking the submittal "Confidential Business Information" on each page containing such information. Information which is demonstrated to be confidential shall not be made available to the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the user furnishing the report.
- B. Information identifying the constituents or chemical or physical characteristics of a user's discharge to the treatment works, sampling data including analytical data, and health and safety data concerning a user's discharge to the treatment works shall be deemed not to constitute "confidential information", "confidential business information", or "trade secrets" for the purpose of determining if such data or information is subject to disclosure.

SECTION 4.21 - TIMING

Any required submittals or other information that is submitted will be deemed to have been submitted on the date postmarked, and for those items which are not mailed, the date of receipt.

CHAPTER V ENFORCEMENT

SECTION 5.01 - APPLICABILITY

The requirements of this chapter are applicable to all users that discharge wastewater to the Authority's treatment works.

SECTION 5.02 - DUTY TO COMPLY

Users must comply with all requirements of these Rules and Regulations. Any noncompliance constitutes grounds for enforcement action; for discharge permit or authorization termination; revocation and reissuance, or modification; or for denial of a discharge permit or authorization; or suspension of service.

SECTION 5.03 - NOTICE OF NONCOMPLIANCE

- A. The Authority may issue a Notice of Noncompliance to any person who has violated or is violating the requirements set forth in these Rules and Regulations. Notwithstanding any other provision in these Rules, the issuance of a notice of noncompliance with respect to any particular noncompliance is not required and shall be left solely to the discretion of the Authority, and is not a condition precedent to the initiation of any enforcement action by the Authority. The notice of non-compliance should specify the nature of the violation, identify the provisions of the Regulation that the user has violated and continues to violate, and the terms and conditions that the Authority determined necessary in order to achieve compliance.
- B. If upon the receipt of a Notice of Noncompliance the user determines that the noncompliance(s) has/have not occurred or have been corrected, the user may respond in writing, addressed to the PRASA's Executive President Designee, and transmitted either by certified mail or hand delivery within ten (10) calendar days of the receipt of the notice of noncompliance. The purpose of the written response shall be to allow the user to present information and data to demonstrate that the alleged noncompliance(s) did not occur, or has/have been corrected.
- C. Within ten (10) days of receipt of the notice of noncompliance, if the user determines that the noncompliance occurred and continue, an explanation of the noncompliance and a plan describing the corrective measures it will take, to prevent similar noncompliances in the future, or the notification of the need of a

compliance schedule shall be transmitted either by certified mail or hand delivered to the PRASA's Executive President Designee.

- D. The issuance of a notice of noncompliance shall not preclude the Authority from initiating any other enforcement action concurrent with or subsequent to the issuance of the notice of noncompliance with respect to the noted noncompliance.

SECTION 5.04 - ADMINISTRATIVE ORDERS

- A. Upon finding that a user violates a requirement of a discharge permit or authorization issued pursuant to these Rules and Regulations, fails to obtain or timely renew a discharge permit or authorization required by these Rules and Regulations, or violates any requirement of these Rules and Regulations, the Authority may issue a compliance order, a consent order, a show cause order, or a cease and desist order, as it deems appropriate. In addition, when the Authority has information that a violation may be reasonably expected to occur it may issue a cease and desist order requiring the user to take appropriate preventive actions.
- B. Before an administrative order is issued, which adjudicates rights or obligations of an user, or orders, the termination of a permit or authorization, or imposes sanctions or administrative penalties, the right to due process of law shall be protected and the adjudicatory procedures of Law Num. 170 of August 12, 1988 as amended, (Uniform Administrative Procedure Act) shall apply.
- C. In such cases, the Authority will provide the user with an adequate written notification of the violations and the opportunity to present written evidence in its favor and the opportunity to request in 30 calendar days after receiving such notification, an administrative hearing.
- D. The hearing will provide the user the opportunity to be heard and to present oral and written evidence in its favor. Such hearing shall be governed by the procedures set forth in the Regulation for Administrative and Legal Procedures of the Puerto Rico Aqueduct and Sewer Authority.
- E. Compliance with the terms and conditions of an administrative order will not be construed to relieve the recipient of the administrative order of the obligation to comply with federal or Commonwealth law, including these Rules and Regulations.
- F. No provision of an administrative order issued pursuant to these Rules and Regulations (either unilaterally or by consent) shall be construed to limit the Authority's power to issue additional administrative orders with respect to the

noted violations, or to take any other action necessary to implement these Rules and Regulations and the pretreatment program approved by the EPA and administered by the Authority.

SECTION 5.05 - COMPLIANCE ORDERS

- A. When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a discharge permit or authorization or order issued hereunder, or any other pretreatment requirement, the Authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.

- B. Compliance orders may require the cessation of sewer service after a specified time period unless the noted violations are ceased and such other appropriate actions to address the noncompliance and the effect of the noncompliance on public health or welfare, the environment and the ability of the treatment works to comply with its NPDES permit including but not limited to installation of pretreatment technology, additional self-monitoring, operation and management practices. Compliance orders issued unilaterally shall be served personally or by registered or certified mail upon a corporate officer, general partner or the senior manager at the facility from which the discharge was released, is being released or may be released.

SECTION 5.06 - CONSENT ORDERS

The Authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. The consent order will include specific actions to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the compliance orders and cease and desist orders and shall be judicially enforceable.

SECTION 5.07 - CEASE AND DESIST ORDERS

When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a discharge permit or order issued hereunder, or any other pretreatment requirement, or that the user's past violations are likely to recur, the Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all applicable requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

In such case, the user may request an administrative hearing to be held as provided in paragraph 5.04 of this Regulation.

SECTION 5.08 - SHOW CAUSE ORDER

- A. The Authority may issue a show cause order to a user which has violated, or continues to violate, any provision of these Rules and Regulations, a discharge permit or authorization or order issued hereunder, or any other pretreatment requirement, to appear before the Authority and show cause why the proposed enforcement action should not be taken.
- B. A show cause order will specify the time and place of the show cause hearing, the violations alleged and the proposed enforcement action. The recipient of the show cause order may request and the Authority will grant an extension of the date of the hearing for good cause. The show cause order shall be served personally or by registered or certified mail at least ten (10) days prior to the hearing to any corporate officer, general partner, person designated by the user to receive service of process, or any person who is the senior manager at the facility from which the discharge was released, is being released or may be released.
- C. The show cause order hearing shall be before a PRASA's Executive President Designee. The administrative hearing will not be an adjudicatory hearing subject to the provisions of the Regulation for Administrative-Legal Procedure of the Puerto Rico Aqueduct and Sewer Authority. The hearing shall be an opportunity for the user to demonstrate that either the alleged violations never occurred, or that the violations have been corrected.

SECTION 5.09 - EMERGENCY SUSPENSIONS

- A. The Authority may immediately suspend the wastewater treatment service and/or permit or authorization of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting an imminent endangerment to the public health or welfare, the treatment works, or the environment.
- B. Any user notified of a suspension of wastewater treatment service and/or discharge permit or authorization shall eliminate its discharge immediately. In the event of a user's failure to comply immediately with the suspension order, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment works, its receiving stream, or endangerment to any individuals. The Authority shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Section 5.10 are initiated against the user. The order issued by the Authority shall include a concise determination of the findings of fact, conclusion of law, and the reason of public policy that justify the agency decision to take such specific action.
- C. A user that is responsible, in whole or in part, for any discharge presenting an imminent endangerment shall submit to the PRASA's Executive President Designee a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or termination hearing under these Rules and Regulations.
- D. Nothing in this subsection shall be interpreted as requiring a hearing prior to an emergency suspension of service or a permit or authorization under this subsection. At any time after the suspension, the user may contest the Authority's decision to suspend wastewater treatment service in accordance with the procedures set forth in Regulation for Administrative - Legal Procedures of the Puerto Rico Aqueduct and Sewer Authority, Chapter V, unless a termination proceeding pursuant to Section 5.10 has been initiated by the Authority.

SECTION 5.10 - TERMINATION OF PERMIT OR AUTHORIZATION

- A. Any user who violates the following conditions may be subject to termination of its permit or authorization:
 - 1. Failure of the user to report accurately the wastewater constituents and characteristics of its discharge;
 - 2. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

3. Refusal of reasonable and prompt access to the user's premises for the purpose of inspection or monitoring;
 4. Violation of any of the conditions in the user's discharge permit or authorization;
 5. Violation of discharge prohibitions in Section 2.03 or the discharge limits in Section 2.04;
 6. Falsifying self monitoring reports or other information;
 7. Tampering with monitoring equipment; or
 8. Failure to pay sewer charges.
- B. Noncompliant users will be notified in writing by registered or certified mail of the termination of their permit or authorization. The user may petition for review of the termination of the permit or authorization as provided in Section 3.07. If a petition for review is not timely filed the decision to terminate the permit or authorization becomes final.

SECTION 5.11 - ASSESSMENT OF ADMINISTRATIVE PENALTIES

- A. Any person who violates or fails, without sufficient cause, to comply with any permit or authorization or order issued pursuant to these Rules and Regulations shall be liable for an administrative civil penalty of not more than \$5,000 per violation per day.
- B. The Authority may assess an administrative penalty whenever on the basis of any information available it determines that any user has violated or failed to comply with any permit or authorization or order issued pursuant to these Rules and Regulations or other provision of these Rules and Regulations.
- C. In determining the amount of the penalty, the Authority may take into account the nature, circumstances, extent and gravity of the violation(s), and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability and the economic benefits or savings resulting from the violations.
- D. Before imposing a penalty, the Authority shall initiate an adjudicative proceeding in accordance with Regulation for Administrative - Legal Procedure of the Puerto Rico Aqueduct and Sewer Authority.

- E. An order assessing a penalty shall become final and effective thirty (30) days after its issuance unless a petition for an administrative hearing is filed in accordance with the Regulations for Administrative - Legal Procedure of the Puerto Rico Aqueduct and Sewer Authority.

SECTION 5.12 - CIVIL ACTIONS

The Authority is authorized to commence a civil action for appropriate relief, including injunctive relief for any violation for which the Authority is authorized to issue an administrative order under this chapter and to collect assessed or stipulated penalties not paid. Any action under this subsection may be brought in the appropriate Commonwealth Court.

SECTION 5.13 - CRIMINAL ACTIONS

Any user who by action or omission intentionally or negligently violates these Rules and Regulations, or any provision in a discharge permit or authorization issued by the Authority or order issued hereunder or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor and subject to imprisonment for a term not to exceed six months, or fine not to exceed \$500 or both.

SECTION 5.14 - REIMBURSEMENT OF EXPENSES

- A. In addition to the remedies set forth in Section 5.15, whenever a user fails to comply with these Rules and Regulations or any order or permit or authorization issued by the Authority, the user shall, if so required by the Authority, reimburse the Authority for any expenses the Authority otherwise would not have incurred, including without limitation the following: expenses incurred to enable a treatment works to comply with the requirements of its NPDES permit and/or with applicable water quality standards; damages, penalties and/or fines assessed against the Authority for failure to comply with NPDES permit requirements and/or water quality standards; expenses incurred by the Authority in connection with any enforcement actions initiated against the user, including investigation expenses.
- B. If an assessment of expenses by the Authority pursuant to this subsection is challenged, the Authority shall have the burden of proving by a preponderance of the evidence that such expenses were incurred and caused by the user's noncompliance; provided, however, that if such expenses have been caused by two or more users in conjunction, the Authority may apportion the expenses against any or all such users in equal amounts or otherwise. Any user challenging

the Authority's apportionment of expenses shall have the burden of proving by a preponderance of the evidence that a different proportion of such expenses is attributable to such user.

- C. Any such assessment may be challenged in accordance with paragraph 3.8 of the Regulation for Administrative-Legal Procedure of the Puerto Rico Aqueduct and Sewer Authority.

SECTION 5.15 - COMPENSATION FOR DAMAGES

- A. In addition to the remedies set forth in Section 5.14, whenever a user, alone or in conjunction with any other user, causes damage to, obstructs, or causes additional maintenance costs to be expended on a treatment works of the Authority due to discharges prohibited by these Rules and Regulations or in excess of the discharge limitations applicable to the user, the Authority may issue an order directing the user to compensate the Authority for the entire amount of said additional replacement or maintenance costs, for the expenses incurred by the Authority in the correction of said damages, and/or for the expenses incurred by the Authority in the removal of said obstructions.
- B. If any assessment of damages by the Authority pursuant to this subsection is challenged, the Authority shall have the burden of proving by a preponderance of the evidence that such damages occurred; provided, however, that is, if such damages have been caused by two or more users in conjunction, the Authority may apportion the damages against any and or all such users either in equal amounts or otherwise. Any user challenging the Authority's apportionment of damages against him pursuant to the preceding clause shall have the burden of proving by a preponderance of the evidence that a different proportion of such damages is attributable to such user.
- C. Any such assessment may be challenged in accordance with paragraph 3.8 of the Regulation for Administrative-Legal Procedure of the Puerto Rico Aqueduct and Sewer Authority.

SECTION 5.16 - AFFIRMATIVE DEFENSES TO DISCHARGE NONCOMPLIANCES

- A. Upset
 - 1. Effect of an Upset

An upset shall constitute an affirmative defense to an enforcement action brought for noncompliance with categorical pretreatment standards if the

requirements of paragraph (2) below are met.

2. Conditions Necessary for a Demonstration of Upset

A user that seeks to establish the occurrence of an upset as an affirmative defense to an enforcement action shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An upset occurred and the user can identify the specific cause(s) of the upset;
- (b) The facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures at the time of the upset; and
- (c) The user has submitted the following information to the Authority within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (i) A description of the discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

3. Burden of Proof

In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

4. Review ability of Authority Consideration of Claims of Upset

In the usual exercise of prosecutorial discretion, Authority enforcement personnel shall review any claims that noncompliance was caused by an upset. No determinations made in the course of the review constitute final Authority action subject to judicial review. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with national categorical pretreatment standards.

5. User Responsibility in Case of Upset

Upon reduction, loss, or failure of its treatment facility, the user shall control production or all discharges to the extent necessary to maintain compliance with these Rules and Regulations, until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

6. Compensation for Expenses and Reimbursement of Damages

Notwithstanding any establishment of affirmative defense of upset, any compensation expenses or reimbursement damages incurred by the Authority shall be recovered as provided herein.

B. Treatment Bypasses

1. Bypass Not Violating Applicable Pretreatment Requirements

A user may allow any bypass to occur which does not cause Pretreatment Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraph (2) and (3) of this section.

2. Notice

(a) If a user knows in advance the need for a bypass, it shall submit prior notice to the Authority, if possible at least ten (10) days before the date of the bypass.

(b) A user shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Requirements to the Authority within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

3. Prohibition of Bypass

- (a) Bypass is prohibited, and the Authority may take action against a user for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The user submitted notices as required under paragraph (2) of this section.
- (b) The Authority may approve an anticipated bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in paragraph (a) of this subsection.

C. Prohibited Discharges

A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions in Section 2.04(B) (excluding paragraphs (2)(a)-(b) and (2)(k) of Section 2.04(B)) where the user can demonstrate that did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference and either:

1. A local limit designed to prevent pass through and/or interference was developed in accordance with Section 2.04 of these Rules and Regulations for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
2. If a local limit designed to prevent pass through and/or interference has not been developed in accordance with Section 2.04 of these Rules and Regulations for the pollutant(s) that caused the pass through or

interference, the user's discharge directly prior to and during the pass through or interference did not change in nature or constituents from the user's prior discharge activity when the Authority's treatment facility was regularly in compliance with its NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

SECTION 5.17 - REMEDIES NONEXCLUSIVE

The exercise of any of the remedies provided for in these Rules and Regulations is not exclusive. The Authority may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment noncompliances will generally be in accordance with the Authority's enforcement response guidelines. However, the Authority may take other action against any other user when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant user.

CHAPTER VI COMMERCIAL RELATIONS OF THE AUTHORITY

SECTION 6.01 - APPLICABILITY

This chapter applies to all users, domestic and nondomestic.

SECTION 6.02 - CHARGES FOR SERVICES RENDERED BY THE AUTHORITY

The Authority shall operate on an economic basis that will permit it to be self-sufficient; thus, it will offer no service free of charge. All services rendered will be charged according to the rates or charges set for said services and will be subject to the rules and conditions stated in the following sections.

SECTION 6.03 - APPLICATIONS FOR SERVICE

Water and sewer services are available to the public upon filing a written application, personally or by telephone, subject to the prevailing or amended rates at the time of said application, provided that in compliance to the procedures and requirements of the Authority the applicant has access to the supply mains in use, and provided that the available facilities permit rendering such service. Any person utilizing water and sewer services without a duly registered application with the Authority will be responsible for payment thereof and for compliance with the applicable rules and regulations.

SECTION 6.04 - GUARANTEES OR DEPOSITS

- A. The Authority reserves the right to require from any customer or user the guarantees deemed proper and satisfactory to secure payment for water and/or sewer service, by means of a deposit, bond from an insurance company acceptable to the Authority, or by any other means authorized by law. This guarantee is non-transferable.
- B. In order to insure its best interest, the Authority also reserves the right to require or increase the amount of the deposit, bond or any other accepted guarantee, to any customer or user who persistently fails to pay his bills on time. The amount may also be justifiably altered following changes in the customer's consumption pattern.
- C. Failure to pay this deposit within ten (10) days from the date the connection was made or the service was initiated, or within ten (10) days after notification of any

deposit increase due to delinquency or changes in the consumption pattern, may cause the Authority to suspend water and/or sewer service to the customer or user. The deposit required shall be computed on the basis of the average estimated consumption for two invoicing periods.

SECTION 6.05 - PAYMENTS, SUSPENSIONS, AND RESTORATION OF SERVICE

- A. The Authority may schedule the meter reading, invoicing, and collection procedures for water and/or sewer service at its discretion, either on a monthly or bimonthly basis, or otherwise, aiming at a better, more efficient and more economical service to the public. This scheduling shall also take into consideration the characteristics and nature of the water and sewer services rendered under different rates. Invoices shall be paid before the date due indicated thereon. If the date due for payment of the invoice falls on a Saturday, Sunday, or legal holiday, then the next working day shall be considered the date due. Lack of receipt of invoice does not relieve the customer from payment thereof. Failure to pay the invoices prior to say date entails a written notification from the Authority advising the customer of its intention to suspend service for lack of payment. Once the customer is notified, he should pay within the required time period only at the commercial office in charge of his account. The Authority shall not be held responsible for suspension of service if payment is made elsewhere.
- B. To determine if a claim is made within the required time period, the date that shall prevail shall be the date when the customer or user, or his representative visits the corresponding office. If the claim is made through the mail, the date on the canceled postage stamp shall prevail. The Authority shall turn down any claim made outside the required time period, unless claimant can prove to the Authority's satisfaction that for reason beyond his control the claim was not made within the required time period.
- C. When service has been suspended for lack of payment, and the customer or user requests reconnection, the amount of \$10.00 shall be charged to cover the costs incurred by the Authority.

SECTION 6.06 - CHARGES FOR WATER AND/OR SEWER SERVICES WHEN A METER READING IS NOT FEASIBLE

Whenever it is not possible to determine the actual consumption due to a meter failure or if a meter reading cannot be effected, the Authority can charge for the concerned period an amount equivalent to the user's normal consumption. In case there is no record of the normal consumption, a reasonable estimate shall be determined. In case of cessation of such cause, the Authority shall determine the corresponding adjustment to the account.

SECTION 6.07 - LIABILITY OF REGISTERED CUSTOMER

Each registered customer shall be liable for payment of all services rendered under his name. Said liability shall continue in effect even when said customer has ceased to use the services and the same continue to be used by other persons, with or without his consent. Said liability will only cease when the registered customer duly requests cessation of services.

SECTION 6.08 - LIABILITY OF NON-REGISTERED USERS

Each non-registered user shall file an account under his name and shall be deemed responsible for total payment of services put to use. When said non-registered user has profited from services filed by a registered user both shall be held jointly and severally responsible for payment thereof. Likewise, the Authority can register said service under the name of the non-registered user and request him to fulfill all established requirements. Failure to comply with these requirements within ten (10) calendar days from the date of notice shall constitute sufficient cause for suspension of service.

SECTION 6.09 - REFUSAL TO RENDER SERVICE

The Authority can refuse to provide its services to any person owing any charges for services rendered and to any person who in any way violates these Rules and Regulations, the Puerto Rico Aqueduct & Sewer Act, or any other applicable act or regulations.

SECTION 6.10 - TRANSFER OF DEBTS TO CURRENT ACCOUNTS

The Authority may transfer any debt for services rendered to a customer or user to another account registered under his name and may charge the account of any customer or user with any debt contracted under the circumstances held within the preceding Section 6.08.

SECTION 6.11 - ILLICIT INTAKES AND/OR DISCHARGES

All illicit intake and/or discharge connections are hereby prohibited. Any person using an illegal intake and/or discharge connection shall pay to the Authority the total estimated charges for aqueduct service and sewer discharges. A violation of this provision shall be sufficient cause for disconnecting said intake and/or discharge connection and decree the appropriate judicial procedures.

SECTION 6.12 - LEGALIZATION OF ILLICIT INTAKES AND/OR DISCHARGES

Illicit intake and/or discharge connections as specified in the previous section may be legalized if the condition of the installation and service so warrant, provided that the other requirements established by the Authority are complied with and the interested party pays the debt for all services rendered plus those expenses incurred by the Authority to legalize the services.

SECTION 6.13 - SUPPLY OF METERS BY THE AUTHORITY

The Authority shall provide water meters up to a size of four inches (4"), except in condominiums or apartment buildings where it will only provide a general meter. Meters larger than four inches (4"), shall be provided by the customer and turned over to the Authority. In the case of condominiums and apartment buildings, the provisions under the Standards of Design of the Authority shall apply.

SECTION 6.14 - CUSTOMER'S LIABILITY IN REGARD TO THE AUTHORITY'S PROPERTY

All meters, house connections, and any such other equipment supplied by the Authority shall remain its property and the latter reserves its right to substitute, remove, or repair such equipment. Nevertheless, the customer or user shall protect the Authority's property and take the necessary precautions in order to avoid any damage to said installations. Furthermore, the user shall watch over any tampering or otherwise interfering with the meters or any other service equipment.

SECTION 6.15 - HANDLING OF WATER METERS

- A. The handling or tampering in any way of the water meters by persons other than the duly authorized agents of the Authority shall be prohibited. This includes the handling of all corresponding fittings, including the shutoff valve to said meters.
- B. Any violation of this provision shall be considered a misdemeanor. Furthermore, the violator shall be made responsible for all charges not registered as a result of such handling. This charge shall be computed according to his average consumption. All cost of the investigation and repairs shall also be his responsibility.

SECTION 6.16 - OBSTRUCTION ON THE WATER METERS

Nothing shall be laid on top of the meters or their protective housing that may prevent the meter reading or handling. Any such obstacle shall be considered a public nuisance and subject to the provisions of Section 19 of the Aqueduct and Sewer Act and shall be removed by the Authority at the customer's or user's expense.

SECTION 6.17 - DESTRUCTION OF METERS AND/OR FITTINGS

Any person who partially or totally destroys a water meter and/or its fittings shall be held responsible for the cost and reinstallation of said meter and/or fittings installed in the property if said damages prove malicious or negligent action on his part. In case the person held responsible for such action is an Authority's customer or user and fails to pay the costs of reinstallation, his service shall be discontinued and the deposited guarantee shall be forfeited. When necessary, legal action shall be initiated in order to recover the total cost of damages.

SECTION 6.18 - RELOCATION OF DAMAGED METER

Whenever a broken or damaged meter is fixed on public property, the Authority may move it to a safer place which could be the private property being served. When moved at the request of the customer, user, or any other concerned person or by any cause attributed to them, it shall be done at their expense.

SECTION 6.19 - METER TESTING BY THE AUTHORITY

The Authority shall test, at its own expense, the water meters when in its judgment, there shall be sufficient grounds to doubt their efficient and exact functioning.

SECTION 6.20 - METER TESTING AT CUSTOMER'S OR USER'S REQUEST

Every customer or user shall have the right to request that the Authority test his water meter upon payment to the Authority's established fee for said purpose. He also shall have the right to watch the test, if he so specifies, when making said request. Said fee shall be reimbursed if the results show that the meter is more than two percent (2%) fast.

SECTION 6.21 - ADJUSTMENT IN CASE OF DEFECTIVE METERS

Once the test is completed, if the meter is found to be two percent (2%) slow or fast of the correct measure, the Authority shall adjust the customer's or user's account for the last three billings.

SECTION 6.22 - ADJUSTMENT DUE TO DEFICIENCY IN WATER SERVICE

The Authority shall adjust the charges billed for water and sewer service when the customer or user has been subject to an irregular and insufficient water service for over a month, in accordance with the criterion established by the Standards for Adjustments on Deficient Water Service.

SECTION 6.23 - INSPECTION OF INTERIOR INSTALLATIONS

A customer or user with a high water consumption may request the Authority to carry out an inspection of the interior installations of the affected property, pursuant to the provisions of Sections 6.19 and 6.20 of this chapter, to determine the cause for such a high consumption. However, the Authority is empowered, but not bound, to carry out an inspection on its own initiative at any moment it deems convenient. The customer shall allow the Authority's duly identified employees to enter his premises or properties in order to carry out an inspection. When an investigation is to be performed in a condominium or apartment building with only one meter, it shall be limited to a verification of the billed charges and the meter operation without in any way interfering with the service installations of any particular apartment or the building's communal areas.

SECTION 6.24 - ADJUSTMENT IN CASE OF A HIDDEN LEAKAGE

If in any case the Authority concludes that a high consumption of water is due to a hidden leakage, the customer or user shall be entitled to an adjustment of his account equal to half the amount in excess of his normal consumption and for not more than three consecutive billing periods, provided said leakage is repaired within fifteen (15) calendar days of the Authority's notifications in writing. No adjustments or reductions shall be made to the customer's or user's account due to leakages or wastes of water when these are caused by cracks or defective appliances such as sanitary fixtures, receiving tanks, water heaters, cooling system, etc.

SECTION 6.25 - DIVERSIFIED WATER SERVICE

The Authority may, in certain cases, permit a combined water service. As for the application of rates, the Authority shall classify said service as non-residential.

SECTION 6.26 - ADJUSTMENT OF CHARGES IN WATER CONSUMED FOR FIRE-FIGHTING

The Authority shall not charge for water used for fire extinguishing and shall make the necessary deductions to that effect, provided such fires, regardless of their proportions, are reported to the Fire Department.

SECTION 6.27 - EXTENSION OF WATER SERVICE CONTRACT TO INCLUDE SEWER SERVICES

All accounts or contracts registered with the Authority for water service, shall automatically be extended to cover sewer service as soon as the customer or user connects his property to such service. Customers or users of water service who desire to benefit from sewer service shall request an authorization from the Authority before making such connection. Any connection without the corresponding permit shall be considered illegal, pursuant to Section 6.11.

SECTION 6.28 - SEWER SERVICE INVOICING

Whenever any customers or users benefit from both services, all bills for water service shall include the corresponding charges for sewer service.

SECTION 6.29 - ADJUSTMENTS FOR SEWER SERVICE

Upon application from the customer, accompanied by the necessary information, the Authority shall adjust the sewer service charges to business enterprises or industries not discharging a considerable amount of the water served. Such adjustment shall never be retroactive. The Authority may require the installation of the necessary measuring devices to determine the exact volume of the sewer discharge.

CHAPTER VII WATER SERVICE

SECTION 7.01 - APPLICABILITY

This chapter applies to all users, domestic and nondomestic.

SECTION 7.02 - WHO MAY RECEIVE WATER SERVICE

The Authority shall provide water service upon application by any natural or legal person, whose property is accessible to the supply lines in operation and who has complied with all requirements established by the Authority in accordance with its purposes as a public corporation to provide the community with the most efficient and economical services.

SECTION 7.03 - RIGHTS AND OBLIGATIONS CONCERNING WATER SERVICE PROVIDED

The Authority will adopt the necessary measures to provide an efficient service and the customer or user of the water services shall be entitled to the pipe, quality, and regularity of service that the Authority can fairly provide.

SECTION 7.04 - PRESSURE AT WHICH THE WATER SERVICE SHALL BE PROVIDED

The Authority shall not be required to provide water service at any specific pressure. Those in need of a higher water pressure shall provide, themselves, at their own expense, the necessary equipment to achieve the desired pressure. The use of any device, equipment, or installation in connection therewith shall have the Authority's official approval.

SECTION 7.05 - WATER TAPPING SERVICE - PROPERTY, MAINTENANCE, AND DIAMETER

All water installations connected to the water main, up to and including the meter shall be the property of the Authority and remain under its sole control, even when the customer or user defrays the cost of installation.

The Authority shall take care of maintenance services on its installations up to the meter or, in its absence, up to the private property limits. Beyond that point, maintenance shall be the customer's or user's responsibility.

The diameter of the requested tapping and the size of the meter shall be determined by the Authority according to its use and to the conditions of the existing system.

SECTION 7.06 - BRANCH SERVICE CONNECTIONS

Branch service connections to adjacent properties or independent installations not included under the service contract shall be forbidden. However, such connections to accessory buildings are allowed.

SECTION 7.07 - MULTIPLE SERVICES

Service may be provided through one water meter to two or more housing, office, or commercial units under special rates in force for water and/or sewer services.

SECTION 7.08 - PUMP CONNECTION

The use of pumping implements directly connected to the Authority's water systems pipelines is hereby prohibited.

SECTION 7.09 - CONNECTION OF INDEPENDENT WATER SYSTEMS

The connections of independent or private water supply systems to the Authority's water system, without its previous consent are hereby prohibited. Failure to comply with this provision, besides constituting a violation to these Rules and Regulations, shall also constitute sufficient grounds for suspension of water service rendered by the Authority.

SECTION 7.10 - USE OF THE WATER SERVICE - CESSATION OF SERVICES

The use of water for purposes other than those contracted for and the partial or total use of said services for the benefit of others are forbidden, except in case of fire.

SECTION 7.11 - USE AND HANDLING OF PUBLIC FIRE HYDRANTS

The use and handling of public service fire hydrants for other than emergency uses and fire extinguishing or official fire drills is hereby prohibited, except if previously authorized by the Authority.

SECTION 7.12 - WATER SERVICE FOR FIRE-FIGHTING IN PRIVATE SYSTEMS

Connections to private fire-fighting systems shall be allowed, provided they comply with the Authority's requirements and regulations in force, the payment of established rates and that service is used solely for that purpose. The use of said service for other purposes shall constitute a violation of these Rules and Regulations and the Authority shall charge extra payment in addition to the regular rates.

In case of a second violation, the Authority can discontinue the service.

The use of water from private fire-fighting systems for purposes other than fire extinguishing or official fire drills is hereby prohibited, except by previous authorization from the Authority.

SECTION 7.13 - PAYMENT FOR UNAUTHORIZED USE OF SERVICES FOR FIRE PROTECTION

Any unauthorized use of water shall constitute a violation of these Rules and Regulations. Any person or persons who incur such violation shall pay the charges imposed for the water consumed for such unauthorized use.

SECTION 7.14 - WASTE OF WATER

- A. Every customer or user is under the obligation to avoid the waste of water and shall be responsible for all waste of water due to deficiencies in his inner installations. To this end, said connections shall be kept in good conditions.
- B. If and when the circumstances so justify it, the Authority is empowered to adopt the necessary measures for the best use of water, and to prohibit its use for certain activities. The Authority shall enforce the fulfillment of these provisions. Failure to comply with them shall entail suspension for services besides constituting a violation of these Rules and Regulations.

SECTION 7.15 - PROHIBITIONS ON THE USE OF PUBLIC FOUNTAINS

Public fountains shall only be installed by the Authority or by its consent. All public fountains installed in violation of these regulations shall be disconnected without notification. Regarding their use, the following is hereby prohibited:

- A. Depriving others of their rightful enjoyment.
- B. Hose connections.
- C. Car washing or bathing of persons and/or animals.
- D. Branch service connections.

CHAPTER VIII ADDITIONAL PROVISIONS

SECTION 8.01 - APPLICABILITY

The requirements of this chapter are applicable to all users, domestic and nondomestic.

SECTION 8.02 - CHARGES

Subject to any applicable procedural requirements, the Authority may adopt charges including without limitation:

- A. User charges for wastewater to be discharged to the sewer system;
- B. Charges for reimbursement of the cost of initiating and operating the Authority's Pretreatment Program;
- C. Charges for monitoring, inspections and surveillance procedures;
- D. Charges for reviewing Slug Control Plans and construction of facilities to implement such plans;
- E. Charges for permit applications;
- F. Charges for demonstrating consistent removal under 40 CFR 403.7 in order to obtain authorization to grant removal credits for pollutants otherwise subject to National Categorical Pretreatment Standards; and
- G. Such other charges as the Authority may deem necessary to carry out the requirements contained in these Rules and Regulations.

The charges contemplated in this section relate solely to the matters covered by these Rules and Regulations and are separate from all other charges chargeable by the Authority.

SECTION 8.03 - CRIMINAL PENALTIES

Any person who by action or omission intentionally or negligently violates or causes anyone to violate these Rules and Regulations or an order issued hereunder, upon conviction, shall be guilty of a misdemeanor, and the water and sewer service rendered to such person shall be subject to suspension. A person guilty of such a misdemeanor is punishable by imprisonment for a term that shall not exceed six (6) months, or a fine that shall not exceed five hundred (500) dollars, or both. Each violation and each day in which a violation occurs shall constitute a new and separate offense and shall be subject to the penalties contained herein.

This Rules and Regulations repeal the Regulation # 512 filed on June 20, 1958 and amendments to this regulation filed at the Puerto Rico Department of State under the following numbers: No. 2213 of December 30, 1976, No. 2488 of March 19, 1979, No. 2938 of December 14, 1985, No. 3308 of November, 1989 and No. 3786 of February 7, 1989.

SECTION 8.11 - SEVERABILITY

Should any section, subsection, clause, paragraph or any part of these Rules and Regulations be declared unconstitutional, or void, by a court with jurisdiction over them, said decision shall not affect or invalidate the remaining sections, subsection, clauses, paragraphs or parts.

SECTION 8.12 - DISCREPANCY BETWEEN ENGLISH AND SPANISH VERSIONS

In the event of a discrepancy between the English and the Spanish versions of these Rules and Regulations, the English version shall prevail.

SECTION 8.13 - EFFECTIVENESS

These Rules and Regulations shall go into effect thirty (30) days after the date of its filing at the Puerto Rico Department of State, in conformity with Law 170 of August 12, 1988, as amended.