

April 23, 2014

NOTICE TO CLIENTS AND FRIENDS

PR Developments: Proposed Amendments to the Water Quality Control Regulation

The Puerto Rico Environmental Quality Board (“EQB”) is proposing to amend the Puerto Rico Water Quality Standards Regulation (“WQSR”)¹. The proposed amendments will result in the modification of the water quality standards for Inorganic Substances, Pesticides, Non-Pesticide Organic Substances and Carbon Tetrachloride, Volatile and Semi-Volatile Organic Substances and specific classifications of the waters of Puerto Rico². Other amendments include changes to the requirements for the calibration and validation of the mathematical models used to define mixing zones³, and the design flow requirements for waste load allocations⁴.

More specifically, the proposed amendments add, eliminate and/or modify the following water quality standards:

- i. Inorganic Substances: Includes new standards for Aluminum and Chlorine for Class SD⁵ (87 µg/L and 11 µg/L, respectively). Eliminates the standard for Nitrate + Nitrite for Class SD (10,000 µg/L). Modifies the standards for Chromium VI for Class SB⁶ and SC⁷ (from 50.35 to 50 µg/L) and for Class SD (from 11.43 to 11 µg/L).
- ii. Organochlorides and Other Persistent Pesticides: Includes a new standard for Carbaryl for Class SC (1.6 µg/L) and Class SD (2.1 µg/L). Modifies the standards for Heptachlor Epoxide for Class SD (from 0.0038 to 0.00039 µg/L) and Class SG⁸ (from 0.2 to 0.00039 µg/L). Identifies Heptachlor Epoxide as a substance that may be a carcinogen.
- iii. Non-Pesticide Organic Substances and Carbon Tetrachloride: Modifies the standards for Phenol for Class SB and SC (from 1,700,000 to 860,000 µg/L), Class SD (from 21,000 to 10,000 µg/L), and Class SG (from 21,000 to 10,000 µg/L).

¹ Regulation No. 7837 of March 31, 2010.

² See Rule 1303.1 (I)(1), (I)(2)(a), (I)(2)(b), (I)(3), (I)(4), and (I)(5) of the WQSR.

³ See Rule 1305.9 (C) of the proposed amendments to the WQSR. A mixing zone is defined as a “tridimensional space in a receiving water body where the discharge is diluted with surrounding waters [...]”. See Rule 1301.1 of the WQSR.

⁴ See Rule 1310.3 (D) of the WQSR. Waste Load Allocations are defined as “the portion of a receiving water total allowable pollutant load that is allocated one of its existing or future point sources of pollution”. See Rule 1301.1 of the WQSR.

⁵ As defined in Rule 1302.2 (A) of the WQSR.

⁶ As defined in Rule 1302.1 (B) of the WQSR.

⁷ As defined in Rule 1302.1 (C) of the WQSR.

⁸ As defined in Rule 1302.3 (A) of the WQSR.

- iv. Volatile Organic Substances: Modifies the standards for Acrolein for Class SB and SC (from 290 to 9 µg/L), Class SD (from 190 to 3 µg/L), and Class SG (from 190 to 9 µg/L). Identifies 1, 1, 2- Trichloroethane as a substance that may be a carcinogen.
- v. Semi-Volatile Organic Substances: Excludes Bis (2-Chloroisopropyl) Ether and Butylbenzyl Phthalate as substances that may be a carcinogen.
- vi. Adds a human health criteria identification code for the protection of the water body or aquatic life based on a carcinogenicity risk of 10^{-5} .

On March 28, 2014, EQB held a public hearing as part of the administrative procedure to amend the WQSR. The EQB is currently in the evaluation stage of the comments provided to the WQSR.

Given the potential impact of the proposed changes on the current local water quality standards we believe that this development may affect you. To further discuss or obtain additional information on how this development impacts you please contact us at your convenience.

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