

November 4, 2004

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Michael Leavitt, Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Mr. Carl-Axel P. Soderberg, Director  
Caribbean Environmental Protection Agency  
U.S. Environmental Protection Agency, Region II  
Centro Europa Building, Suite 417  
1492 Ponce de Leon Avenue  
San Juan, Puerto Rico 00907-4127

Mr. Juan Agosto Alicea, CPA  
President and Chief Executive Officer  
Puerto Rico Aqueduct and Sewer Authority P.O. Box 7066  
Barrio Obrero Station  
Santurce, Puerto Rico 00916

**Re: Notice of Intent to File a Citizen Action Suit under the Clean Water Act  
Concerning the Ponce Regional Wastewater Treatment Plant.**

Dear Mr. Leavitt, Mr. Soderberg, and Mr. Alicea:

This notice is provided pursuant to section §505(b) of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), 33 U.S.C. § 1365(b), of CORALations’s and the American Littoral Society’s (“ALS”) intent to file suit against the Ponce Regional Wastewater Treatment Plant (“Ponce WWTP”) for illegal discharges and violations by the Ponce facility located on State Road #2, Km 258.7, Santurce, Puerto Rico 00916. The Ponce WWTP is owned and operated by the Puerto Rico Aqueduct and Sewer Authority (“PRASA”). The Mid-Atlantic Environmental Law Center (“MAELC”) represents CORALations and ALS in this manner. CORALations and ALS bring this action to achieve long-term compliance with environmental laws and to improve the quality of Puerto Rico and the Caribbean Sea.

As described in this letter, Ponce is in violation of the CWA because PRASA continues to discharge significant amounts of Biochemical Oxygen Demand (“BOD”), Total Suspended Solids (“TSS”), Phenolics, Total Fluoride, Total Copper, Zinc, and Inorganic Nitrogen in violation of its National Pollution Discharge Elimination System (“NPDES”) permit PR0021563. Ponce WWTP discharges wastewater from the Ponce facility into the Caribbean Sea. These violations are of special concern to CORALations and ALS because Ponce WWTP's discharges have impacted the Caribbean Sea.

#### I. IDENTIFICATION OF THE PARTIES AND COUNSEL

CORALations is a non-profit, conservation organization based in the Caribbean and founded in Puerto Rico in 1995. Its mission is to conserve, nurture and educate the public about behaviors that affect the coastal environment, including the human impact on the environment. CORALations has a growing membership base of more than 500 people in Puerto Rico and the U.S. Virgin Islands. Its members have, continue to and will in the future use the Caribbean Sea for recreational purposes.

The address of CORALations is as follows:

Ms. Maryann Lucking  
CORALations, Inc.  
PO Box 750  
Culebra, PR 00775

The ALS is a not-for-profit, public interest environmental organization, founded in New Jersey in the 1960’s by fishermen, scuba divers and biologists. ALS’s purposes include protection, preservation, and enhancement of coastal waters, including the protection and preservation of threatened and endangered species in coastal waters. There are approximately 6,600 ALS members nationwide, including individual members who frequently use the waters of Puerto Rico. Its members have, continue to and will in the future use the Caribbean Sea for recreational purposes.

The address of ALS is as follows:

Tim Dillingham, Executive Director  
American Littoral Society  
Fort Hancock, Building 18  
Sandy Hook  
Highlands, NJ 07732

MAELC represents CORALations and ALS in this matter. MAELC is a non-profit environmental law firm that provides legal service for public interest organizations in environmental matters. MAELC works to ensure that environmental requirements are met, and that legislation and regulations are adequately implemented by responsible federal, state and local agencies. MAELC is located at the Widener University School of Law and works in tandem with students in Widener's Environmental and Natural Resources Law Clinic. Please direct all correspondence to:

Kenneth Kristl, Esq.  
Of Counsel, Mid-Atlantic Environmental Law Center  
4601 Concord Pike, PO Box 7474  
Wilmington, DE 19803-0474  
(302) 477-2053  
(302) 477-2032(facsimile)

## II. Background

In 1972, Congress enacted the Clean Water Act to “restore and maintain the chemical, physical and biological integrity of the Nation's water.” 33 U.S.C. §1251(a). The CWA purpose is to attain water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water.” 33 U.S.C. §1251(a)(2). Except as in compliance with a NPDES permit “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. §1311(a).

Section §505(b) of the Act, 33 U.S.C. §1365(b), requires that sixty (60) days prior to the filing of a citizen suit in the appropriate federal court under section §505(a) of the Act that the alleged violator, the Environmental Protection Agency (“EPA”) and the State in which the violations occur, be given notice of the alleged violation.

NPDES permit PR0021563 was issued on August 10, 1994 by the EPA under Section 402 of the Act, 33 U.S.C. § 1342, to PRASA, for the discharge of pollutants from the Ponce WWTP located in Santurce, Puerto Rico. By its own terms the permit became effective on December 1, 1994 and expired on November 30, 1999. In 1999, PRASA submitted an application to the U.S. Environmental Protection Agency for renewal of NPDES permit PR0021563 for the Ponce WWTP. The application is still under review. Therefore, the

permit issued in December of 1994 remains in effect. The Ponce WWTP is violating that permit.

### III. PONCE WWTP DISCHARGES VIOLATE EFFLUENT STANDARDS OR LIMITATIONS IN ITS NPDES PERMIT NUMBER PR0021563.

Violations of the terms of the PRASA's NPDES permit PR0021563 have occurred and continue to occur at the Ponce WWTP facility. The monthly Discharge Monitoring Reports (“DMR”) filed by PRASA demonstrate that PRASA has violated its NPDES permit on a continuous basis in at least the following respects:

#### A. BOD Violations

The 1994 NPDES permit limitation for BOD is for a loading of 3070 kg/day and a concentration of 45 mg/l. PRASA violated effluent limitations on the following dates:

VIOLATION	WHEN	ALLOWED	ACTUAL
BOD	3/1/2004 - 3/31/2004	3070 kg/day	4953
BOD	3/1/2004 - 3/31/2004	45 mg/l	121
BOD	2/1/2004 - 2/29/2004	3070 kg/day	6222
BOD	2/1/2004 - 2/29/2004	45 mg/l	114
BOD	1/1/2004 - 1/31/2004	3070 kg/day	6650
BOD	1/1/2004 - 1/31/2004	45 mg/l	121
BOD	12/1/2003 - 12/31/2003	3070 kg/day	5866
BOD	12/1/2003 - 12/31/2003	45 mg/l	109
BOD	11/1/2003 - 11/30/2003	3070 kg/day	6314
BOD	11/1/2003 - 11/30/2003	45 mg/l	98
BOD	10/1/2003 - 10/31/2003	3070 kg/day	5140
BOD	10/1/2003 - 10/31/2003	45 mg/l	99
BOD	9/1/2003 - 9/30/2003	3070 kg/day	6057
BOD	9/1/2003 - 9/31/2003	45 mg/l	122
BOD	8/1/2003 - 8/31/2003	3070 kg/day	5691
BOD	8/1/2003 - 8/31/2003	45 mg/l	105
BOD	6/1/2003 - 6/30/2003	3070 kg/day	5640
BOD	6/1/2003 - 6/30/2003	45 mg/l	105
BOD	5/1/2003 - 5/31/2003	3070 kg/day	6033
BOD	5/1/2003 - 5/31/2003	45 mg/l	120
BOD	4/1/2003 - 4/30/2003	3070 kg/day	7788
BOD	4/1/2003 - 4/30/2003	45 mg/l	119
BOD	3/1/2003 - 3/31/2003	45 mg/l	133

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
BOD	2/1/2003 - 2/28/2003	3070 kg/day	6088
BOD	2/1/2003 - 2/28/2003	45 mg/l	108
BOD	1/1/2003 - 1/31/2003	3070 kg/day	6219
BOD	1/1/2003 - 1/31/2003	45 mg/l	120
BOD	12/1/2002 - 12/31/2002	3070 kg/day	6321
BOD	12/1/2002 - 12/31/2002	45 mg/l	118.5
BOD	11/1/2002 - 11/30/2002	3070 kg/day	7816
BOD	11/1/2002 - 11/30/2002	45 mg/l	112.5
BOD	10/1/2002 - 10/31/2002	3070 kg/day	6144
BOD	10/1/2002 - 10/31/2002	45 mg/l	112
BOD	9/1/2002 - 9/30/2002	3070 kg/day	7883
BOD	9/1/2002 - 9/30/2002	45 mg/l	138
BOD	8/1/2002 - 8/31/2002	3070 kg/day	5529
BOD	8/1/2002 - 8/31/2002	45 mg/l	101.5
BOD	7/1/2002 - 7/31/2002	3070 kg/day	6210
BOD	7/1/2002 - 7/31/2002	45 mg/l	114
BOD	6/1/2002 - 6/30/2002	3070 kg/day	6959
BOD	6/1/2002 - 6/30/2003	45 mg/l	126
BOD	5/1/2002 - 5/31/2002	3070 kg/day	7774
BOD	5/1/2002 - 5/31/2002	45 mg/l	150
BOD	4/1/2002 - 4/30/2002	3070 kg/day	6822
BOD	4/1/2002 - 4/30/2002	45 mg/l	127
BOD	3/1/2002 - 3/31/2002	3070 kg/day	6086
BOD	3/1/2002 - 3/31/2002	45 mg/l	112.5
BOD	2/1/2002 - 2/28/2002	3070 kg/day	7070
BOD	2/1/2002 - 2/28/2002	45 mg/l	128
BOD	1/1/2002 - 1/31/2002	3070 kg/day	5823
BOD	1/1/2002 - 1/31/2002	45 mg/l	117.5
BOD	12/1/2001 - 12/31/2001	3070 kg/day	5402
BOD	12/1/2001 - 12/31/2001	45 mg/l	105
BOD	11/1/2001 - 11/30/2001	3070 kg/day	5221
BOD	11/1/2001 - 11/30/2001	45 mg/l	100
BOD	10/1/2001 - 10/31/2001	3070 kg/day	7281
BOD	10/1/2001 - 10/31/2001	45 mg/l	131
BOD	9/1/2001 - 9/30/2001	3070 kg/day	6625
BOD	9/1/2001 - 9/30/2001	45 mg/l	109
BOD	8/1/2001 - 8/31/2001	3070 kg/day	7049
BOD	8/1/2001 - 8/31/2001	45 mg/l	121

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
BOD	7/1/2001 - 7/31/2001	3070 kg/day	6785
BOD	7/1/2001 - 7/31/2001	45 mg/l	118
BOD	6/1/2001 - 6/30/2001	3070 kg/day	7203
BOD	6/1/2001 - 6/30/2001	45 mg/l	136
BOD	5/1/2001 - 5/31/2001	3070 kg/day	6753
BOD	5/1/2001 - 5/31/2001	45 mg/l	127.5
BOD	4/1/2001 - 4/30/2001	3070 kg/day	6541
BOD	4/1/2001 - 4/30/2001	45 mg/l	130
BOD	3/1/2001 - 3/31/2001	3070 kg/day	7082
BOD	3/1/2001 - 3/31/2001	45 mg/l	144
BOD	2/1/2001 - 2/28/2001	3070 kg/day	6313
BOD	2/1/2001 - 2/28/2001	45 mg/l	112
BOD	1/1/2001 - 1/31/2001	3070 kg/day	6184
BOD	1/1/2001 - 1/31/2001	45 mg/l	134
BOD	12/1/2000 - 12/31/2000	3070 kg/day	6000
BOD	12/1/2000 - 12/31/2000	45 mg/l	130
BOD	11/1/2000 - 11/30/2000	3070 kg/day	4756
BOD	11/1/2000 - 11/30/2000	45 mg/l	99
BOD	10/1/2000 - 10/31/2000	3070 kg/day	4294
BOD	10/1/2000 - 10/31/2000	45 mg/l	94.6
BOD	9/1/2000 - 9/30/2000	3070 kg/day	5237
BOD	9/1/2000 - 9/30/2000	45 mg/l	82
BOD	8/1/2000 - 8/31/2000	3070 kg/day	7823
BOD	8/1/2000 - 8/31/2000	45 mg/l	126
BOD	7/1/2000 - 7/31/2000	3070 kg/day	8374
BOD	7/1/2000 - 7/31/2000	45 mg/l	125

### **B. TSS Violations**

The 1994 NPDES permit limitation for TSS is for a loading of 3070 kg/day and a concentration of 45 mg/l. PRASA violated effluent limitations on the following dates:

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
TSS	3/1/2004 - 3/31/2004	45 mg/l	72
TSS	2/1/2004 - 2/29/2004	3070 kg/day	5021
TSS	2/1/2004 - 2/29/2004	45 mg/l	92
TSS	1/1/2004 - 1/31/200	3070 kg/day	4287
TSS	1/1/2004 - 1/31/200	45 mg/l	78

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
TSS	12/1/2003 - 12/31/2003	3070 kg/day	3929
TSS	12/1/2003 - 12/31/2003	45 mg/l	73
TSS	11/1/2003 - 11/30/2003	3070 kg/day	4767
TSS	11/1/2003 - 11/30/2003	45 mg/l	74
TSS	10/1/2003 - 10/31/2003	3070 kg/day	3115
TSS	10/1/2003 - 10/31/2003	45 mg/l	60
TSS	9/1/2003 - 9/30/2003	45 mg/l	59
TSS	8/1/2003 - 8/31/2003	45 mg/l	57
TSS	5/1/2003 - 5/31/2003	3070 kg/day	3418
TSS	5/1/2003 - 5/31/2003	45 mg/l	69
TSS	4/1/2003 - 4/30/2003	3070 kg/day	3730
TSS	4/1/2003 - 4/30/2003	45 mg/l	57
TSS	3/1/2003 - 3/31/2003	3070 kg/day	3639
TSS	3/1/2003 - 3/31/2003	45 mg/l	65
TSS	2/1/2003 - 2/29/2003	3070 kg/day	3664
TSS	2/1/2003 - 2/29/2003	45 mg/l	65
TSS	1/1/2003 - 1/31/2003	3070 kg/day	4846
TSS	1/1/2003 - 1/31/2003	45 mg/l	93.5
TSS	12/1/2002 - 12/31/2002	45 mg/l	53.5
TSS	11/1/2002 - 11/30/2002	3070 kg/day	3154
TSS	11/1/2002 - 11/30/2002	45 mg/l	57.5
TSS	10/1/2002 - 10/31/2002	3070 kg/day	3757
TSS	10/1/2002 - 10/31/2002	45 mg/l	68.5
TSS	9/1/2002 - 9/30/2002	3070 kg/day	3684
TSS	9/1/2002 - 9/30/2002	45 mg/l	64.5
TSS	8/1/2002 - 8/31/2002	3070 kg/day	3486
TSS	8/1/2002 - 8/31/2002	45 mg/l	64
TSS	7/1/2002 - 7/31/2002	3070 kg/day	4576
TSS	7/1/2002 - 7/31/2002	45 mg/l	84
TSS	6/1/2002 - 6/30/2002	3070 kg/day	5523
TSS	6/1/2002 - 6/30/2002	45 mg/l	100
TSS	5/1/2002 - 5/31/2002	3070 kg/day	4716
TSS	5/1/2002 - 5/31/2002	45 mg/l	91
TSS	4/1/2002 - 4/30/2002	3070 kg/day	3492
TSS	4/1/2002 - 4/30/2002	45 mg/l	65
TSS	3/1/2002 - 3/31/2002	3070 kg/day	6005
TSS	3/1/2002 - 3/31/2002	45 mg/l	111
TSS	2/1/2002 - 2/28/2002	3070 kg/day	4198

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
TSS	12/1/2003 - 12/31/2003	3070 kg/day	3929
TSS	12/1/2003 - 12/31/2003	45 mg/l	73
TSS	11/1/2003 - 11/30/2003	3070 kg/day	4767
TSS	11/1/2003 - 11/30/2003	45 mg/l	74
TSS	10/1/2003 - 10/31/2003	3070 kg/day	3115
TSS	10/1/2003 - 10/31/2003	45 mg/l	60
TSS	9/1/2003 - 9/30/2003	45 mg/l	59
TSS	8/1/2003 - 8/31/2003	45 mg/l	57
TSS	5/1/2003 - 5/31/2003	3070 kg/day	3418
TSS	5/1/2003 - 5/31/2003	45 mg/l	69
TSS	4/1/2003 - 4/30/2003	3070 kg/day	3730
TSS	4/1/2003 - 4/30/2003	45 mg/l	57
TSS	3/1/2003 - 3/31/2003	3070 kg/day	3639
TSS	3/1/2003 - 3/31/2003	45 mg/l	65
TSS	2/1/2003 - 2/29/2003	3070 kg/day	3664
TSS	2/1/2003 - 2/29/2003	45 mg/l	65
TSS	1/1/2003 - 1/31/2003	3070 kg/day	4846
TSS	1/1/2003 - 1/31/2003	45 mg/l	93.5
TSS	12/1/2002 - 12/31/2002	45 mg/l	53.5
TSS	11/1/2002 - 11/30/2002	3070 kg/day	3154
TSS	11/1/2002 - 11/30/2002	45 mg/l	57.5
TSS	10/1/2002 - 10/31/2002	3070 kg/day	3757
TSS	10/1/2002 - 10/31/2002	45 mg/l	68.5
TSS	9/1/2002 - 9/30/2002	3070 kg/day	3684
TSS	9/1/2002 - 9/30/2002	45 mg/l	64.5
TSS	8/1/2002 - 8/31/2002	3070 kg/day	3486
TSS	8/1/2002 - 8/31/2002	45 mg/l	64
TSS	7/1/2002 - 7/31/2002	3070 kg/day	4576
TSS	7/1/2002 - 7/31/2002	45 mg/l	84
TSS	6/1/2002 - 6/30/2002	3070 kg/day	5523
TSS	6/1/2002 - 6/30/2002	45 mg/l	100
TSS	5/1/2002 - 5/31/2002	3070 kg/day	4716
TSS	5/1/2002 - 5/31/2002	45 mg/l	91
TSS	4/1/2002 - 4/30/2002	3070 kg/day	3492
TSS	4/1/2002 - 4/30/2002	45 mg/l	65
TSS	3/1/2002 - 3/31/2002	3070 kg/day	6005
TSS	3/1/2002 - 3/31/2002	45 mg/l	111
TSS	2/1/2002 - 2/28/2002	3070 kg/day	4198



<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
TSS	12/1/2003 - 12/31/2003	3070 kg/day	3929
TSS	12/1/2003 - 12/31/2003	45 mg/l	73
TSS	11/1/2003 - 11/30/2003	3070 kg/day	4767
TSS	11/1/2003 - 11/30/2003	45 mg/l	74
TSS	10/1/2003 - 10/31/2003	3070 kg/day	3115
TSS	10/1/2003 - 10/31/2003	45 mg/l	60
TSS	9/1/2003 - 9/30/2003	45 mg/l	59
TSS	8/1/2003 - 8/31/2003	45 mg/l	57
TSS	5/1/2003 - 5/31/2003	3070 kg/day	3418
TSS	5/1/2003 - 5/31/2003	45 mg/l	69
TSS	4/1/2003 - 4/30/2003	3070 kg/day	3730
TSS	4/1/2003 - 4/30/2003	45 mg/l	57
TSS	3/1/2003 - 3/31/2003	3070 kg/day	3639
TSS	3/1/2003 - 3/31/2003	45 mg/l	65
TSS	2/1/2003 - 2/29/2003	3070 kg/day	3664
TSS	2/1/2003 - 2/29/2003	45 mg/l	65
TSS	1/1/2003 - 1/31/2003	3070 kg/day	4846
TSS	1/1/2003 - 1/31/2003	45 mg/l	93.5
TSS	12/1/2002 - 12/31/2002	45 mg/l	53.5
TSS	11/1/2002 - 11/30/2002	3070 kg/day	3154
TSS	11/1/2002 - 11/30/2002	45 mg/l	57.5
TSS	10/1/2002 - 10/31/2002	3070 kg/day	3757
TSS	10/1/2002 - 10/31/2002	45 mg/l	68.5
TSS	9/1/2002 - 9/30/2002	3070 kg/day	3684
TSS	9/1/2002 - 9/30/2002	45 mg/l	64.5
TSS	8/1/2002 - 8/31/2002	3070 kg/day	3486
TSS	8/1/2002 - 8/31/2002	45 mg/l	64
TSS	7/1/2002 - 7/31/2002	3070 kg/day	4576
TSS	7/1/2002 - 7/31/2002	45 mg/l	84
TSS	6/1/2002 - 6/30/2002	3070 kg/day	5523
TSS	6/1/2002 - 6/30/2002	45 mg/l	100
TSS	5/1/2002 - 5/31/2002	3070 kg/day	4716
TSS	5/1/2002 - 5/31/2002	45 mg/l	91
TSS	4/1/2002 - 4/30/2002	3070 kg/day	3492
TSS	4/1/2002 - 4/30/2002	45 mg/l	65
TSS	3/1/2002 - 3/31/2002	3070 kg/day	6005
TSS	3/1/2002 - 3/31/2002	45 mg/l	111
TSS	2/1/2002 - 2/28/2002	3070 kg/day	4198

### C. Phenolics Violations

The 1994 NPDES permit limitation for Phenolics is for a loading of 40 mg/l. PRASA violated effluent limitations on the following dates:

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
PHENOLICS	3/1/2004 - 3/31/2004	40 mg/l	142
PHENOLICS	2/1/2004 - 2/29/2004	40 mg/l	256
PHENOLICS	1/1/2004 - 1/31/2004	40 mg/l	43
PHENOLICS	12/1/2003 - 12/31/2003	40 mg/l	63
PHENOLICS	11/1/2003 - 11/30/2003	40 mg/l	180
PHENOLICS	10/1/2003 - 10/31 /2003	40 mg/l	44.1
PHENOLICS	9/1/2003 - 9/31/2003	40 mg/l	132
PHENOLICS	8/1/2003 - 8/31/2003	40 mg/l	47
PHENOLICS	5/1/2003 - 5/31/2003	40 mg/l	40.7
PHENOLICS	4/1/2003 - 4/30/2003	40 mg/l	44
PHENOLICS	3/1/2003 - 3/31/2003	40 mg/l	108
PHENOLICS	2/1/2003 - 2/28/2003	40 mg/l	60
PHENOLICS	1/1/2003 - 1/31/2003	40 mg/l	43
PHENOLICS	11/1/2002 - 11/30/2002	40 mg/l	163.3
PHENOLICS	9/1/2002 - 9/30/2002	40 mg/l	181.3
PHENOLICS	6/1/2002 - 6/30/2002	40 mg/l	74.3
PHENOLICS	5/1/2002 - 5/31/2002	40 mg/l	102
PHENOLICS	4/1/2002 - 4/30/2002	40 mg/l	45
PHENOLICS	2/1/2002 - 2/28/2002	40 mg/l	58
PHENOLICS	1/1/2002 - 1/31/2002	40 mg/l	44
PHENOLICS	12/1/2001 - 12/31/2001	40 mg/l	50
PHENOLICS	10/1/2001 - 10/31/2001	40 mg/l	50
PHENOLICS	8/1/2001 - 8/31/2001	40 mg/l	42.7
PHENOLICS	12/1/2000 - 12/31/2000	40 mg/l	75.2
PHENOLICS	11/1/2000 - 11/30/2000	40 mg/l	43
PHENOLICS	9/1/2000 - 9/30/2000	40 mg/l	46
PHENOLICS	8/1/2000 - 8/31/2000	40 mg/l	67
PHENOLICS	6/1/2000 - 6/30/2000	40 mg/l	43
PHENOLICS	5/1/2000 - 5/31/2000	40 mg/l	45
PHENOLICS	4/1/2000 - 4/30/2000	40 mg/l	45
PHENOLICS	2/1/2000 - 2/28/2000	40 mg/l	47
PHENOLICS	1/1/2000 - 1/31/2000	40 mg/l	47

#### D. Total Fluoride Violations

The 1994 NPDES permit limitation for Total Fluoride is for a loading of 4647 mg/l. PRASA violated effluent limitations on the following dates:

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
TOTAL FLUORIDE	1/1/2004 - 1/31/2004	4647 mg/l	8040
TOTAL FLUORIDE	12/1/2003 - 12/31/2003	4647 mg/l	5500
TOTAL FLUORIDE	6/1/2003 - 6/30/2003	4647 mg/l	11 000
TOTAL FLUORIDE	11/1/2002 - 11/30/2002	4647 mg/l	5520
TOTAL FLUORIDE	11/1/2001 - 11/30/2001	4647 mg/l	6420
TOTAL FLUORIDE	6/1/2001 - 6/30/2001	4647 mg/l	6040
TOTAL FLUORIDE	6/1/2000 - 6/1/2000	4647 mg/l	5100

#### E. Total Copper

The 1994 NPDES permit limitation for Total Copper is for a loading of 94.6 mg/l. PRASA violated effluent limitations on the following dates:

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
TOTAL COPPER	11/1/2003 - 11/30/2003	94.6 mg/l	140
TOTAL COPPER	6/1/2003 - 6/30/2003	94.6 mg/l	102
TOTAL COPPER	1/1/2003 - 1/31/2003	94.6 mg/l	107
TOTAL COPPER	6/1/2002 - 6/30/2002	94.6 mg/l	104
TOTAL COPPER	5/1/2002 - 5/31/2002	94.6 mg/l	97.7
TOTAL COPPER	5/1/2000 - 5/31/2000	94.6 mg/l	108
TOTAL COPPER	4/1/2000 - 4/30/2000	94.6 mg/l	108

#### F. Zinc Violations

The 1994 NPDES permit limitation for Zinc is for a loading of 84 mg/l. PRASA violated effluent limitations on the following dates:

<b>VIOLATION</b>	<b>WHEN</b>	<b>ALLOWED</b>	<b>ACTUAL</b>
ZINC	3/1/2004 - 3/31/2004	84 mg/l	89
ZINC	2/1/2004 - 2/29/2004	84 mg/l	180
ZINC	8/1/2003 - 8/31/2003	84 mg/l	117
ZINC	5/1/2000 - 5/31/2000	84 mg/l	92

ZINC	41112000 - 4/30/2000	84 mg/l	92
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### G. Inorganic Nitrogen Violations

The 1994 NPDES permit limitation for Inorganic Nitrogen is for a loading of 26.7 mg/l. PRASA violated effluent limitations on the following dates:

VIOLATION	WHEN	ALLOWED	ACTUAL
Inorganic Nitrogen	2/1/2003 - 2/28/2003	26.7 mg/l	238.89
Inorganic Nitrogen	3/1/2001 - 3/31/2001	26.7 mg/l	27.02
Inorganic Nitrogen	6/1/2000 - 6/30/2000	26.7 mg/l	40.6

#### IV. PONCE IS VIOLATING EFFLUENT STANDARDS THROUGH AN UNPERMITTED DISCHARGE IN ITS DISCHARGE OUTFALL PIPE.

Since August of 2003 Ponce WWTP has been unlawfully discharging pollutants into the Caribbean Sea from an unpermitted discharge point. 33 U.S.C. §1311(a). On August 16, 2003, PRASA discovered a shallow water leak in its outfall discharge pipe. We are unaware of any evidence that this leak from the outfall discharge pipe has been repaired and believe the unlawful discharge of pollutants into the Caribbean Sea are continuing to occur.

#### V. CONCLUSION

If the conditions causing the above violations are not corrected within 60 days, such that it is absolutely clear that there is no reasonable likelihood that the violations will recur, CORALations and ALS intend to file suit seeking civil penalties, injunctive relief, and litigation costs as provided by the Act, on behalf of itself and its members.

CORALations and ALS reserve the right to include in its complaint allegations of any additional violations of the permit not included in this 60-day notice letter. Furthermore, this letter does not preclude CORALations or ALS from bringing suit for violations under any other statutory law, or to sue for violations of the Act other than those described above.

CORALations and ALS believe that this notice of intent to sue complies with the requirements of §505(b) of the Act, 33 U.S.C. §1365(b) and accompanying regulations. Moreover, CORALations requests to be informed and included in any settlement negotiations between PRASA and the EPA that may arise because of this 60-Day Notice or

subsequent litigation initiated by CORALations, ALS or the EPA. If you would like to discuss this matter further or provide us with additional information, please contact us within the next two weeks.

Respectfully,

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On behalf of CORALations and ALS