



United States Environmental Protection Agency, Region 2
Caribbean Environmental Protection Division
Multimedia Permits and Compliance Branch

**NPDES Compliance Evaluation Inspection
Municipal Separate Storm Sewer System**

Permittee

MUNICIPALITY OF TRUJILLO ALTO

P. O. Box 1869
Trujillo Alto, Puerto Rico 00977
Telephone Number: (787) 761-0172

Statute / Regulations

Sections 301(a), 308(b) and 402(p) of the Clean Water Act
40 Code of Federal Regulations Part 122.26

NPDES ID Number: PRR040003

Inspection Date: May 21, 2024

Participating Personnel:

U.S. EPA:

Yolianne Maclay, P.E.
Senior Environmental Engineer

Municipality of Trujillo Alto:

Luis Rivera Camacho
Planning and Land Management Office
Office Director

Nitza E. Rivera Cruz
Planning and Land Management Office

Joshua Lleras Alamo
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Inspection Report
Prepared by:

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06/12/2024

Date

Inspection Report
Approving Officer:

EVELYN HUERTAS

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Date

1. INTRODUCTION

This Inspection Report includes the findings and observations concerning the National Pollutant Discharge Elimination System (“NPDES”) Municipal Separate Storm Sewer Systems (MS4s) Inspection (the “Inspection”) conducted on May 21, 2024, by Ms. Yolianne Maclay, P.E., Senior Environmental Engineer (the “EPA Inspector”). The Inspection was conducted at the request of the Clean Water Act Team Leader of the Multimedia Permits and Compliance Branch under the Caribbean Environmental Protection Division at the Municipality of Trujillo Alto (“Permittee” or the “Municipality”).¹

The purpose of the Inspection was to evaluate Municipality’s compliance with the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in the Commonwealth of Puerto Rico (“MS4 Permit”). The Inspection was focused on two of the six Minimum Control Measures (“MCMs”) named “Public Education and Outreach” and “Construction Site Stormwater Runoff Control”, which conditions and requirements are found in Parts 2.4.2 and 2.4.5 of the MS4 Permit.

Upon showing of credentials to Mr. Luis Rivera Camacho, Mrs. Nitza E. Rivera Cruz and Mr. Joshua Lleras Alamo, the Inspection was conducted under the authority of Section 308(a) of the Clean Water Act (“CWA”). The Inspection consisted of an entry meeting to discuss the purpose of the Inspection, a document request to assess records for compliance review, and a closing meeting to discuss preliminary findings.

2. PARTICIPANTS

The following officials represented the Municipality during the Inspection:

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¹ On May 20, 2024, I sent an email to Mr. Luis Rivera Camacho, to provide notice of the Inspection. The email included a statement about the date and purpose of the Inspection.

3. PERMIT INFORMATION

On November 6, 2006, EPA issued an MS4 Permit for regulated MS4 entities located in the Commonwealth of Puerto Rico ("2006 MS4 Permit"). After the expiration of the 2006 MS4 Permit, EPA issued an MS4 Permit ("2016 MS4 Permit") for regulated MS4 entities located in Puerto Rico on June 13, 2016. The 2016 MS4 Permit replaced the 2006 MS4 Permit.

The 2016 MS4 Permit became effective on July 1, 2016, and expired on June 30, 2021. EPA administratively continued the 2016 MS4 General Permit for those MS4 entities that obtained coverage in accordance with the 40 C.F.R. § 122.6(a).² Pursuant to 40 C.F.R. § 122.6(b), the 2016 MS4 Permit remains fully effective and enforceable.

On September 30, 2016, the Municipality submitted a Notice of Intent form (the "2016 NOI") to EPA seeking coverage under the 2016 MS4 Permit. EPA granted coverage on February 21, 2017.

4. FACILITY DESCRIPTION

The Municipality of Trujillo Alto was created under the laws of the Commonwealth of Puerto Rico and is a neighboring municipally located southeast of the Municipality of San Juan. The Municipality owns and operates a Small MS4 and has urbanized areas, as defined by the Census Bureau³. The stormwater runoff generated at the urbanized areas is transported through a system of conveyances consisting of among other appurtenances, storm drains, pipes, ditches, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains.

5. ENTRY MEETING

The Inspection began at 9:45 a.m. with the presentation of credentials to Mr. Luis Rivera Camacho, Mrs. Nitza Rivera Cruz and Mr. Joshua Lleras Alamo. The EPA Inspector explained that the purpose of the Inspection was to evaluate Municipality's compliance with the 2016 MS4 Permit; specifically, Municipality's implementation of the Public Education and Outreach MCM and Construction Site Stormwater Runoff Control MCM. The EPA Inspector briefly explained the NPDES permitting program and the requirements of the 2016 MS4 Permit. Then, she proceeded to request documents that the Municipality is required to prepare and keep under the 2016 MS4 Permit.

6. DOCUMENT REVIEW

The EPA Inspector requested records concerning the Stormwater Management Program (SWMP), Annual Reports for calendar years 2019 to 2023, education program that includes goals based on

² See 5 U.S.C. § 558(c).

³ Refer to the Census 2020 Urban Area Reference Map in the following link
<https://www.arcgis.com/home/webmap/viewer.html?url=https%3A%2F%2Ftigerweb.geo.census.gov%2Farcgis%2Frest%2Fservices%2FTIGERweb%2FUrban%2FMapServer&source=sd>

stormwater issues, and Municipality's program requiring operators of construction activities to select, install, implement, and maintain stormwater control measures that prevent illicit discharges. Below are the responses provided by Municipality's Officials:

A. Stormwater Management Program (SWMP) - Section 2.3 of the 2016 MS4 Permit states that *"A SWMP shall be developed, implemented and enforced..."*.

- The SWMP was not available during the Inspection. The Municipality's officials agreed to check their files to see if a SWMP had been developed. During the afternoon of the same day of the Inspection, Mrs. Nitza Rivera sent an electronic copy of the SWMP to the EPA Inspector by email.
- EPA Inspector performed a preliminary review of the SWMP that revealed that it was not certified or signed in accordance with the signatory requirements in Appendix B.11 of the 2016 MS4 Permit.

B. Annual Reports (ARs) – Section 3.0 of the 2016 MS4 Permit requires that the permittee shall *"conduct a self-evaluation of its compliance with the terms and conditions of the MS4 General Permit and submit an annual report due thirty days after July 1"*.

The EPA Inspector requested the Annual Reports from 2019 to 2023. The Municipality's officials did not provide the requested ARs.⁴

C. System Mapping – Section 2.4.4.6 of the 2016 MS4 Permit requires that the permittee shall *"develop a revised and more detailed map than was required by the 2006 Small MS4 General Permit"*.

The Municipality's officials explained that the Municipality computer systems was hacked, and that they lost the GIS data and files which compose the map. Currently, they don't have an MS4 map or any document where MS4s outfalls are identified.⁵

D. Public Education and Outreach

- 1) **Comprehensive Stormwater Education and Outreach Program** - Section 2.4.2.1 of the 2016 MS4 Permit requires the permittee to *"develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater*

⁴ Through a review of records at the EPA Inspector's office in Guaynabo, Puerto Rico, she found that the Municipality has not submitted to EPA any ARs from 2019 to date.

⁵ Through review of records at the EPA Inspector's office in Guaynabo, Puerto Rico, she found that the Municipality indicated in their 2016 NOI form that 15% of the MS4 Map had been completed. The review also revealed that the MS4 Map did not include the elements required by the 2016 MS4 Permit.

discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.”

The Municipality’s officials indicated that the Municipality had not developed a comprehensive stormwater education and outreach program.

- 2) **Educational materials** - Section 2.4.2.2 of the 2016 MS4 Permit requires the permittee to *“throughout the permit term, all permittees shall make the educational materials available to convey the program’s message to the target audience(s) at least annually.”*

The Municipality’s officials indicated that the Municipality had not developed educational materials specifically for stormwater related matters.

E. Construction Site Stormwater Runoff Control

Section 2.4.5 of the 2016 MS4 Permit requires the permittee to *“develop, implement and enforce a program requiring operators of small and large construction activities, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP.”*

The MS4 General Permit requires that the Construction Controls Program includes the following elements:

- a. **Legal Authority** – Section 2.4.5.3 of the 2016 MS4 Permit requires an *“ordinance or other regulatory mechanism that requires the use of sediments and erosion control practices at construction sites”*.

Mr. Rivera stated that he is not aware of the existence of such ordinance; that it might be included in the Public Order Code, but he is not sure; and that if it did exist, it had not been implemented.⁶

- b. **Requirements for construction operators** - Section 2.4.5.3.b of the 2016 MS4 Permit requires the implementation of *“sediment and erosion control program to the extent allowable by Commonwealth of Puerto Rico and federal law”*.

The Municipality’s officials indicated that the Municipality had not developed a Sediment and Erosion Controls Program.

- c. **Requirements to control waste** – Section 2.4.5.4.c of the 2016 MS4 Permit requires the implementation of requirements to control waste and prohibit discharges.

⁶ Through review of records at the EPA Inspector’s office in Guaynabo, Puerto Rico, she found that the Municipality reported to EPA that an ordinance for construction/erosion and sediment control was adopted on June 21, 2009.

The Municipality's officials indicated that the Municipality had not established requirements for waste control on construction sites.

- d. **Construction Plan Review Procedures** – Section 2.4.5.3.d of the 2016 MS4 Permit requires that *“permittees must maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction.”*.

The Municipality's officials indicated that the Municipality had not established procedures for site plan review.

- e. **Procedures for pre-construction review** – Section 2.4.5.3.e of the 2016 MS4 Permit requires that *“permittees must maintain and implement pre-construction review procedures that describe which environmental requirements for the construction project are applicable, including the environmental permits, as well as to establish the responsible party (e.g., owner, developer, contractor, among others) of the construction project.”*

The Municipality's officials indicated that the Municipality had not established a written pre-construction review procedure.

- f. **Construction Site Inspection and Enforcement** - Section 2.4.5.3.f of the 2016 MS4 Permit requires that *“permittees shall implement written procedures for inspecting large and small construction projects for sediment and erosion control measures”*.

The Municipality's officials indicated that the Municipality had not developed written procedures for inspecting construction projects.

- g. **Information submitted by the public** – Section 2.4.5.3.g of the 2016 MS4 Permit requires to develop and implement *“procedures for receipt and consideration of information submitted by the public.”*

The Municipality's officials indicated that the Municipality had not developed procedures specifically for receipt of information submitted by the public for construction projects. However, they indicated that a citizen can submit a complaint at the City Hall or through a telephone call, which will be referred to the appropriate office for response.

- h. **Site Plan Review Procedures** – Section 2.4.5.3.h of the MS4 General Permit requires that *“site plan review procedures shall include evaluation of opportunities for use of low impact design and green infrastructure”*.

The Municipal Officials indicated that the Municipality had not developed site plan review procedures.

7. FIELD ACTIVITIES

The EPA Inspector did not perform any field activities (i.e., walkthrough) during the Inspection because the Municipality indicated that no active construction projects are presently ongoing.

8. CLOSING MEETING

The closing meeting began at 11:45 am and was held at the Municipality's Planning and Land Management Office with Mr. Rivera, Mrs. Rivera and Mr. Lleras. The EPA Inspector indicated the areas of potential non-compliance including the lack of development, implementation, and enforcement of programs for Public Education and Outreach Program and a Construction Site Stormwater Runoff Control. The Municipality's officials indicated that they were going to look into their files to see if they can find the SWMP.

In addition, the EPA Inspector explained that a report will be prepared with the findings and observations of the Inspection and will request the Municipality to respond and submit a plan of action, including milestones, to address the findings of the Inspection.

End of Report