



## REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

May 1, 2025

Mr. Luis R. González Delgado  
President  
Puerto Rico Aqueduct and Sewer Authority  
P.O. Box 7066  
San Juan, Puerto Rico 00916-9990

**Re: Ponce Regional Wastewater Treatment Plant  
Docket Number CWA-02-2025-3104  
NPDES Permit PR0021563**

Dear Mr. González-Delgado:

The United States Environmental Protection Agency ("EPA"), Region 2, has made findings that the Puerto Rico Aqueduct and Sewer Authority ("PRASA") is in violation of the Clean Water Act, 33 U.S.C. § 1251 *et seq.* ("CWA" or "Act"). Enclosed is an original of this ORDER, issued pursuant to Sections 309 of the Act, which details the findings.

Please be informed that the ORDER requires PRASA to cease and desist the discharge of pollutants into waters of the United States unless in accordance with the National Pollutant Discharge Elimination System ("NPDES") Permit of the Ponce Regional Wastewater Treatment Plant (the "facility"), and to implement the facility's NPDES Permit requirements.

Failure to comply with the enclosed ORDER may subject PRASA to civil and/or criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER may also subject PRASA to ineligibility for participation in work associated with federal contracts, grants, or loans.

If you have any questions regarding this matter, please contact Dr. Carlos R. Villafañe, DMin, MEM. P.E., Senior Environmental Engineer in the Caribbean Environmental

Protection Division's Municipal Water Programs Branch, at [villafane.carlos@epa.gov](mailto:villafane.carlos@epa.gov) or (787) 977-5858.

Sincerely,

**CARMEN  
GUERRERO PEREZ**

Digitally signed by  
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Carmen R. Guerrero-Pérez  
Director  
Caribbean Environmental Protection  
Division

Enclosure

- cc. Annette Feliberty, DNER (via email, w/Enclosures)
- Ángel Meléndez, DNER (via email, w/Enclosures)
- Orlando Rodríguez, PRASA (via email, w/Enclosures)
- Lisby Pagán, PRASA (via email, w/Enclosures)
- Bruce de León, PRASA (via email, w/Enclosures)
- Iván López, PRASA (via email, w/Enclosures)
- Juan Vargas, PRASA (via email, w/Enclosures)
- Mónica Badillo, PRASA (via email, w/Enclosures)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

**Puerto Rico Aqueduct and Sewer Authority**

P.O. Box 7066

Barrio Obrero Station

San Juan, Puerto Rico 00916-7066

**Ponce Regional Wastewater Treatment Plant**

NPDES Permit Number PR0021563

**RESPONDENT**

Proceeding pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a)

**ADMINISTRATIVE  
COMPLIANCE ORDER**

**DOCKET NUMBER  
CWA-02-2025-3104**

**I. PRELIMINARY STATEMENT**

1. This Administrative Compliance Order (“Order”) is issued to the Puerto Rico Aqueduct and Sewer Authority (“Respondent” or “PRASA”) pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) pursuant to Section 309(a) of the Clean Water Act (“CWA” or the “Act”), 33 U.S.C. § 1319(a).
2. The Administrator has delegated the authority to take these actions to the Regional Administrator of Region 2, who in turn, has delegated such authority to the Director of the Caribbean Environmental Protection Division (“CEPD”).

**II. LEGAL AUTHORITY**

3. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
3. Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1), provides that “the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant upon condition that such discharge will meet such requirements as the Administrator determines are necessary to carry out the provisions of the [Act].

4. Section 402 of the Act, 33 U.S.C. § 1342, authorizes the Administrator to promulgate regulations for the implementation of the NPDES requirements.
5. Pursuant to the NPDES regulations at 40 C.F.R. § 122.1(b)(1), the NPDES Permit Program requires permits for the discharge of any pollutant from any point source into waters of the United States.
6. EPA is the agency within the Commonwealth of Puerto Rico with authority to administer the NPDES program. EPA maintains enforcement authority for violations of the CWA and its implementing regulations pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.
7. The CWA and applicable implementing regulations contain the following relevant definitions and requirements implementing NPDES regulations:
  - a. “Administrator” means the Administrator of EPA, or an authorized representative. 40 C.F.R. § 122.2;
  - b. “Director” means the Regional Administrator or the State Director, as the context requires, or an authorized representative. 40 C.F.R. § 122.2;
  - c. “discharge of a pollutant” means any addition of any “pollutant” or combination of pollutants to navigable waters and/or “water of the United States” from any “point source”. Section 502(12) of the CWA, 33 U.S.C. § 1362(12). 40 C.F.R. § 122.2;
  - d. “facility” means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to the regulations of the NPDES program. 40 C.F.R. § 122.2;
  - e. “municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes. Section 502(4) of the CWA, 33 U.S.C. § 1362(4). 40 C.F.R. § 122.2;
  - f. “navigable waters” means the waters of the United States, including the territorial seas. Section 502(7) of the CWA, 33 U.S.C. § 1362(7);
  - g. “NPDES” means a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342;
  - h. “owner” or “operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program. 40 C.F.R. § 122.2;

- i. “permit” means an authorization, license, or equivalent control document issued by EPA or an “approved State” to implement the requirements of 40 C.F.R. Parts 122, 123, and 124. The term “permit” does not include any permit which has not yet been subject of final agency action, such as a “draft permit” or a “proposed permit.” 40 C.F.R. § 122.2;
  - j. “person” means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body. Section 502(5) of the CWA, 33 U.S.C. § 1362(5). 40 C.F.R. § 122.2;
  - k. “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Section 502(14) of the CWA, 33 U.S.C. § 1362(14). 40 C.F.R. § 122.2;
  - l. “pollutant” means, among others, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water. Section 502(6) of the CWA, 33 U.S.C. § 1362(6). 40 C.F.R. § 122.2;
  - m. “Publicly Owned Treatment Work” or “POTW” means a treatment works which is owned by a State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. 40 C.F.R. §§ 122.2 and 403.3; and
  - n. “waters of the United States” means the territorial seas, waters which are currently used, were used or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide, tributaries, lakes, ponds, impoundments of jurisdictional waters and wetlands. 40 C.F.R. §§ 120.2 and 122.
8. Pursuant to Section 402 of the Act, 33 U.S.C. § 1342, a NPDES permit, Permit Number PR0021563 (the “Permit” or “NPDES Permit”), was issued by EPA to PRASA for the discharge of pollutants from the Ponce Regional Wastewater Treatment Plant (the “Ponce RWWTP” or the “Facility”) to the Caribbean Sea. The Permit became effective on August 1, 2019, and expired on July 31, 2024. The Permit was administratively extended by EPA and is in full force and effect.
  9. Attachment B.1.a of the Permit (Standard Conditions: Duty to Comply) of the NPDES Permit requires the Respondent to comply with all conditions of the Permit.
  10. Part II.B.4 (Standard Conditions: Duty to Mitigate) of the NPDES Permit requires Respondent to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the Permit which has a reasonable likelihood of adversely affecting human health or the environment.

11. Part II B.5 (Standard Conditions: Proper Operation and Maintenance) of the NPDES Permit requires the Respondent at all times to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of the Permit.
12. Part II.B.12.f.1.a (Standard Conditions: Twenty-four-hour reporting) of the NPDES Permit requires the Respondent to report within twenty-four (24) hours any noncompliance which may endanger health or the environment.
13. Section 308(a)(A) of the Act provides that “[w]henever required to carry out the objective of . . . [CWA Section 402] the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as [the Administrator] may reasonably require.”
14. Section 309(a)(3) of the Act provides that “[w]henever on the basis of any information available . . . the Administrator finds that any person is in violation of [CWA Sections 301 and 308], or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under [Section 402 of the Act, the Administrator] shall issue an order requiring such person to comply with such section....” 33 U.S.C. § 1319(a)(3).
15. Section 309(a)(5)(A) of the Act provides that “[a]ny order issued under [CWA Section 309] shall state with reasonable specificity the nature of the violation and shall specify a time for compliance . . . taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.” 33 U.S.C. § 1319(a)(5)(A).
16. On May 23, 2016, the United States District Court for the District of Puerto Rico entered a Consent Decree (“2016 CD”) between the United States, PRASA, and the Commonwealth of Puerto Rico, to resolve civil claims alleged in a complaint filed by the United States against the Commonwealth and PRASA. On October 31, 2024, the Court entered a First Modification of Consent Decree as agreed to and requested by the Parties. PRASA is currently subject to the 2016 CD, as amended.

### **III. JURISDICTIONAL STATEMENTS**

17. PRASA is a public corporation created by legislative enactment and existing under the laws of the Commonwealth of Puerto Rico, 22 L.P.R.A. §§ 141, *et seq.*, as amended, to administer the aqueduct and sewer system of Puerto Rico.
18. Respondent is a “person” pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. 122.2.

19. Respondent owns and operates the Ponce RWWTP. The Facility is located at State Road PR-2, Km. 256.2, Matilde Ward, Ponce, Puerto Rico.
20. The Ponce RWWTP is a POTW as defined by the Act, 40 C.F.R. §§ 122.2 and 403.3.
21. The Ponce RWWTP is and was at all relevant times a “point source” that discharges pollutants into the Caribbean Sea, a navigable water of the United States, all within the respective definitions established in Section 502(14) of the Act, 33 U.S.C. § 1362(14). Respondent is therefore subject to the provisions of the Act and the applicable NPDES permit application regulations found at 40 C.F.R. Part 122.
22. Respondent was required to apply for and obtain a NPDES permit coverage for the Ponce RWWTP’s discharge of pollutants into waters of the United States pursuant to Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1).
23. Respondent is the owner and operator of the Playa Ward Wastewater Collection System (the “Playa Ward WWCS”), located in the Municipality of Ponce, Puerto Rico.
24. The Playa Ward WWCS is an appurtenance of the Ponce RWWTP. The Playa Ward WWCS collects wastewaters from Playa Ward of the Municipality of Ponce and conveys them to the Ponce RWWTP.
25. The Playa Ward WWCS is a “point source” pursuant to Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2.
26. At all relevant times to this Order, Respondent was the owner and/or operator of the Ponce RWWTP and the Playa Ward WWCS, as defined in 40 C.F.R. § 122.2.
27. The Ponce RWWTP is subject to the 2016 CD, which requires the Respondent to implement a Spill Response and Clean-Up Plan (“SRCP”) to address sanitary sewer overflows (“SSOs”). Further, the 2016 CD, requires the Respondent to have a Puerto Rico licensed operator available at all times to ensure proper operation of the treatment facilities.
28. SSOs are pollutants pursuant to Section 502(6) of the Act, 33 U.S.C § 1362(6), and 40 C.F.R. § 122.2.
29. Respondent discharged and continues to discharge pollutants into the Caribbean Sea.
30. The Caribbean Sea is a “water of the United States” pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. §§ 120.2 and 122.
31. Respondent is subject to the provisions of the CWA, 33 U.S.C. § 1251, *et seq.*, and the applicable

NPDES regulations found at 40 C.F.R. § 122.

#### IV. FACTUAL FINDINGS

32. On June 11, 2019, EPA issued the NPDES Permit to PRASA, pursuant to Section 402 of the Act, 33 U.S.C. § 1342, for the discharge of pollutants from the Ponce RWWTP to the Caribbean Sea. The Permit was administratively extended by EPA and is currently in full force and effect.
33. On October 23, 2024, an EPA Inspector performed a NPDES Compliance Evaluation Inspection (“CEI” or “October 2024 Inspection”) of the Ponce RWWTP. The purpose of the October 2024 Inspection was to evaluate the operation and maintenance of the Facility, and the Facility’s records and compliance with the NPDES Permit.
34. Among other things, the findings of the October 2024 Inspection, revealed the following:
  - a. The Facility’s four (4) influent pumps were all out of service; based on the Facility’s records, two of the four were out of service for more than two years.
  - b. The Facility relied on ten (10) portable influent pumps rented to a contractor with lesser capacity than the four permanent (4) influent pumps.
  - c. The ten (10) rental influent pumps could not manage the entrance flow at all times and led to SSOs at the Playa Ward’s (beach area) sanitary manholes.
  - d. The degritter system was out of service causing the entrance of excess sand to the treatment system. According to the Facility’s records, the degritter system had been out of service for more than two years.
  - e. The process control samples were not being taken and documented in the AAA-156 Form at all times.
  - f. Three (3) plant operators were operating the Facility without a state license to do so.
  - g. The influent and effluent biochemical oxygen demand (BOD)/total suspended solids (TSS) composite autosamplers were taking samples, as required by the NPDES permit, but the thermometer inside the cooler of the influent autosampler was damaged and not measuring the temperature.
  - h. The effluent autosampler was also taking samples, but the thermometer was indicating a temperature of 7 °C, outside of the required temperature of ≤ 6 °C plus/minus one; thus, the samples taken at both autosamplers needed to be discarded.

35. On October 24, 2024, an EPA inspector sent an email to Ms. Damaris Santini, PRASA's Vice-president of Operations, informing her of the preliminary findings of the October 2024 Inspection.
36. On October 30, 2024, Ms. Damaris Santini sent an email addressing the preliminary findings of the October 2024 Inspection, and providing the following information:
  - a. Influent pumps: two (2) influent pumps were delivered to the Facility, three (3) influent pumps were purchased, and actions were taken to repair the remaining damaged pumps.
  - b. Rental and spare influent pumps: seven (7) rental influent pumps were operating to manage a daily flow of 20-25 million gallons per day (MGD) at Ponce RWWTP's bypass; two (2) "spare" influent pumps, along the rental influent pumps, were able to manage the flow of the prior weeks despite heavy rains events.
  - c. Degritter system: three (3) new pumps were acquired for the degritter system to be delivered in January 2025.
  - d. AAA-156 Form: operators were instructed to complete the process control samples and fill out the Process Control Data sheet (AAA-156).
  - e. Licensed operators: Ponce RWWTP has five (5) operators in total, but only two (2) of them licensed. Operators without a license will be taking the license exam and will be given exam reviews in preparation for the exam.
  - f. Influent and effluent autosamplers: the influent and effluent BOD/TSS composite sampling of October 23, 2024, was discarded, and the equipment sampling programming was rescheduled and restarted on October 25, 2024, to comply with the monthly amount of samples requirement; the autosamplers units would be checked by a technician; the thermometers for the influent and effluent autosamplers were replaced and calibration certification is now valid until September 2025; and the influent and effluent thermometers were working as required for sample preservation  $\leq 6$  °C, for used water, according to analysis protocols.
37. The findings of the October 2024 Inspection were included in a NPDES Inspection Report, dated November 5, 2024. The NPDES Inspection Report was submitted via e-mail to PRASA on November 5, 2024.
38. On November 7, 2024, the EPA received a citizen complaint via email about SSOs from Playa Ward WWCS at Puerto Viejo Sector, Puerto Viejo Street, Playa Ward, Ponce, Puerto Rico. The email was forwarded to the Compliance Manager of PRASA South Region, asking for an

investigation of the citizen's complaint.

39. On November 8, 2024, PRASA notified EPA, via email, of two SSO events (through 24-hour Notification Reports) that occurred on November 7 and 8, 2024, at the sanitary manholes located at Puerto Viejo Sector, Playa Ward, Ponce, Puerto Rico.
40. In these November 7 and 8, 2024, 24-hour Notification Reports, PRASA informed, among other things, that:
  - a. the SSOs were the result of sudden floodings events in the municipalities of Ponce, Juana Díaz and Villalba;
  - b. the SSOs reached the Municipality of Ponce's separate storm sewer system ("MS4");
  - c. PRASA had all portable influent pumps (rental pumps) turned on during the stormwater event;
  - d. mitigation measures were taken such as washing the area with pressured water and the application of calcium hypochlorite (HTH) to the overflow; and
  - e. Facility staff were coordinating with the preventive maintenance personnel the works to install an influent pump that was under repair.
41. On November 8, 2024, an EPA inspector visited the Puerto Viejo Sector and attested the SSOs occurring.
42. On the same date, the EPA inspector took photos at the following sites:
  - a. Padre Noel Avenue and Calamar Street;
  - b. Padre Noel Avenue and Taíno Street (PR-123) at Puerto Viejo Sector; and
  - c. Padre Noel Avenue, in front of Villa Pesquera, near the Gulf Gas Station.
43. On November 12, 2024, EPA sent an email to PRASA requesting a meeting to discuss the situation of Ponce RWWTP's influent pumps and SSOs.
44. On November 12, 2024, PRASA notified EPA, via email, an SSO event (through a 24-hour Notification Report) that occurred on November 12, 2024, at the sanitary manholes located at Puerto Viejo Sector, Playa Ward, Ponce, Puerto Rico.
45. In the November 12, 2024, 24-hour Notification Report, PRASA informed, among other things, that:

- a. the SSOs were the result of heavy rain events in the areas of Ponce, Juana Díaz and Villalba;
  - b. the SSOs reached the Municipality of Ponce's MS4;
  - c. PRASA has eight (8) portable influent pumps (rental pumps) turned on; and
  - d. personnel of the Facility were coordinating with the preventive maintenance personnel the works to install an influent pump that was under repair.
46. On November 13, 2024, EPA sent an email to PRASA following-up on the meeting request to further discuss about the Facility's malfunctioning influent pumps and SSOs. In the email EPA also included photos taken during the November 8, 2024 visit to the Puerto Viejo Sector documenting the SSO events.
47. On November 13, 2024, EPA met with PRASA to discuss the Facility's issues with the influent pumps and SSOs. PRASA informed EPA that they had just repaired and installed two (2) influent pumps, out of the four (4) of the Facility influent pumps. In addition, PRASA informed EPA that the Facility continued to have the ten (10) rental influent pumps. Moreover, PRASA committed to conduct an Inflow/Infiltration (I/I) Study to determine the sources of extraneous water entering the Playa Ward WWCS that eventually reaches the Facility.
48. On November 18, 2024, PRASA provided a status report on the Facility's influent pumps operational status, the influent bypass system (rental influent pumps), and the degritter system, among other information. Further, PRASA informed that an emergency declaration was issued for the use of the influent bypass system (rental influent pumps) because all four influent pumps were out of service.
49. On November 21, 2024, PRASA notified EPA, via email, of the termination of SSOs/partial treatment (through a 5-day Notification Report) that occurred between October 2, 2024, and November 15, 2024. In the 5-day Notification Report, PRASA stated that two (2) additional influent pumps were installed and that the portable bypass pumps (rental influent pumps) were left inoperable. In addition, PRASA informed that the bypass pumps (rental influent pumps) were going to be left in standby mode at the Facility.
50. On December 12, 2024, an EPA inspector performed a Reconnaissance Inspection ("December 2024 Inspection") of the Ponce RWWTP.
51. The findings of the Inspection were included in the NPDES Inspection Report, dated December 18, 2024 ("December 2024 Inspection Report"). The December 2024 Inspection Report was submitted via e-mail to PRASA on January 8, 2025.

52. Among other things, the December 2024 Inspection revealed the following:
- a. based on the Facility records and field discussion with PRASA personnel, an electrical component of the Variable Frequency Drive (“VFD”) pertaining to the Influent Pump #2 burned out on December 2, 2024;
  - b. influent Pump #1, that was recently installed, burned out; and
  - c. large and major cracks were observed at Primary Clarifier #3 walls. Upon questioning the Facility’s Manager, he said that the cracks were the result of the 2020 earthquakes.
53. During the December 2024 Inspection, EPA held a meeting with PRASA representatives. PRASA stated that:
- a. The sanitary sewer system at Playa Ward is being affected by the rainwater inflow coming from the Municipality of Ponce’s MS4.
  - b. PRASA needs to have a meeting with personnel of the Municipality of Ponce since their flood control pumps located at Playa Ward do not start in automatic mode.
  - c. The SSOs disappear when the Municipality of Ponce flood control pumps start operating.
  - d. The flow entering the Ponce RWWTP during rain events is greater than 28 million gallons per day (“MGD”).
  - e. The flow entering the Ponce RWWTP during normal business (without rain) is about 22 MGD.
  - f. The Ponce RWWTP collects sewage from other municipalities such as Villalba and Juana Díaz.
  - g. PRASA will conduct an I/I Study. As such, \$7 million were allocated by PRASA to conduct the I/I Study.
  - h. Only one (1) of the four (4) influent pumps was available for service; three (3) influent pumps and an additional (1) spare influent pump were in repair; two of the four influent pumps in repair were expected to be repaired by the end of January 2025 or mid-February 2025, and the other two (2) in repair, were expected to be repaired by April 2025. Further, three (3) additional influent pumps were purchased, two of which were expected by the end of December 2024, and operating by January 2025, and one (1) was expected by March 2025.
  - i. The ten (10) bypass pumps (rentals influent pumps) were now all available for service.

- j. The degritter system was going to be repaired and a quote of \$1.074 million for its repair was received.
  - k. A rehabilitation project for the whole Ponce RWWTP will start on 2025; the funds assigned for this project are \$16.5 million.
  - l. The Jar Test training (needed for process treatment control) would be offered to the Facility's operators in January 2025.
  - m. Process control calculations are conducted almost every day.
54. On December 20, 2024, PRASA sent a letter via email to EPA in response to the October 2024 Inspection Report, providing the following information:
- a. Influent pumps: Pump #1 is expected to be corrected by March 2025; after a failure, Influent Pump #2 was corrected again on December 3, 2024; Influent Pump #3 is expected to be fixed by March 2025; and Influent Pump #4 is out of operation since June 17, 2024. Maintenance service order #10102579063 was created on June 17, 2024, for repair, and was expected to be repaired by November 2024, but no update was provided.
  - b. Rental and spare influent pumps: Seven (7) rental pumps were available for service and managing a daily flow of 20-25 MGD at Ponce RWWTP's bypass; in addition, the two (2) "spare" influent pumps continued to be operating.
  - c. Acquisition of influent pumps or repairs: three (3) new pumps were purchased and expected by February 2025; one (1) unspecified pump was expected to be repaired by March 2025 and two (2) unspecified pumps were expected to be repaired by April 2025.
  - d. Degritter system: the Conveyor Grit Screw #1, #2 and #3 and the Conveyor Cyclone Degritter #3 are expected to be fixed by December 2025; Pump/Motor Grit Pump #1, #4 and #5 are expected to be corrected by June 2025; Pump/Motor Grit Pump #2, and #3 are expected to be corrected by December 2025; the Motor-Blower Grit Tank #1 and #2 are expected to be fixed by March 2025 and June 2025, respectively.
55. On April 15, 2025, PRASA sent a letter via email to EPA in response to the December 2024 Inspection Report, providing the following information:
- a. Influent pumps: pump # 1, corrected on April 8, 2025; pump #2's VFD was corrected on March 6, 2025; pump #3, expected to be corrected by July 2025; and pump #4 corrected on January 27, 2025.
  - b. Degritter system: the Conveyor Grit Screw #1, #2 and #3's motors, the Grit Pump #2 and #3's motors, and the Conveyor Cyclone Degritter #3, are expected to be repaired by December 2025; the Grit Pump #1, #4 and #5's motors and the Grit Tank #1 and #2's

motors and blowers, are expected to be repaired by June 2025.

- c. Primary clarifiers: routine maintenance have been performed to clean solids attached to the discharge weirs to Primary Clarifier #1, but no information was provided regarding the structural walls problem; affected metal bars that hold the Primary Clarifier #2 centrally driven/support bridge are expected to be corrected by December 2025; walking concrete sidewalls' exposed and corroded steel bars of Primary Clarifier #3 is expected to be corrected by December 2025.
- d. Bar screens: the Exhaust Fan Entrance Bar Screen was fixed on February 27, 2025; Mechanical Bar Screen #1 is expected to be operating by December 2025.

## V. CONCLUSIONS OF LAW AND FINDINGS OF VIOLATIONS

- 56. Respondent is subject to the provisions of the CWA, 33 U.S.C. § 1251, *et seq.*, the applicable NPDES regulations found at 40 C.F.R. § 122 *et seq.*, and the NPDES Permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
- 57. During the October and December 2024 Inspections, EPA observed that PRASA had failed to comply with Part II.B.1.a (Duty to Comply); Part II.B.5 (Proper Operation and Maintenance); Part II.B.4 (Duty to Mitigate); Part II.B.12.b (Reporting Requirements); and Part II.B.12.f.1.a (Twenty-four hour reporting) of the NPDES Permit.
- 58. Further, as described in Paragraphs 17 to 55 above in Sections III (“Jurisdictional Statements”) and IV (“Factual Findings”), Respondent violated Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, for its failure to comply with the NPDES Permit; therefore, Respondent is subject to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319.

## VI. ORDERED PROVISIONS

In consideration of the Findings of Fact and Conclusions of Law above, EPA has determined compliance with the following ordered provisions is consistent with the authority in Section 309 of the CWA, 33 U.S.C. § 1319.

### IT IS HEREBY ORDERED:

- 59. **Acknowledgment of receipt of this Order.** That within five (5) calendar days upon receipt of this Order by email, an authorized representative of Respondent shall complete the acknowledgment of receipt included as **Appendix 1** of this Order and return it via email to Dr. Carlos R. Villafañe, DMin, MEM, P.E., Senior Environmental Engineer, Municipal Water Programs Branch, at [villafane.carlos@epa.gov](mailto:villafane.carlos@epa.gov). Also, Respondent shall send, by certified mail (or its equivalent), the signed acknowledgement of receipt to Dr. Carlos R. Villafañe to the address specified in

paragraph 76, below.

60. **Immediately upon receipt of this ORDER by email**, Respondent shall cease and desist the illegal discharge of pollutants (sewage) from the Facility into waters of the United States.
61. **Immediately upon receipt of the originals of this ORDER by email**, Respondent shall comply with all the requirements and conditions of the NPDES Permit.
62. **That within five (5) calendar days of receipt of this ORDER by email**, Respondent shall give written notice to EPA of any noncompliance and/or any activity which may result in noncompliance with the NPDES Permit requirements, including but not limited to, any SSO event and unanticipated bypass.
63. **Degritter System of the Ponce RWWTP**. By the deadline specified in **Appendix 2**, Respondent shall develop and submit to EPA a schedule of repairs and installation of all damaged equipment of the Facility's Degritter System. The Facility shall have the Degritter System with all parts installed and operating by August 30, 2025.
64. **Influent pumps of the Ponce RWWTP**. By the deadline specified in **Appendix 2**, Respondent shall develop and submit to EPA a schedule of repairs and installation of all damaged influent pumps located at the Facility's headwalls. In addition, in any case Respondent opts to substitute the damaged pumps with new pumps, Respondent shall provide the dates of the installation of the new pumps. The Facility shall have four (4) influent pumps installed and operating by August 30, 2025.
65. **Primary Clarifier #3 walls of the Ponce RWWTP**. By the deadline specified in **Appendix 2**, Respondent shall develop and submit to EPA a schedule of repairs for the damaged walls of the Primary Clarifier #3. The Facility shall have the Primary Clarifier #3 repaired by January 30, 2026.
66. **All other findings of the October and December 2024 Inspection Reports**. By the deadline specified in **Appendix 2**, Respondent shall develop and submit to EPA a compliance plan for the repairs of equipment and structures, and other actions to address all other findings included in the October and December 2024 Inspection Reports and not listed in Paragraphs 63 and 65 above ("Other findings"). All of the Other findings must be resolved by March 30, 2026.
67. **SSO Inventory at Playa Ward in Ponce**. By the deadline specified in **Appendix 2**, Respondent shall develop, maintain, and update an inventory of all SSO events that have occurred at Playa Ward (located within the area of investigation)<sup>1</sup>, as depicted in **Figure 3** of **Appendix 3**, in the previous three (3) years during dry or wet weather pursuant to the NPDES Permit. The SSO Inventory must include the elements described in the NPDES Permit. Upon detection of a SSO, PRASA shall inform

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<sup>1</sup> The area of investigation is bounded to the north by PR-2, to the west by Rio Matilde, to the east by PR-12, and to the south by the Caribbean Sea. Figure 3 of Appendix 3 shows the study area surrounded by red lines.

EPA and any pertinent entity (e.g., Municipality of Ponce and the Puerto Rico Department of Transportation and Public Works (“DTPW”)) to coordinate and eliminate the SSO as expeditiously as possible and shall perform interim mitigation measures to minimize the discharge of pollutants to and from its WWCS until elimination is completed. PRASA shall also clean the streets and sidewalks after a SSO event and dispose of the collected material following the applicable Spill Response and Clean-Up Plan (“SRCP”). If the SSO occurs during or after a rain event, PRASA shall investigate its WWCS for any MS4’s locations connected to PRASA’s sanitary sewer system that may cause the SSO.<sup>2</sup>

68. **WWCS Investigations and Remedial Work Plan for WWCSs at Playa Ward in Ponce.** By the deadline specified in **Appendix 2**, Respondent shall prepare a work plan for investigation and remediation of sanitary sewer systems located at PR-585 Road and PR-123 Road. The area of investigation for PR-585 Road is from the intersection with PR-2 Road to the intersection with PR-123 Road. The area of investigation for PR-123 Road is from the intersection with PR-2 Road to the intersection with PR-12 Road. Refer to **Figure 1** and **Figure 2** of **Appendix 3**, which shows the area of investigation marked in red. Each work plan shall include the four phases described below. By the deadlines specified in **Appendix 2**, Respondent shall complete the activities in each phase.
- a. Phase I (Reconnaissance) of the work plan must include: (a) information and data gathering to develop or update the maps and perform WWCS reconnaissance; (b) identification of interconnections with storm sewer systems and runoff collection systems; identification of suspicious or illicit flow (e.g., rainwater, washing machine waters, car wash waters, etc.) in WWCS; (c) identification of potential interconnections between storm sewers, illicit connections from sanitary sewers, MS4’s locations connected to PRASA’s sanitary sewer system, and straight pipe connections; (d) identification of suspicious surface depressions on or in the vicinity of sewer pipe or manhole areas; (e) identification of obstructions in sanitary sewer pipes where cleaning actions are to be required; and (f) documentation of preliminary findings from the field verification exercise in anticipation of the Phase II (Investigation) activities.
  - b. Phase II (Investigation) shall include: (a) preparation and implementation of a sanitary sewer system cleaning and inspection schedule, (b) creation of a manhole inspection database, (c) performance of additional reconnaissance activities to confirm and assess the sources of illicit discharges or interconnections (i.e., video inspections with CCTV or pole camera, dye testing, smoke testing), (d) identification of illicit discharges, illicit connections and MS4 connections to PRASA’s WWCS found during Phase I and Phase II; and (e) preparation of a final Phase II Report with a summary of all findings of Phases I and II, including a list of the WWCS’s locations in need of further actions to eliminate illicit discharges and illicit connections (i.e., repair, replacement and/or construction of sanitary manholes, pipes, pump stations, and any other alternatives or actions to properly operate

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<sup>2</sup> Refer to the NPDES Permit concerning PRASA notifications of SSOs event.

and maintain the WWCS). Implementation of Phase II shall not exceed six (6) months after the Effective Date of this Order.

- c. Phase III (Planning and Design) shall include: (a) development and/or design of actions necessary to eliminate illicit discharges and illicit connections (i.e., repair, replacement and/or construction of sanitary manholes, pipes, pump stations, and any other alternatives or actions to properly operate and maintain the WWCS); and (b) preparation of a final Phase III Report and the Proposed Phase IV Implementation Schedule, which implementation shall not exceed twelve (12) months after the Effective Date of this Order.
- d. Phase IV (Construction) shall include the completion of all work described in the Phase III Report and the Phase IV Implementation Schedule, which shall not exceed 24 months following EPA's approval of the proposed Phase IV Implementation Schedule.

69. **Procedure for Removal and Confirmation of an Illicit Discharge at WWCS of Playa Ward in Ponce.** By the deadline specified in **Appendix 2**, PRASA shall develop a procedure to confirm that the source of an illicit connection has been eliminated, in accordance with the NPDES Permit. Respondent shall include in the corresponding Quarterly Progress Report (see paragraph 72) the method of discovery; the date of discovery; the date of elimination, mitigation, or affirmative action for elimination; and the estimate of the volume of flow removed.
70. **WWCS Monitoring at Playa Ward in Ponce.** By the deadline specified in **Appendix 2**, PRASA shall monitor the WWCS, pursuant to the NPDES Permit, within the area of investigation, as depicted in **Figure 3** of **Appendix 2**. The WWCS Monitoring shall include the following: weekly visits to each sanitary manhole to observe for SSOs and/or observation of recent solids/wastewater discharges. PRASA shall send EPA a report via electronic mail by close of business Friday of every week detailing the observations made at these manholes and area (Playa Ward).
71. **Sewer System Evaluation Plan for I/I Studies for the Ponce RWWTP.** By the deadline specified in **Appendix 2**, Respondent shall prepare a work plan for investigation and remediation of inflow/infiltration (**Sewer System Evaluation Plan for I/I Studies**) of all the sanitary sewer system that conveys wastewater to the Ponce RWWTP. The work plan shall follow the minimum requirements included in **Appendix 4**. The Facility shall have completed the I/I Study by March 30, 2026.
72. **Quarterly Progress Reports.** Until Termination of this Order, and by the deadline specified in **Appendix 2**, Respondent shall prepare and submit to EPA Quarterly Progress Reports (“Progress Reports”) describing the status and progress of Respondent’s actions taken to comply with the Ordered Provisions of this Order. Respondent shall:
- a. Submit the first Progress Report on May 30, 2025, and thereafter every three months (e.g., August 30, 2025).

- b. Each Progress Report shall include, at a minimum, the following:
- i. the actions taken during the reporting period;
  - ii. description of any non-compliance with this Order, including a statement describing the non-compliance, its underlying causes, and a proposed new date(s) to comply with this Order; and
  - iii. a cost report detailing the expenses incurred during the reporting period.

## **VII. GENERAL PROVISIONS**

73. Any questions concerning this Order should be directed to the following EPA designated official: Dr. Carlos R. Villafañe, DMin, MEM, P.E., Senior Environmental Engineer, Municipal Water Programs Branch, Caribbean Environmental Protection Division, at (787) 977-5858, or by email at [villafane.carlos@epa.gov](mailto:villafane.carlos@epa.gov). Any legal questions concerning this Order should be directed to the following EPA designated official: Hiram López Rodríguez, Esq., Office of Regional Counsel, Caribbean Team, at (787) 977-5806, or by email at [lopezrodriguez.hiram@epa.gov](mailto:lopezrodriguez.hiram@epa.gov).
74. All documents to be submitted by Respondent as part of this Order shall be sent by electronic mail, in PDF, to:

Angel Meléndez  
Manager, Water Quality Area  
Puerto Rico Department of Natural and Environmental Resources  
Electronic mail: [angelmelendez@drna.pr.gov](mailto:angelmelendez@drna.pr.gov)

and

Dr. Carlos R. Villafañe, DMin, MEM, P.E.  
Municipal Water Programs Branch  
Electronic mail: [villafane.carlos@epa.gov](mailto:villafane.carlos@epa.gov)

75. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent by electronic mail shall be signed by an authorized representative of Respondent, and shall include the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

76. Respondent shall have the opportunity, for a period of twenty (20) calendar days from the effective date of this Order, to confer, regarding the requested information and the Ordered Provisions, with the following designated Agency representatives:

Yasmin T. Laguer, MS  
Acting Supervisor  
Municipal Water Programs Branch  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
48 RD. 165 Km. 1.2  
Guaynabo, Puerto Rico 00968-8069  
Email: [laguer.yasmin@epa.gov](mailto:laguer.yasmin@epa.gov)  
Telephone: (787) 977-5848

and/or

Dr. Carlos R. Villafañe, DMin, MEM, P.E.  
Senior Environmental Engineer  
Municipal Water Programs Branch  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
48 RD. 165 Km. 1.2  
Guaynabo, Puerto Rico 00968-8069  
Email: [villafane.carlos@epa.gov](mailto:villafane.carlos@epa.gov)  
Telephone: (787) 977-5858

77. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, and provides the grounds for such review.
78. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, the NPDES implementing regulations, or the Permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief

under the CWA.

79. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in Respondent's liability for civil penalties for each violation of up to \$68,445 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that Respondent has violated the CWA as described above and failed to comply with the terms of this Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of this Order.
80. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
81. This Order shall become effective upon the date ("Effective Date") of execution by the Director, Caribbean Environmental Protection Division.

Dated: May 1, 2025

Signed: \_\_\_\_\_

**CARMEN  
GUERRERO  
PEREZ**

Digitally signed by CARMEN  
GUERRERO PEREZ  
Date: 2025.05.01 15:56:24  
-04'00'

**CARMEN R. GUERRERO-PÉREZ**  
Director  
Caribbean Environmental Protection Division  
Environmental Protection Agency, Region 2

# **APPENDIX 1**

## **Acknowledgement of Receipt**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

**Puerto Rico Aqueduct and Sewer Authority**

P.O. Box 7066

Barrio Obrero Station

San Juan, Puerto Rico 00916-7066

**Ponce Regional Wastewater Treatment Plant**

NPDES Permit Number PR0021563

**RESPONDENT**

Proceeding pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a)

**ADMINISTRATIVE  
COMPLIANCE ORDER**

**DOCKET NUMBER  
CWA-02-2025-3104**

**ACKNOWLEDGMENT OF RECEIPT OF  
ADMINISTRATIVE COMPLIANCE ORDER**

I do hereby acknowledge receipt by electronic mail of a true copy of the Administrative Compliance Order, Docket Number CWA-02-2025-3104.

Pursuant to the signatory's requirements in 40 C.F.R. § 122.22, I certify that I am authorized to sign this acknowledgment.

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## **APPENDIX 2**

# **PRASA Work Deadlines**

Paragraph Number	Description of Work	Deadline
63	Develop and submit to EPA a schedule of repairs and installation of all damaged equipment of the Facility's Degritter System	One month from the Effective Date of this Order
64	Develop and submit to EPA a schedule of repairs and installation of all damaged influent pumps located at the Facility's headwalls	One month from the Effective Date of this Order
65	Develop and submit to EPA a schedule of repairs for the damaged walls of the Primary Clarifier #3	Three months from the Effective Date of this Order
66	Compliance plan of all other findings of the October and December 2024 Inspection Report.	Three months from the Effective Date of this Order
67	SSO Inventory at Playa Ponce Ward	Three months from the Effective Date of this Order
68	WWCS Investigations and Remedial Work Plan	Three months from the Effective Date of this Order
68.a and 68.b	Implementation of Phases I and II	Six months from the Effective Date of this Order
68.c	Implementation of Phase III	Twelve months from the Effective Date of this Order
68.d	Implementation of Phase IV	Shall not exceed 24 months after the Effective Date of this Order
69	Procedure for Removal and Confirmation of an Illicit Discharge	Six months from the Effective Date of this Order

70	Playa Ward WWCS Monitoring	Every week from the Effective Date of this Order
71	Sewer System Evaluation Plan for I/I Studies for the Ponce RWWTP.	Four months from the Effective Date of this Order
72	Quarterly Progress Reports	First Progress Report is due on May 30, 2025, and thereafter every three months (e.g., August 30, 2025)

# **APPENDIX 3**

## **Areas for Investigation**

**Figure 1** - Image depicting the area of investigation for PR-123 Road (see red line)

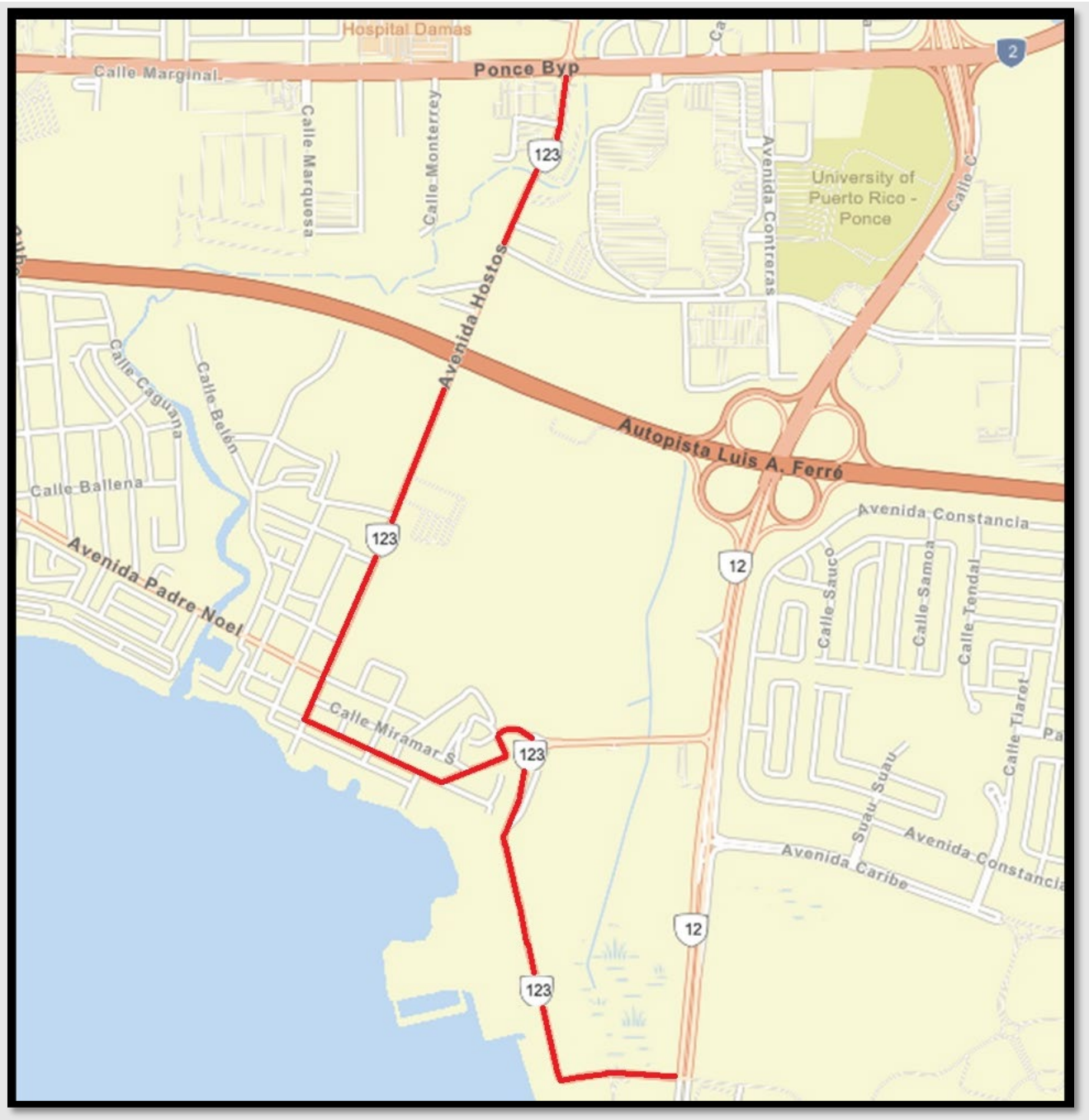


Figure 2 - Image depicting the area of investigation for PR-585 Road (see red line)



**Figure 3** - Image identifying the area of investigation within the confines of the red line



**APPENDIX 4**  
**Minimum Requirements for**  
**Development of a Sewer System Evaluation Plan**  
**for I/I Studies**

PRASA shall develop and implement a Sewer System Evaluation Plan (SSEP) for the Ponce Regional Wastewater Treatment Plant's Sanitary Sewer System. At minimum, the SSEP shall provide for the following:

- (1) Selection of an adequate flow performance indicators. Possible indicators may include flow per population, flow per length of sewer, wet weather flow vs. dry weather flow ratio, peak flow per inch of rain per drainage area, or other relevant measures.
- (2) Determination of system-specific performance targets that indicate excessive infiltration and/or inflow and would trigger evaluation activities. Determination of performance targets will be consistent with the intent of 40 C.F.R. § 35.2120.
- (3) Division of the SSS in small subsystems and establishment of the sewer-flow in each one in order to compare them with the performance targets previously defined. Then it shall be identified the subsystems that exceed the performance targets.
- (4) In sub-systems exceeding the I/I performance targets, whether infiltration, inflow, or both, identification of those infiltration and inflow sources that should be field investigated. For subsystems that do not exceed performance targets, no further investigation will be required.
- (5) In sub-systems exceeding the I/I performance targets, implementation of field investigations to locate the sources of infiltration and/or inflow. Field investigations will be conducted incrementally to screen out those areas that do not contribute excessive I/I and to focus more detailed investigations to areas contributing excessive flows. Field investigations may include smoke testing, dye studies, flow monitoring and physical or zoom/CCTV/pole camera inspections.
- (6) While performing field investigation for the Sewer System evaluations, PRASA shall identify, in addition to any I/I problem, any other problem encountered such as, but not limited to, clogged sewer lines, collapsed sewer lines, root problems and grease accumulation.
- (7) Based on the results of field investigations conducted pursuant to this appendix, PRASA shall complete, an evaluation of cost-effective measures to reduce or control excessive flows and to address any other problem identified pursuant to (6) above. Along with the Sewer System Repair Plan (SSRP), PRASA shall submit to EPA a summary of all of the required evaluations, including those where no cost-effective alternative has been identified.
- (8) For those systems where cost-effective measures can be implemented, PRASA shall develop a SSRP and submit it to EPA for comments.