



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

May 13, 2024

Via Certified Mail & Electronic Mail

Mr. Angel L. Ocasio-Figueroa
President
New Frontier Partners, LLC
P.O. Box 270005
San Juan, PR 00927-0005
Emails: angel@urbaniapr.com
rivertownplaza@gmail.com

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act
River Town Plaza Construction Project in Bayamón, PR
RFI ID: CEPD-CWA-02-IR-2024-003
NPDES ID: PRR1000CV**

Dear Mr. Ocasio-Figueroa:

The United States Environmental Protection Agency ("EPA") is charged with the protection of human health and the environment under the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1251 *et seq.*, Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person is in violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, respectively, EPA shall require the submission of any information reasonably necessary to make such a determination.

As you know, on June 29, 2023, an EPA official performed a National Pollutant Discharge Elimination System ("NPDES") Stormwater Reconnaissance Inspection ("Inspection") of the River Town Plaza Construction Project (the "Project") located at PR-177 Road, Los Filtros Avenue, Interior Caribe Street, Juan Sanchez Ward, Bayamón, Puerto Rico. The findings of the Inspection were included in the NPDES Stormwater Reconnaissance Inspection Report ("Inspection Report"), dated September 11, 2023. A copy of the Inspection Report and transmittal letter dated September 19, 2023 ("Transmittal Letter"), was sent to your attention by electronic mail from lopez.jaime@epa.gov to rivertownplaza@gmail.com, on September 20, 2023. A copy of the Inspection Report and Transmittal Letter is enclosed (Enclosure 1).

Through such September 20, 2023 email communication, EPA requested New Frontier Partners, LLC ("Frontier") to respond to the Inspection Report and submit information pursuant to Appendix B.8 ("Duty

to Provide Information”) of the 2022 Construction General Permit for Stormwater Discharges from Construction Activity (“CGP” or “2022 CGP”).¹ As of the date of this letter, Frontier has not submitted its response to the Inspection Report and the information requested in the Transmittal Letter.

Pursuant to Section 308(a) of the CWA, EPA is hereby requesting Frontier to respond to the Inspection Report and submit the information requested in the Transmittal Letter not later than thirty (30) calendar days from receipt of this letter by U.S. Postal Service certified mail. The information requested will be used to assess compliance with the CWA and CGP.

The response to this request for information (“RFI”) shall include a signed and dated Statement of Certification (Enclosure 2), which is to be signed and dated by a Frontier authorized officer pursuant to the signatory requirements in 40 C.F.R. § 122.22. This statement certifies that the response submitted to the EPA is complete and contains all documents and information responsive to this request for information that are known to you, following a complete and thorough review of all information and sources available to you.

The electronic delivery of Frontier’s response to this request for information is strongly encouraged. To the extent possible, any documents to be submitted in response to this request for information should be in Portable Document Format (“PDF”). The requested information must be sent to the following EPA Region 2 designated official:

Mr. Jaime López
Senior Physical Scientist
Clean Water Act Team
Multimedia Permits and Compliance Branch
Email: lopez.jaime@epa.gov

If you are without access to a computer and must submit the response by U.S. mail, Frontier should notify Mr. López at (787) 977-5851, or by email at lopez.jaime@epa.gov, when it sends a document in such a manner.

Please be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available to you. In this instance, you must supplement the response to EPA within ten (10) business days.

If at any time in the future you become aware of additional information or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must notify EPA of this fact immediately and provide a corrected response within ten (10) business days. If any part of the response is found to be untrue, you may be subject to criminal prosecution.

This RFI is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520. Frontier may, if so desire, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by placing on

¹ Information about the CGP is found at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

(or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret” or “proprietary” or “company confidential.” Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Sub-Part B, 40 C.F.R. Part 2.

If no such claim accompanies the information contained in the response to the request for information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by you. If you desire confidential treatment of information only until a certain date or until the occurrence of a certain event, your response should state so.

Failure to comply in all respects with this request for information may result in the initiation of an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, under which injunctive relief and penalties may be sought. Such an enforcement action may include the assessment of penalties of up to \$66,712 per day for each day of continued non-compliance.

EPA encourages you and your staff to become familiar with the Small Business Resource Information Sheet. This Information Sheet provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies. The Information Sheet is available at <https://www.epa.gov/sites/default/files/2017-06/documents/smallbusinessinfo.pdf>.

If you have any questions concerning this letter, please contact Mr. López at (787) 977-5851, or by email at lopez.jaime@epa.gov. EPA urges your prompt attention to this matter.

Sincerely,
**Guerrero,
Carmen**

Carmen R. Guerrero Pérez
Director

Digitally signed by Guerrero,
Carmen
Date: 2024.05.13 15:32:07
-04'00'

Enclosures

cc: Ángel Meléndez, Water Quality Area, PRDNER (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

September 19, 2023

VIA ELECTRONIC MAIL

Mr. Angel L. Ocasio Figueroa
President
New Frontier Partners, LLC
P.O. Box 270005
San Juan, PR 00927-0005
Email: rivertownplaza@gmail.com

**Re: Transmittal of NPDES Stormwater Reconnaissance Inspection Report
River Town Plaza Construction Project
NPDES ID: PRR1000CV**

Dear Mr. Ocasio Figueroa:

This letter concerns the National Pollutant Discharge Elimination System ("NPDES") Stormwater Reconnaissance Inspection ("Inspection") of the construction site where the River Town Plaza Construction Project is being built (the "Project" or "Site"). The Project is located at PR-177 Road, Los Filtros Ave., Interior Caribe Street, Juan Sanchez Ward, Bayamón, Puerto Rico (the "Site"). The Inspection was conducted on June 29, 2023.

Enclosed please find an electronic copy of the NPDES Stormwater Inspection Report (the "Inspection Report"), which includes the findings and observations resulting from the Inspection. Within thirty (30) calendar days of receipt of this letter, New Frontier Partners, LLC. ("Frontier") must submit by electronic mail a response to the findings and observations included in the Inspection Report and detailed description of the actions taken and to be taken to address the findings and observation in the Inspection Report. To the extent possible, any documents to be submitted in response to this letter should be by electronic mail and Portable Document Format ("PDF").

Also, EPA is requesting Frontier to submit the following information in accordance with Appendix B.8 (Duty to Provide Information) of the 2022 Construction General Permit ("CGP" or "2022 CGP").

1. A detailed description of the property where the construction activities for the Project took place.
2. The name of the owner or owners of the property where the Project was constructed.
3. The name of the corporations, businesses or individuals that were engaged in developing the Project. Include the names of the officers, executive directors and agents, their addresses and phone numbers.

4. The names of all past and present contractors engaged in conducting clearing, grading and/or excavation activities during the construction of the Project. Include a description of their activities during the construction of the Project, when such activities began and ended, and the addresses, phone numbers and name of their officers.
5. Provide a copy of the construction contract between Frontier and M D Plumbing, Inc. and other development companies engaged in the construction of the Project.
6. Provide a copy of the construction contract between the development companies and construction companies and/or individuals engaged in the construction of the Project.
7. Provide evidence of the dates when construction activities started at the Site.
8. Indicate the total acres of soil that will be disturbed as part of all construction activities to be conducted at the Site.
9. Provide a legible copy of any land surveys, soil studies, and hydrologic/hydraulic studies that Frontier had prepared and/or obtained for the Site.
10. Provide a complete copy of the most recent version of the *Storm Water Pollution Prevention Plan* (“SWPPP”) developed for the Project, as required by Part 7 of the CGP.
11. Provide a copy of the weekly inspection reports required by Part 4.2 of the CGP prepared by Frontier from the initiation of the earth movement activities up to the date of this letter. Indicate the names of the individuals that performed the Site’s inspections and their qualifications to conduct the inspections, as required by Part 4.1 of the CGP.¹
12. Provide a copy of all corrective action reports prepared for the Project from the initiation of the earth movement activities up to the date of this letter. Refer to Part 5 of the CGP
13. Provide a color copy of all available aerial photographs taken during the construction of the Project.
14. Provide a copy of the “projected schedule”, as required in Part 7.2.3.f. of the CGP².

¹ Part 4.1.1 of the 2022 CGP defines the term “qualified person”, as a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of the 2022 CGP.

² If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to “lock in” the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

15. Provide a copy of all “staff training documentation”, as required in Part 7.2.2 of the CGP, including the logs of the dates on which employees received training since prior mobilization to the Site to the present. Refer to Part 6.2 of the CGP.
16. Provide a detailed description of how *storm water has been managed* since the first date of construction activities at the Project. This description shall include:
 - a. The type and location of stormwater controls and measures implemented at the Project;
 - b. a copy of the “projected schedule for stormwater control installation/implementation”, as required in Part 7.2.6.a.iv. of the CGP;
 - c. the date when stormwater controls and measures were implemented and ceased at the Project;
 - d. a description or drawings that explain where stormwater is collected and any discharge location(s) for stormwater including but not limited to runoff, culverts, ditches, channels, and storm sewers;
 - e. the name of the receiving body or bodies of water for storm water discharges from the Site; and
 - f. a detailed explanation of the storm water runoff path after leaving the Project construction premises and reaching into the receiving body(ies) of water(s).
17. Describe the *erosion and sediment controls* and soil stabilization practices applied to those areas in which construction activities have been and continuous to be conducted at the Site, as required in Parts 2.2 aof the CGP. The description shall include:
 - a. the dates when these erosion and sediment controls and soil stabilization practices were applied;
 - b. the materials used for soil stabilization during the construction of the Project; and
 - c. any written plans and drawings developed concerning erosion and sediment controls and soil stabilization practices for the Site.
18. The date when Frontier mobilized to the Site. Refer to the Appendix A of the CGP.
19. The date when the company engaged with earth movement activities mobilized to the Site.
20. Indicate the name of the company that performed and will perform earth movement activities at the Site. Indicate the date when such earth movement activities began. Indicate the period of time when earth movement activities ceased and the reason for ceasing.

21. Provide a “legible map” showing the features of the Site, as required in Part 7.2.4 of the CGP. Indicate in the legible map, the areas of the Project impacted by the construction and the areas in which stabilization have been and will be applied.
22. Periods of time when earth movement activities ceased at the Site. Refer to Part 2.2.14.a of the CGP³.
23. A picture depicting any rain gauge installed and retained at the Site since earth movement activities began to the date of this letter.
24. A copy of any logs that used and being used to record rain precipitation data collected at the Site since the initiation of the earth movement activities to the date of this letter.
25. Describe method of collection, treatment and disposal of sanitary wastes that will be generated at the Project.
26. Indicate the periods of time when construction dewatering activities have been conducted at the Site. Indicate the entity that performed such dewatering activities.
27. Describe the methods or procedures used for each construction dewatering activity and which techniques were implemented to minimize the discharge of pollutants from dewatering activities at the Site. Refer to Part 2.4 of the CGP.

The information requested in paragraphs 1-27 (above) must be submitted to EPA no later than fifteen (15) calendar days of receipt of this letter.

EPA encourages you to become familiar with the Small Business Resource Information Sheet which is available at <https://www.epa.gov/compliance/small-business-resources-information-sheet>. This Information Sheet provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Please be informed that this letter does not relieve Frontier from its obligation to comply with the Clean Water Act (“CWA”), and its implementing regulations and the CGP. Also, this letter shall not be deemed as an election by EPA to forego any administrative or judicial action for penalties, fines, or other appropriate relief under Section 309 of the CWA, 33 U.S.C. § 1319, arising from EPA’s assessment of Frontier’s compliance with the CWA.

³ The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, “immediately” means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

If you have any questions concerning this matter, please contact Mr. Jaime López, Senior Physical Scientist, Clean Water Act Team, Multimedia Permits and Compliance Branch, at (787) 977-5851, or by email at lopez.jaime@epa.gov.

Sincerely,

Nancy Rodríguez, Chief
Multimedia Permits and Compliance Branch

Enclosure

cc: Juan de Jesús, Operations Manager, Frontier (via email with enclosure)
Ángel Meléndez, DNER (via email with enclosure)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
MULTIMEDIA PERMITS AND COMPLIANCE BRANCH

**NPDES Stormwater Reconnaissance Inspection
Construction Site**

OWNER/OPERATOR

NEW FRONTIER PARTNERS, LLC
P.O. Box 270005, San Juan, PR 00927-0005
Telephone Number: (787) 360-2300

CONSTRUCTION PROJECT

River Town Plaza Construction Project
PR-177 Road, Los Filtros Ave., Interior Caribe Street,
Juan Sanchez Ward, Bayamón, Puerto Rico 00959
Coordinates: Latitude 18.383268 ° N; Longitude 67.133541 ° W (Decimal)

STATUTE AND REGULATIONS

Sections 301(a), 308(a) and 402 of the Clean Water Act
NPDES Regulation: 40 C.F.R. Part 122

NPDES PERMITTING FOR THE PROJECT

2021 CGP Tracking Number: PRR1000CV_(Frontier Partners, LLC)

Inspection Date: June 29, 2023

Participating Personnel:

U.S. EPA:

Jaime López, Senior Physical Scientist
Clean Water Act Team

New Frontier Partners, LLC:

Juan de Jesús, Operations Manager
Telephone Number: (939) 332-5999
Email: rivertownplaza@gmail.com

M D Plumbing, Corp.:

Miguel Díaz

Inspection Report Prepared by:

Jaime Lopez

9-7-2023

Jaime López
Senior Physical Scientist
Clean Water Act Team
Tel. (787) 977-5851; Email: lopez.jaime@epa.gov

Date

Inspection Report
Approving Officer:

José A. Rivera, BSCE
Lead Environmental Engineer
Clean Water Act Team
Multimedia Permits and Compliance Branch
Tel. (787) 977-5842; Email: rivera.jose@epa.gov

Date

1. **INTRODUCTION**

On May 23, 2023, the U.S. Environmental Protection Agency's ("EPA") Caribbean Environmental Protection Division ("CEPD") received an email sent by a concerned citizen indicating that "residents had complaint about uncontrolled stormwater and dewatering discharges from the River Town Plaza's ("River Town") construction site" in Bayamón, Puerto Rico ("Site", or "Project").

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System ("NPDES") Stormwater Reconnaissance Inspection ("Inspection") conducted by Jaime López, Senior Physical Scientist (the "EPA Inspector"), at the Project. The Inspection was performed on June 29, 2023, and dry weather and partially cloudy skies prevailed most of the time of the Inspection.

The purpose of the Inspection was to determine New Frontier Partners, LLC's ("Frontier") compliance with Sections 301(a) and 402(p) of the Clean Water Act ("CWA"), the NPDES stormwater permit application regulations codified in 40 C.F.R. §§ 122.21, 122.26 and 122.28 ("SW Rules"), and the "2022 NPDES Construction General Permit for Discharges from Construction Activities" ("2022 CGP" or "CGP").

The Inspection consisted of an entry meeting to discuss the purpose of the Inspection, a request of records for review on-site and off-site, a walkthrough, and a closing meeting to discuss areas of concern and preliminary findings. The Inspection did not include review of records on-Site.

Upon showing of credentials to Mr. de Jesús and Mr. Díaz, the EPA Inspector obtained access to the Site, and performed the Inspection under the authority in Section 308(a) of the Federal Water Pollution Control Act ("CWA" or "Act").

2. **STATUTORY AND REGULATORY PROVISIONS**

Section 301(a) of the CWA provides in part that "[e]xcept as in compliance with [CWA's Section 402], the discharge of any pollutant by any person shall be unlawful." Section 402(p)(2)(B) of the CWA authorizes the Administrator of EPA to issue NPDES permits to storm water discharges associated with industrial activity.

EPA promulgated NPDES permit application regulations that were codified in 40 C.F.R. § 122.26. The term storm water discharges associated with industrial activity was defined in 40 C.F.R. § 122.26(b), which included the definition of storm water discharges associated with small construction activity [see 40 C.F.R. § 122.26(b)(15)].

3. **NPDES PERMITTING FOR CONSTRUCTION ACTIVITIES**

2017 and 2022 NPDES Construction General Permits

On January 11, 2017, EPA reissued and published the NPDES General Permit for Stormwater Discharges from Construction Activities ("2017 CGP"). The 2017 CGP became effective on February 16, 2017 and expired on February 16, 2022.

On January 18, 2022, EPA issued the 2022 NPDES General Permit for Stormwater Discharges from Construction Activity. The 2022 CGP became effective on February 17, 2022 and expires on February 16, 2027.

Both CGPs established, among others, Notice of Intent ("NOI" or "eNOI") requirements, development of a Storm Water Pollution Prevention Plan ("SWPPP"), performance of inspections, completion of inspection reports and other conditions.

Notices of Intent Filed for the Project under NPDES Construction General Permits

On June 28, 2023, the EPA Inspector conducted a review of the EPA Notice of Intent ("NOI") database <https://permitsearch.epa.gov/epermit-search/ui/search>, and found that:

- a. Frontier Partners, LLC submitted an eNOI on October 20, 2021, seeking coverage under the 2017 CGP for the Project;
- b. on November 3, 2021, EPA granted 2017 CGP coverage for the Project under NPDES Tracking Number PRR1000CV;
- c. Frontier Partners, LLC submitted an eNOI on May 5, 2022, seeking coverage under the 2022 CGP for the Project;
- d. on May 19, 2022, EPA granted coverage for the Project under NPDES tracking number PRR1000CV;¹ and
- e. the operator name on both eNOIs submitted under the 2017 CGP and 2022 CGP is Frontier Partner, LLC.

The EPA Inspector reviewed the eNOI filed for the Project under the 2022, and found that:

- f. the Project Start Date was October 27, 2021 and Project End Date is April 29, 2022;

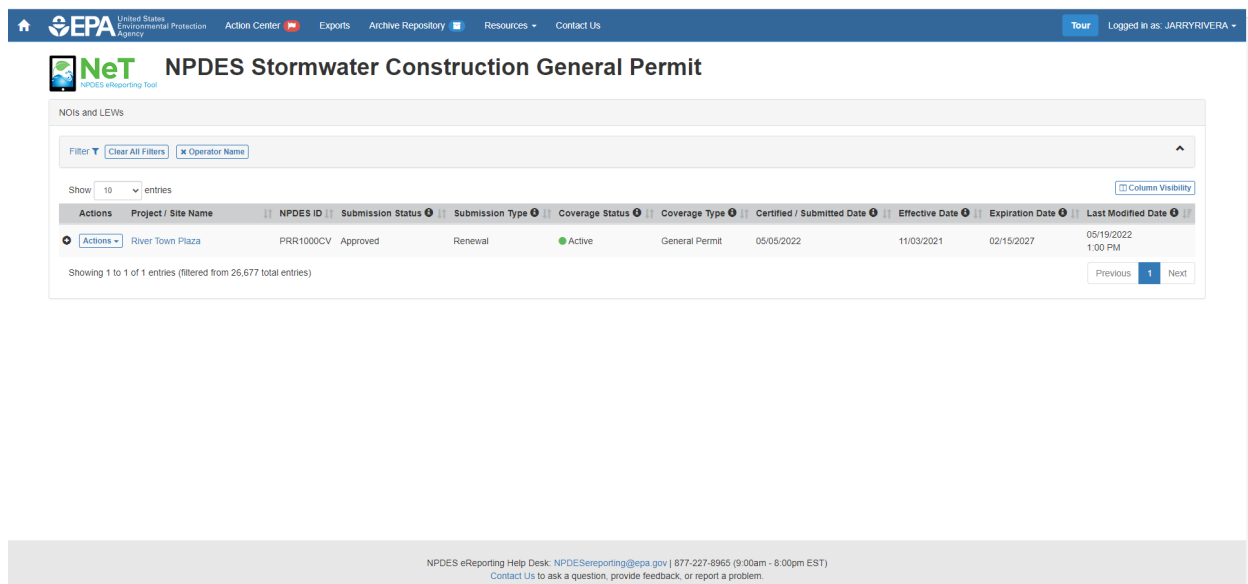
¹ Operator of an existing site (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022), provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.

- g. the name of operator is not the same as the one registered in the Puerto Rico Department of State, and owner/operator name of the Project, per Inspection's finding;
- h. one outfall (outfall 001) was identified;²
- i. outfall 001 discharges into a Municipal Separate Storm Sewer System;
- j. the receiving water is Bayamón River, and it is identified as an impaired water; and
- k. Criterion E was used to meet Endangered Species Act Eligibility Criterion.

Based on sub-paragraphs g, h, j, and k, above, the eNOI filed under the 2022 CGP did not include accurate information for the Project, including the correct name of the operator.

Image 1 (next page) depicts a screen shoot for Frontier Partner, LLC's NPDES permitting under the 2022 CGP.

Image 1³



4. **NEW FRONTIER PARTNER, LLC**

New Frontier Partner, LLC ("Frontier") is a for-profit corporation organized under the laws of the Commonwealth of Puerto Rico. Frontier was established on January 8, 2015, and is registered in the Puerto Rico State Department under registration number 346523.

² Two outfalls were identified during the Inspection.

³ **Figure 1** is a screenshot of the CDX – NeT database showing NPDES permitting status for the Project under the 2022 CGP.

Frontier's President is Mr. Angel L. Ocasio Figueroa. Frontier is the sole owner of the Project. Frontier is also the general contractor for the Project.

5. M D PLUMBING, CORP.

M D Plumbing, Corp. ("MD Plumbing") is a for-profit corporation organized under the laws of the Commonwealth of Puerto Rico. M D Plumbing was established on June 29, 1998, and is registered in the Puerto Rico State Department under registration number 103426. MD Plumbing's President is Mr. Miguel A. Díaz Carrasquillo. This company address is P.O. 1803, Juncos, Puerto Rico 00777-1803.

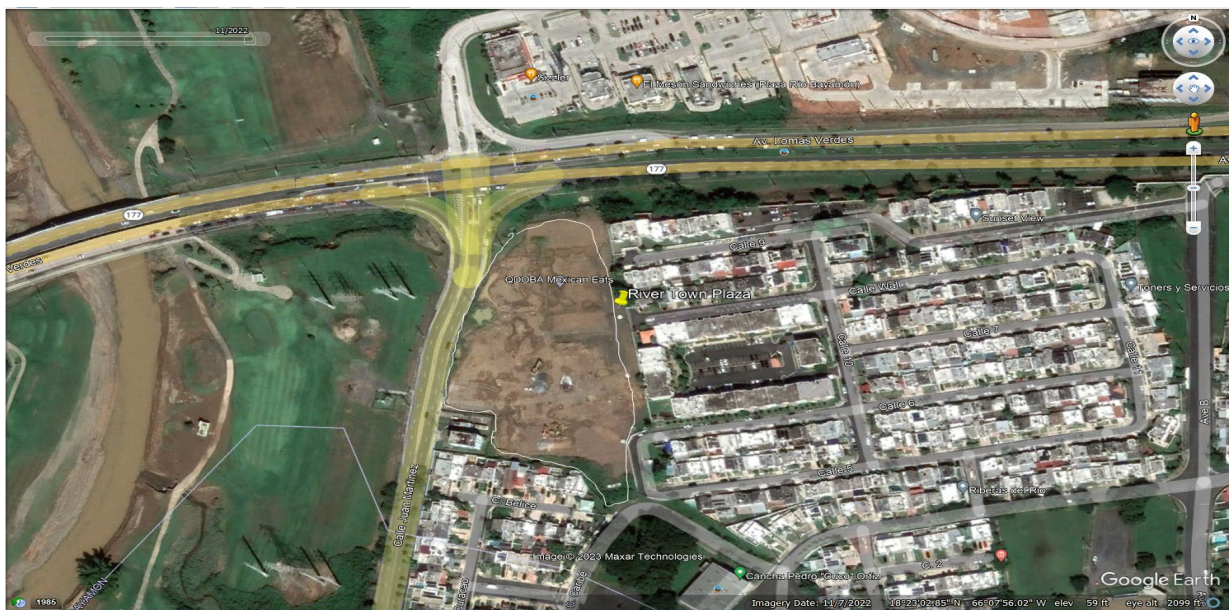
6. SITE AND CONSTRUCTION ACTIVITIES

Description of the Site

The Site is located at PR-177 Road, Los Filtros Ave., Interior Caribe Street, Juan Sánchez Ward, Bayamón, Puerto Rico. The Project is being developed in a property of approximately 4.6 acres. The Project mainly consists of earth movement activities (clearing, grading, and excavation); construction of retail buildings; installation of a storm sewer collection and discharge system; installation of a sanitary collection system; parking lots; installation of other utilities (e.g., power lines, potable water pipelines); and general construction.

Image 2 depicts the approximate location of the Project and Site's areas where earthworks and construction activities have been and will be taken.

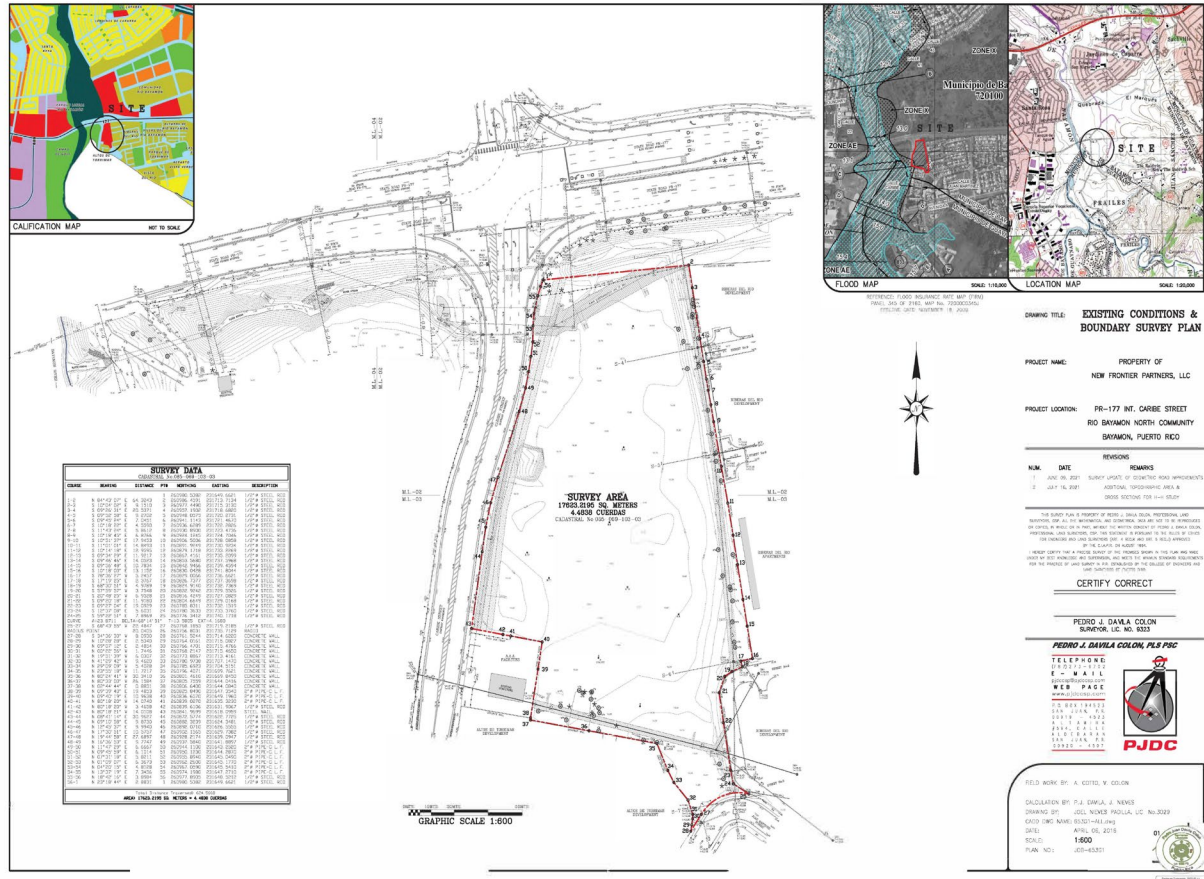
Image 2



Source: Aerial picture from Google Earth Pro, dated November 7, 2022.

Figure 1 (below) depicts a drawing titled “Existing Conditions and Boundary Survey Plan” obtained from the SWPPP developed for the Project.

Figure 1



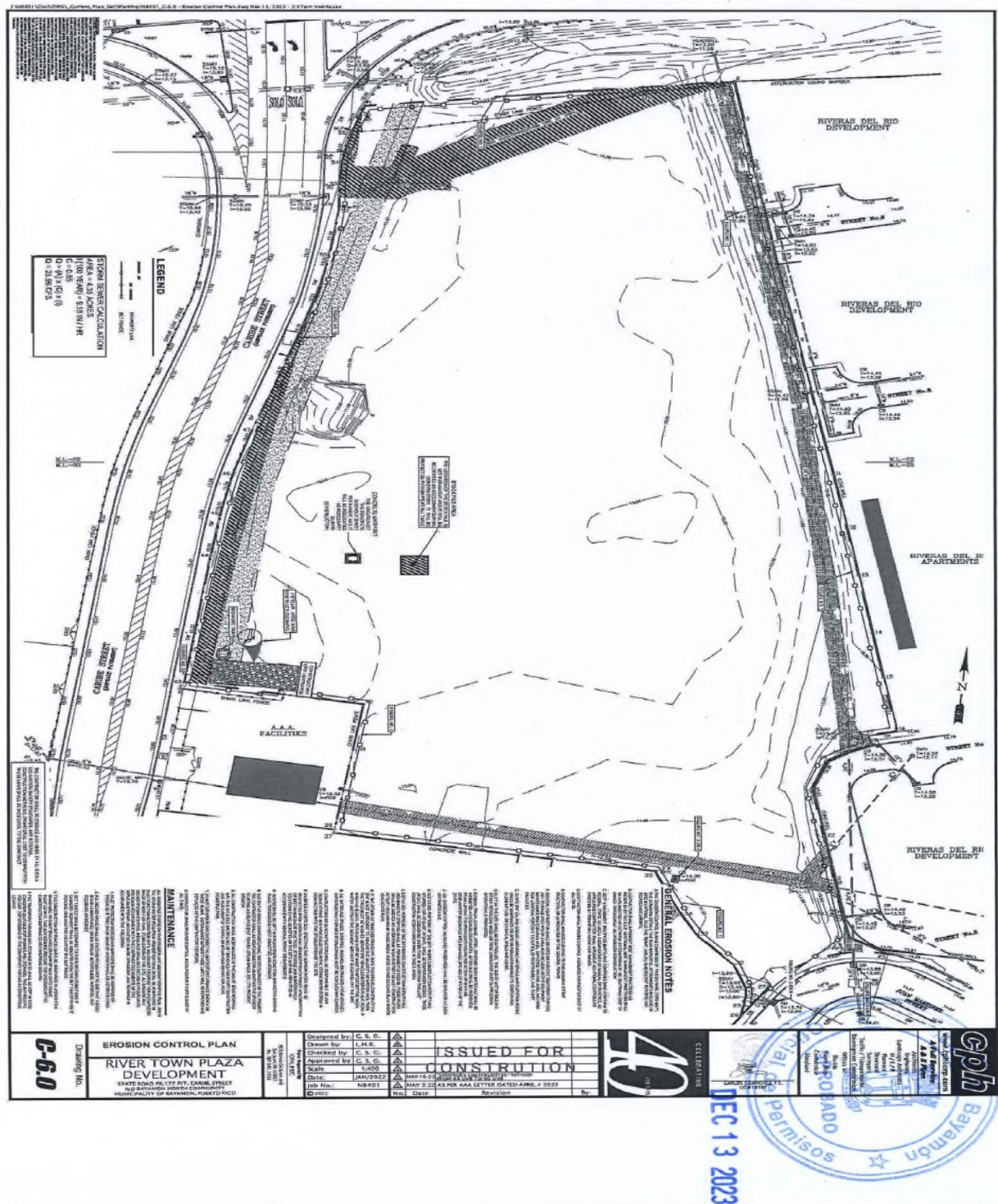
Stormwater Runoff

The Site landscape in which construction activities are located is generally flat across the Site. A stormwater runoff collection and discharge system have been installed at the Site, which collects stormwater runoff and conveys it to the north side of the Site where outfalls 001 and 002 are located. The storm sewer collection and discharge system include two underground detention tanks which will collect stormwater for storage and infiltration.

The stormwater runoff from outfalls 001 and 002 is discharged into an open drainage channel situated along PR-177 Road and north boundary of the Site. The runoff thru the open drainage channel at PR-177 Road discharges into Río Bayamón, which in turn discharges into the Atlantic Ocean.

Figure 3 (below) depicts a drawing titled “Erosion Control Plan” showing locations and types of erosion and sediment controls to be implemented at the Site, which was obtained from the SWPPP developed for the Project.

Figure 3

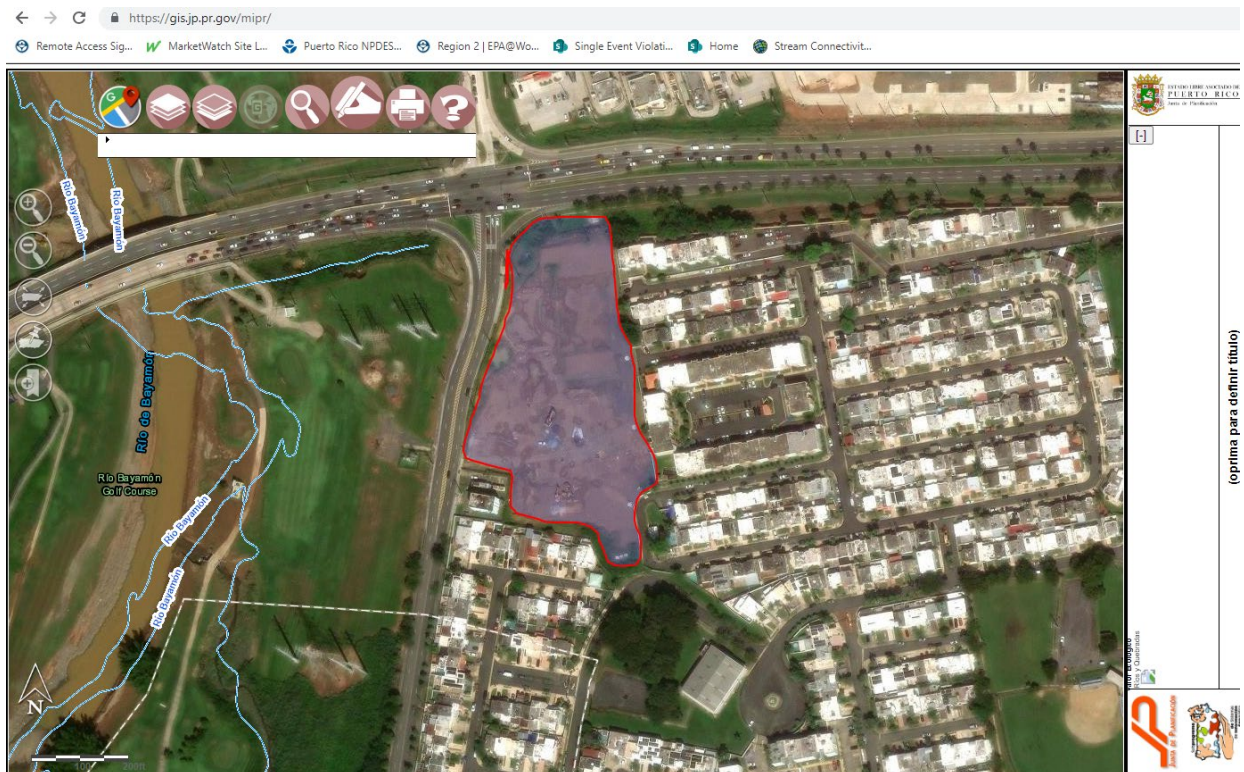


Description of the Receiving Water

The Río Bayamón is classified as SD water in the Puerto Rico Water Quality Standards Regulation (“PRWQSR”) promulgated by the PR Department of Natural and Environmental Resources (“DNER”) on August 10, 2022. Based on the watershed surrounding the Site, Río Bayamón is a tributary and flows to the Atlantic Ocean. The Atlantic Ocean is classified as SB water in the PRWQSR.

Image 3 (below) depicts the hydrological areas near the Site and surroundings.

Image 3⁴



7. ARRIVAL AT THE FACILITY

At approximately 11:30 a.m. on June 29, 2023, the EPA Inspector arrived at an area near the entrance of the Site. Thereafter, the EPA Inspector met with Mr. de Jesús, who presented himself, as the Operations Manager of Frontier, and Mr. Díaz. The EPA Inspector showed his EPA credentials to Mr. de Jesús and Mr. Díaz.

⁴ Source: http://gis.otg.pr.gov/apps/pr_map/

8. ENTRY MEETING AND REVIEW OF RECORDS

Approximately between 11:40 p.m. and 12:00 p.m., the EPA Inspector, Mr. de Jesús and Mr. Díaz discussed the purpose of the Inspection, the areas that the EPA Inspector will be conducting a walkthrough and requested a copy of the following records: SWPPP, Employee Training, Corrective Actions, and Inspection Reports. Mr. de Jesús told the EPA Inspector that the records requested were not available on-site because they are kept in an external office, but that Eng. Carlos Sánchez, Project Engineer, will be providing the EPA Inspector with the documents requested.⁵ Mr. de Jesús affirmed that they will be providing the documents during the week of July 10, 2023.

The Inspector inquired about the ownership of the Project and companies conducting construction activities at the Site. Mr. de Jesús stated that Frontier has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications⁶ and is the Sole Owner/ General Contractor of the Project and subcontracted M D Plumbing for other construction related activities. Also, Mr. de Jesús inquired about the selection and implementation of erosion and sediment controls and soil stabilization practices, operation, and maintenance at the disturbed areas of the Site and efficiency and if they needed to implement additional controls. The Inspector indicated that it will be point out any deficiencies during the Site walkthrough.

Frontier subcontracted M D Plumbing (as stated by Mr. de Jesus during the entry meeting) to perform all site infrastructure construction and implementation of the SWPPP in all its sections and parts, complete inspection reports and Emergency Reports, to notify concerned authorities of any change in existing conditions and any incident involving the pollution of storm water.⁷

9. WALKTHROUGH OF THE EARTHWORK ACTIVITIES AREAS

After the Entry Meeting, Mr. de Jesús and Mr. Díaz accompanied the EPA Inspector to perform a walkthrough of the Site. The walkthrough began at approximately 12:00 p.m. and ended at approximately 12:40 p.m. The following includes the EPA Inspector observations:

- a. Two discharge outfalls 001 and 002 have been established, which are located at the north boundary of the Site.
- b. Both outfalls discharge stormwater runoff into the drainage channel that runs between Road PR-177 and north boundary of the Site, and that the runoff collected in the drainage channel flows into the Río Bayamón.

⁵ Refer to Parts 4.7.3 (inspection reports), 5.4.3 (corrective action log) and 7.3 (current copy of the SWPPP) for 2022 CGP requirements concerning recordkeeping at the Site or at easily accessible location.

⁶ *(Refer to Part 1.1.1 in most cases this is the owner of the site); and has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor (as defined in Appendix A) of the project)*

⁷ Part 1.1 of the 2022 CGP indicated that “Where there are multiple operators associated with the same project, all operators must obtain permit coverage.” This part also stated that “Subcontractors generally are not considered operators for the purposes of this permit.”

- c. Stormwater discharges through outfalls 001 and 002 were not observed at the time of the Inspection.
- d. A pipeline that it is part of the Project's storm sewer collection and discharge system runs along the Site's east boundary concrete fence and collects the stormwater runoff from the south part of the Site and in turn, conveys it to the north part of the Site, and discharges into stormwater drainage channel that runs between PR-177 Road and north boundary of the Site.
- e. The storm sewer collection and discharge system include two underground retention tanks which will collect stormwater runoff for storage and infiltration. The one under construction is located towards the north area of the Site while the other one had been constructed at the center area of the Site.
- f. Stormwater ponding across the Site was observed.
- g. BMPs were implemented (i.e., fiber roll) at the storm sewer inlets.
- h. A sign depicting information about Frontier's coverage under 2022 CGP coverage was not observed at the Site entrance.
- i. The entrance to the Project construction area was observed with control for off-site vehicle tracking (i.e., 20 feet long area of crush stone from different sizes). Sediments were not observed in the Caribe Street near the entrance.
- j. Mr. de Jesús stated that a pipe breakage was leaking drinking water and they needed to repair it to continue construction activities. An excavation for a drinking water pipe repair was observed at the Site. The pipe was damaged by a leak and needed to be fixed before the construction activities could resume. In the excavation pit, a pump connected to a hose was observed. The pump was used to remove the excess water from the pit and prevent flooding. A dewatering discharge from the excavation to Caribe Street was not observed.
- k. A silt fence was properly erected at the bottom of the north slope that runs along Site's boundary and channel that conveys the stormwater into Río Bayamón, which located parallel between PR-177 Road and the north boundary of the Site.
- l. There were ongoing earth movement activities involving grading of the Site.
- m. Unpaved exposed roads were observed without temporary stabilization.
- n. The perimeter silt fence was not appropriately installed in the west area of the Site.
- o. A rain gauge was not observed in the areas visited at the Site.

It is noted that the EPA Inspector discussed his observations during the walkthrough of the Site including the lack of some erosion and sediment controls and temporary soil

stabilization measures.

The Inspector included other observations in the Inspection photo-documentation in **Attachment 1** of this Report. The EPA Inspector used a personal phone camera (Model T-Mobile, TRRLY, Moto G7) to take photographs and document his observations during the walkthrough of the Site. All 11 photographs taken during the walkthrough were unaltered transferred to F:\INSPDES\INSPDES.22\River Town Plaza inspection file, an EPA database.

10. EXIT MEETING

After the completion of the walkthrough, the EPA Inspector had an exit meeting with Mr. de Jesús and Mr. Díaz between 12:40 p.m. and 12:50 p.m. The EPA Inspector discussed the need for implementation of stormwater BMPs that have not been selected, installed, or maintained appropriately at the Project, such as silt fences and sediment traps. Also, the Inspector reiterated to Mr. de Jesús EPA's request to provide the documents requested in the Entry Meeting.

After the conclusion of the Exit Meeting, the EPA Inspector left the Site on or about 12:55 p.m.

10. POST INSPECTION RECORDS REVIEW

On July 10, 2023, the EPA Inspector received by an email from Mr. de Jesús that included the SWPPP, and the NOI requested during the Entry Meeting. Between July 12, 2023, and August 10, 2023, the EPA Inspector reviewed the email and documents received, and found the following:

CGP Inspections

Mr. de Jesús did not provide the Inspections Reports, as requested in the Entry Meeting.

Corrective Actions

Mr. de Jesús did not provide the Corrective Actions Reports, as requested in the Entry Meeting.

SWPPP

The EPA Inspector performed a preliminary review of the SWPPP, and found the following:

- a. the document was dated **July 7, 2023**, and was signed by Juan de Jesús, Operations Manager. Per the requirements in Part 1.4.1 and 7.1 of the 2022 CGP, the SWPPP was to be amended to comply with the requirements of the 2022 CGP and update the SWPPP prior to filing the eNOI for the Project seeking coverage under the permit. During the review of the SWPPP, no amended log was found to

record that the SWPPP was reviewed and updated according to the requirements of the 2022 CGP.

- b. The document included sequence of the construction activities and the selection of BMPs (i.e., silt fences and inlet protection and site stabilization) but no scheduled dates were found in the document. According to Part 7.2.3.f of the 2022 CGP, the SWPPP must include a schedule for the installation and maintenance of the BMPs, as well as the sequence of major construction activities.
- c. The document does not identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are qualified and responsible for conducting inspections, as required by Part 4.1 and 6.3 of the 2022 CGP.
- d. The document did not include dewatering procedures, as required in Part 2.4 and 7.2.6 of the 2022 CGP. According to the 2022 CGP, the SWPPP must include dewatering procedures that describe how the operator will comply with the inspection and monitoring requirements for dewatering discharges. The dewatering procedures should also include information on the type and location of dewatering equipment, the methods of treatment (if any), and the disposal or reuse of the dewatered water

SWPPP Training

Mr. de Jesús did not provide the SWPPP Training Documentation, as requested during the Entry Meeting.

End of Report

Attachment

ATTACHMENT 1

Photo-Documentation River Town Plaza Construction Project

June 29, 2023

ENCLOSURE 2

STATEMENT OF CERTIFICATION

I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001, 1341 and 1505.

(Signature)

(Printed Name)

(Title)

(Date)