



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

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

Permittee

Municipality of Aguada
P. O. Box 517
Aguada, Puerto Rico 00602
Telephone Number: (787) 868-4600

Statute / Regulations

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

NPDES ID Number: PRR040027

Inspection Date: August 29, 2024

Participating Personnel:

U.S. EPA: Sergio Bosques
Senior Environmental Engineer

Municipality of Aguada: Marisol Rosa
Municipal Administrator
Aguada City Hall

Eng. Wesley Vega
Engineering and Planning Office Director
Municipality of Aguada

Inspection Report
Prepared by:

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1. INTRODUCTION

This Inspection Report includes the findings and observations concerning the National Pollutant Discharge Elimination System (“NPDES”) Municipal Separate Storm Sewer Systems Inspection (the “Inspection”) conducted on August 29, 2024, by Mr. Sergio Bosques, Senior Environmental Engineer (the “EPA Inspector”), of the United States Environmental Protection Agency (“EPA”), Caribbean Environmental Protection Division (“CEPD”). The Inspection was conducted at the request of the Clean Water Act Team Leader of the Multimedia Permits and Compliance Branch under the CEPD at the Municipality of Aguada (“Permittee” or the “Municipality”).¹ (See Attachment 1 - Photo Log, Photo #1.)

The purpose of the Inspection was to evaluate the Municipality’s compliance with the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (“Small MS4s”) in the Commonwealth of Puerto Rico (“Small MS4 General Permit”). The Inspection was focused on three of the six Minimum Control Measures (“MCMs”), under the Stormwater Management Program (“SWMP”), named “Public Education and Outreach”, “Public Involvement”, and “Construction Site Stormwater Runoff Control”, which conditions and requirements are found in Parts 2.4.2, 2.4.3, and 2.4.5 of the MS4 General Permit.

Upon showing of credentials to Mrs. Rosa and Eng. Vega, the Inspection was conducted under the authority of Section 308(b) 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 official represented the Municipality during the Inspection:

Mrs. Marisol Rosa
Municipal Administrator for Aguada
Tel.: 787-407-1379
Email: mrosa@aguada.gov.pr

Eng. Wesley Vega
Engineering and Planning Office Director
Tel.: 787-247-7198
Email: wvega@aguada.gov.pr

¹ On August 20, 2024, the EPA Inspector sent an email to Ms. Marisol Ramos, 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 General Permit for regulated MS4 entities located in the Commonwealth of Puerto Rico (“2006 Small MS4 General Permit”). After the expiration of the 2006 Small MS4 General Permit, EPA issued a Small MS4 General Permit (“2016 Small MS4 General Permit”) for regulated MS4 entities located in Puerto Rico on June 13, 2016. The 2016 Small MS4 General Permit replaced the 2006 Small MS4 General Permit.

The 2016 Small MS4 General Permit became effective on July 1, 2016, and expired on June 30, 2021. EPA administratively continued the 2016 Small MS4 General Permit for those MS4 entities that obtained coverage in accordance with the 40 C.F.R. § 122.6(a)² and Part 1.6 of the Small MS4 General Permit (Continuation of this Permit). Pursuant to 40 C.F.R. § 122.6(b) and Part 1.6 of the 2016 Small MS4 General Permit, the general permit remains fully effective and enforceable.

On September 28, 2016, the Municipality submitted a Notice of Intent form (the “2016 NOI”) to EPA seeking coverage under the 2016 Small MS4 General Permit. EPA granted coverage on December 12, 2016. This authorization required the Municipality to submit a revised SWMP by December 13, 2017.

4. FACILITY DESCRIPTION

The Municipality of Aguada was created under the laws of the Commonwealth of Puerto Rico and is in the coastal western region of the island neighboring with the municipalities of Añasco at the South, Rincón at its West, and Aguadilla and Moca at its East. The Municipality owns and operates a Small MS4 and has urban areas, as defined by the Census Bureau.³ The stormwater runoff generated at the urban 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 8:45 a.m., with the presentation of my credentials to Mrs. Marisol Rosa and Eng. Wesley Vega. I explained that the purpose of the Inspection was to evaluate the Municipality’s compliance with the 2016 Small MS4 General Permit; specifically, the Municipality’s implementation of the SWMP’s Public Education and Outreach MCM, Public Involvement MCM, and Construction Site Stormwater Runoff Control MCM. I also explained the NPDES permitting program and the requirements of the 2016 Small MS4 General Permit. Then, I proceeded to request documents that the Municipality is required to prepare and keep under the 2016 Small MS4 General Permit.

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>

The Municipality Officials indicated they were unfamiliar with the 2016 Small MS4 General Permit and its requirements. The EPA Inspector showed an EPA digital record copy of Aguada' SWMP, dated June 30, 2020, to the Municipality Officials. This document includes a SWMP Staff Contact List where Ms. Marisol Ramos is listed as the MS4 Coordinator. Eng. Wesley Vega, Planning Office, is also found in the list.

The Municipality Officials indicated that they will be contacting Ms. Ramos to locate the municipal records. They are unaware of the Municipality's implementation of the 2016 Small MS4 General Permit and of the SWMP.

6. DOCUMENTS REVIEW

The EPA Inspector requested records concerning the SWMP, Annual Reports ("ARs") for calendar years 2020 to 2023, the education program that includes goals based on stormwater issues, public involvement activities, and the 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 the Municipality's Officials:

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

- The SWMP was not available during the Inspection. The Municipality Officials are to verify the documents with Mrs. Marisol Ramos.

Note: Through review of EPA records prior to the Inspection, the EPA Inspector found that the Municipality submitted a SWMP⁴ dated July 23, 2020.

B. Annual Reports (ARs) – Section 3.0 of the 2016 Small MS4 General 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"*.

- EPA Inspector requested the Annual Reports from 2020 to 2023. The Municipality's Officials did not provide the requested ARs⁵ and will investigate with Ms. Ramos.

Note: The EPA Inspector review of the EPA files prior to the Inspection revealed that the last AR submitted by the Municipality was for 2013-2014, and signed November 12, 2014. The Municipal Officials indicate that they will search the

⁴ On September 5 and 20, 2024, EPA Inspector sent emails to Municipal Officials which included an electronic signed copy of the SWMP, and correspondence found in EPA's records.

⁵ Through a review of EPA's records, EPA Inspector found that the Municipality submitted to EPA a 2013-2014 AR under the 2006 Small MS4 General Permit. The EPA Inspector sent a copy of the 2013-2014 AR to the Municipality Officials via email on September 24, 2024.

municipal records, including discussing with Ms. Ramos Municipality's records concerning this matter.

C. Public Education and Outreach

- 1) **Comprehensive Stormwater Education and Outreach Program** - Section 2.4.2.1 of the 2016 Small MS4 Small General 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 discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.”*
 - The Municipality Officials indicated not being aware of the Municipality implementing of a comprehensive stormwater education and outreach program. In addition, the official indicated restraints caused by the COVID-19 pandemic inhibited acting on many municipal tasks. The Municipal Officials indicate that they will search the municipal records, including discussing with Ms. Ramos Municipality's records concerning this matter.
- 2) **Educational materials** - Section 2.4.2.2 of the 2016 Small MS4 General 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 Officials indicate they are not aware of the Municipality developing recent educational materials; specifically, for stormwater related matters. They indicated that after the hurricanes and the COVID-19 pandemic, restraints limited interaction with the public. The Municipal Officials indicate that they will search the municipal records, including discussing with Ms. Ramos Municipality's records concerning this matter.

D. Public Involvement

Section 2.4.3.3 of the 2016 Small MS4 General Permit requires the permittee to *“report on the activities undertaken to provide public participation opportunities which may include, but are not limited to, websites; hotlines; clean-up teams; monitoring teams; or an advisory committee.”*

- The Municipal Officials indicated that the Municipality is inactive with its educational program and public involvement. They are not aware of recent stormwater educational activities. The Municipal Officials indicated that they will search the municipal records, including discussing with Ms. Ramos Municipality's records concerning this matter.

E. Construction Site Stormwater Runoff Control

Section 2.4.5 of the 2016 Small MS4 General 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 2016 Small MS4 General Permit requires that the Construction Controls Program includes the following elements:

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

- The Municipality Officials stated that they are unaware of the existence of an ordinance for the use of sediments and erosion control practices at construction sites.

Note: Through review of EPA records prior to the Inspection, the Inspector found that the Municipality’s Notice of Intent form, submitted on September 28, 2016, states that a Construction/Erosion and Sediment Control Ordinance was adopted on December 12, 2012.

b. **Construction Site Inventory** – Section 2.4.5.4 of the Small MS4 General Permit requires to *“maintain an inventory of all permitted active public and private construction sites that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. The permittee shall make this inventory available to the permitting authority upon request”*.

- The Municipality Officials indicated that there are no active private or public construction projects within the urban area of Aguada. The EPA Inspector indicated that EPA’s Construction General Permit database, known as Central Data Exchange (CDX)/NPDES electronic Tool (NeT)-Construction General Permit (CGP) or “CDX/NeT-CGP”, list one (1) site in the Municipality, where EPA denied the application because of missing information. The application was for the Improvements to Recreational Facility – Carlos Cajigas Park. After reviewing the listed name, Eng. Vega confirmed that the project is in the Municipality urban area. The project consists of the repairs to a community sport recreation park that was damaged by Hurricane Maria. This includes replacement of fence, court roof, bleacher roof, lift fence posts, and similar repairing activities. The EPA Inspector encourage the Municipality Officials to access the EPA database to validate the project information.

7. FIELD ACTIVITIES

At 10:30 a.m., a field activity (i.e., walkthrough) was performed during the Inspection with the Municipal Officials in order to confirm an EPA NOI form that was denied. The NOI was for the improvements to the sports recreational facility of the Carlos Cajigas Park.

Site Visit: “Improvements to Recreational Facility – Carlos Cajigas Park”

The Carlos Cajigas Park is located at PR-115 Road, Aguada, Puerto Rico (see **Figure 1.**). The project site was closed and inactive during the visit. The project consists of repairing structures and/or replacing structures damaged by Hurricane Maria. This includes roofs, fences, side paneling, and fence posts. Based on the information available, earth disturbing activities appeared to be less than one (1) acre. (See Attachment 1 - Photo Log Photo Log, Photos #2 and #3.).

Figure 1. Carlos Cajigas Park in Aguada, Puerto Rico



8. CLOSING MEETING

The closing meeting began at 11:15 a.m. and was held at the Municipality’s City Hall in the Municipal Administrator’s office. Mrs. Rosa and Eng. Vega represented the Municipality. The EPA

Inspector indicated the areas of potential non-compliance with the 2016 Small MS4 General Permit, including: lack of development, implementation, and enforcement of programs for Public Education and Outreach Program, Public Involvement, and for Construction Site Stormwater Runoff Controls; and lack of implementation of the SWMP. The Municipality Officials indicated that they were going to search for documents concerning implementation of the SWMP.

In addition, the EPA Inspector explained that an inspection report will be prepared including findings 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

Attachment 1 – Photo Log Documentation

ATTACHMENT 1

Photo-log Documentation
Municipality of Aguada
August 29, 2024 Inspection

EPA Camera: Nikon Coolpix P530
Model Series 30077861



Photo #1

Municipality of Aguada City Hall.



Photo #2

Depicts a view of the repairs to be performed to the fence, roof, fence posts and bleacher at the Carlos Cajigas Park in the Municipality of Aguada.



Photo #3

Depicts another view of the repairs to be performed to fence, roof, fence posts and bleacher at the Carlos Cajigas Park in the Municipality of Aguada.