



REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

GUAYNABO, PR 00968

November 27, 2024

Certified Mail – Return Receipt Requested

Mr. Héctor L. Saavedra Jiménez
President and/or Resident Agent and/or Manager
Oiltec Eco Logistics, LLC
Buz 2433 Carr 113 Bo Cacao
Quebradillas, Puerto Rico 00678

and

20 AVE LMM STE 1, PMB 484
Caguas, Puerto Rico 00725

Via Email - oiltecepr@gmail.com
oiltececologists@gmail.com

**Re: Request for Information and Administrative Compliance Order
Oiltec Puerto Rico – Used Oil Processing Facility
Docket Number CWA-02-2025-3102
NPDES ID: PRU908587**

Dear Mr. Saavedra Jiménez:

The United States Environmental Protection Agency (“EPA”), Region 2, has made findings that Oiltec Eco Logistics, LLC (“Respondent”) is in violation of Sections 301(a) and 402(p) of the Clean Water Act (“Act”), 33 U.S.C. §§ 1311(a) and 1342(p). Enclosed is a copy of the Request for Information and Administrative Compliance Order (the “Order”), Docket Number CWA-02-2025-3101, issued to Respondent pursuant to Section 309(a) of the Act, 33 U.S.C. § 1319(a).


Please return Attachment 2 of the Order via electronic mail to acknowledge receipt of this Order. The acknowledgement of receipt and any other documents to be submitted to EPA as part of this Order shall be sent to the following designated EPA official by electronic mail (“Email”):

CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PR 00968

Yolianne Maclay, P.E.
Senior Environmental Engineer
Clean Water Act Team
Multimedia Permits and Compliance Branch
Email: maclay.yolianne@epa.gov.

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

If you have any questions regarding this matter, please contact Ms. Yolianne Maclay, P.E., Clean Water Act Team, at (787) 977-5849, or via email at maclay.yolianne@epa.gov.

Sincerely,
**HECTOR
VELEZ-
CRUZ**  Digitally signed by
HECTOR VELEZ-
CRUZ
Date: 2024.11.27
16:14:36 -04'00'
Hector L. Velez Cruz
Acting Director

Enclosure

cc: Ángel Meléndez, DNER/WQA (via email w/ enclosure)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

OILTEC ECO LOGISTICS, LLC

Oiltec Puerto Rico Facility

*PR-183 Road, Km. 4.7, Tomás de Castro Ward
Caguas, Puerto Rico 00725*

NPDES ID: PRU908587

RESPONDENT

Proceeding pursuant to Sections 308(a) and 309(a) of
the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)

**REQUEST FOR INFORMATION
AND ADMINISTRATIVE
COMPLIANCE ORDER**

**DOCKET NUMBER
CWA-02-2025-3102**

I. PRELIMINARY STATEMENT

1. This Request for Information and Administrative Compliance Order (collectively, the “Order”) is issued to Oiltec Eco Logistics, LLC (“Oiltec” or “Respondent”) pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) pursuant to Sections 308 (a) and 309(a) of the Clean Water Act (“CWA” or the “Act”), 33 U.S.C. §§ 1318(a) and 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.
4. Section 402 of the CWA authorizes the Administrator to promulgate regulations for the implementation of NPDES requirements.

5. Section 402(a)(1) of the CWA, 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 [CWA].”
6. Section 402(p)(2)(B) of the CWA authorizes the Administrator of EPA to issue NPDES permits for storm water discharges associated with industrial activity.
7. Pursuant to Section 402(p)(3)(A) of the Act, 33 U.S.C. § 1342(p)(3)(A), permits for storm water discharges associated with industrial activity shall meet all applicable provisions of Sections 301 and 402 and of the CWA, 33 U.S.C. §§ 1311 and 1342.
8. Pursuant to the CWA, EPA promulgated regulations known as “EPA Administered Permit Programs: the National Pollutant Discharge Elimination System,” which was codified at 40 C.F.R. Part 122, as amended.
9. Pursuant to 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.
10. Pursuant to 40 C.F.R. § 122.21(a)(1), any person who discharges or proposes to discharge pollutants, and who does not have an effective permit, must submit a complete NPDES permit application to EPA.
11. Pursuant to 40 C.F.R. § 122.21(c)(1), the operator of a facility proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity. Different submittal dates may be required under the terms of applicable general permits.
12. Pursuant to the NPDES regulations at 40 C.F.R. §§ 122.26(a)(1)(ii) and 122.26(b)(14), operators of certain facilities are required to obtain an NPDES permit for storm water discharge associated with industrial activity.
13. Facility operators engaged in recycling of materials, including waste oil wholesale,¹ are considered engaging in industrial activity for purposes of the definition of storm water discharge associated with industrial activity. 40 C.F.R. § 122.26(b)(14)(vi).
14. Facility operators engaged in general warehousing and storage,² are considered engaging in industrial activity for purposes of the definition of storm water discharge associated with industrial activity. 40 C.F.R. § 122.26(b)(14)(xi).

¹ See, <https://www.naics.com/sic-industry-description/?code=5093>.

² See, <https://www.naics.com/sic-industry-description/?code=4225&v=2017>.

15. Pursuant to 40 C.F.R. § 122.26(g), discharges composed entirely of storm water are not storm water discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to rain, snow, snowmelt and/or runoff, and the discharger satisfies the conditions in 40 C.F.R. §§ 122.26 (g)(1) through (g)(4). To qualify for this exclusion, the operator of the discharge must:
- a. provide a storm-resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff;
 - b. complete and sign (according to 40 C.F.R. § 122.22) a certification that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility, except as provided in 40 C.F.R. § 122.26(g)(2);
 - c. submit the signed certification to the NPDES permitting authority once every five years.;
 - d. allow EPA to inspect the facility to determine compliance with the “no exposure” conditions;
 - e. allow the Director to make any “no exposure” inspection reports available to the public upon request; and
 - f. for facilities that discharge through an MS4, upon request, submit a copy of the certification of “no exposure” to the MS4 operator, as well as allow inspection and public reporting by the MS4 operator.³
16. The CWA and its implementing NPDES regulations contain the following definitions:
- a. “Administrator” means the Administrator of EPA, or an authorized representative. 40 C.F.R. § 122.2;
 - b. “Best Management Practices” or “BMPs” mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. 40 C.F.R. § 122.2;
 - c. “discharge of a pollutant” means any addition of any pollutant to navigable waters and/or waters of the United States from any point source. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2;

³ See, <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-conditional-no-exposure-exclusion>.

- 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. “industrial activity” means the categories of facilities included as part of the definition of “storm water discharge associated with industrial activity”. 40 C.F.R. §§ 122.26(b)(14)(i)-(xi);
- 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. “no exposure” means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by- products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product;
- 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 the 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 or association. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 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), and 40 C.F.R. § 122.2;
- l. “pollutant” includes 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), and 40 C.F.R. § 122.2;
- m. “site” means the land or water area where any “facility” or “activity” is physically located or conducted, including adjacent land used in connection with the facility or activity. 40 C.F.R. § 122.2; and

- n. “storm water discharge associated with industrial activity” means the discharge from any conveyance that is used for collecting and conveying storm water that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. 40 C.F.R. §§ 122.2 and 122.26(b)(14).
17. On January 15, 2021, EPA issued the 2021 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity in the Commonwealth of Puerto Rico (the “2021 MSGP” or the “Permit”) under the provisions of the CWA. 86 Fed. Reg. 10269.
 18. The 2021 MSGP became effective on March 1, 2021, and expires on February 28, 2026.
 19. On September 29, 2021, EPA modified the 2021 MSGP. The 2021 MSGP modification became effective on September 29, 2021, and the expiration date of the 2021 MSGP remains as February 28, 2026.
 20. Part 1.2. of the 2021 MSGP establishes the eligibility and electronic Notice of Intent (“eNOI”) filing requirements for operators of industrial activities seeking coverage under the 2021 MSGP. Specifically, Table 1-2 of Part 1.2.1.3 of the 2021 MSGP includes NOI submittal deadlines and the discharge authorizations dates for certain categories of facilities and operators. For an operator of an existing facility without MSGP coverage, the NOI submission deadline is immediately.⁴
 21. Pursuant to Part 1.3.1 of the 2021 MSGP, operators of industrial activities that are eligible for coverage under the 2021 MSGP must prepare a Stormwater Pollution Prevention Plan (“SWPPP”) for their facility prior to filing an eNOI for coverage.
 22. Section 8 of the 2021 MSGP includes Sector-Specific Requirements for Industrial Activity.
 23. Section 8.N of the 2021 MSGP details the requirements for “Scrap Recycling and Waste Recycling Facilities,” including Waste Recycling Facilities for Liquid Recyclable Materials. Requirements under Section 8.N of the 2021 MSGP apply to any industrial activity for which its Standard Industrial Classification (“SIC”) Code is 5093.
 24. Section 8.P of the 2021 MSGP details the requirements for “Land Transportation and Warehousing.” Requirements under Section 8.P of the 2021 MSGP apply to any industrial activity for which its SIC Code is 4225.
 25. Appendix A of the 2021 MSGP contains the following definitions:

⁴ See, Footnote 1 of the 2021 MSGP stating that “[i]f you have missed the deadline to submit your NOI, any or all discharges from your industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES Permit.” Such footnote also states that “EPA may take an enforcement action for any unpermitted discharge that occurs between the commencement of discharging and the discharge authorization.”

- a. “co-located industrial activities” mean any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-(ix) and (xi);
- b. “Municipal Separate Storm Sewer” or “MS4,” as defined in 40 C.F.R. § 122.26(b)(8), means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
 - i. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
 - ii. designed or used for collecting or conveying stormwater;
 - iii. which is not a combined sewer; and
 - iv. which is not part of a Publicly Owned Treatment Works (“POTW”), as defined at 40 C.F.R. § 122.2. See 40 C.F.R. §§ 122.26(b)(4) and (b)(7).
- c. “non-stormwater discharges” mean the discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, pavement wash water, external building wash-down, irrigation water, or uncontaminated ground water or spring water;
- d. “operator” means any entity with a storm water discharge associated with industrial activity that meets either of the following two (2) criteria:
 - i. the entity has operational control over industrial activities, including the ability to modify those activities; or
 - ii. the entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).
- e. “primary industrial activity” means any activities performed on-site which are:
 - i. identified by the facility’s primary SIC code and included in the descriptions in C.F.R. §§ 122.26(b)(14)(ii), (iii), (vi), (viii), or (xi); or

- ii. included in the narrative descriptions in 40 C.F.R. §§ 122.26(b)(14)(i), (iv), (v), (vii), or (ix).
26. Section 308(a)(A) of the CWA 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.”
27. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), 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....”
28. Section 309(a)(5)(A) of the CWA, 33 U.S.C. § 1319(a)(5)(A), provides that “[a]ny Order issued under [CWA Section 309] shall be by personal service, 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.”
29. EPA is the agency within the Commonwealth of Puerto Rico with authority to administer the federal NPDES program. EPA maintains enforcement authority for violations of the CWA and its implementing regulations.

III. FINDINGS OF FACT

30. Respondent is a for-profit corporation organized under the laws of the Commonwealth of Puerto Rico. Oiltec was registered in the Puerto Rico Department of State on January 13, 2020, under registration number 439071.
31. Respondent is the owner and/or operator of a facility known as Oiltec Puerto Rico⁵ (the “Facility”) located at Road PR-183, Km. 4.7, Tomás de Castro Ward, Caguas, Puerto Rico (the “Site”).
32. Respondent’s primary industrial activity involves the recycling of used cooking oil and water management. The recycling of used cooking oil is best described by the SIC Code 5093 (“Scrap and Waste Materials”).
33. Respondent’s co-located industrial activity at the Site includes detergent products warehousing. This activity is best described by the SIC Code 4225 (“General Warehousing and Storage”).

⁵ See, <https://oiltecpr.com/>

34. On November 4, 2024, an EPA official reviewed EPA databases to determine whether Respondent has applied for an NPDES permit for its stormwater discharges associated with industrial activity from the Site into a water of the United States (the "Database Review").
35. The Database Review revealed that Respondent:
- a. had not submitted an eNOI form under the 2021 MSGP for the Site; and
 - b. had not submitted an individual NPDES permit application for the Site, per 40 C.F.R. § 122.21.
36. On October 10, 2024, an EPA official conducted an NPDES Stormwater Inspection (the "Inspection") at the Site.
37. The purpose of the Inspection was to evaluate Respondent's compliance with the Act, the NPDES stormwater permit application regulations, and the 2021 MSGP.
38. The observations and findings of the Inspection are summarized in the NPDES Stormwater Inspection Report (the "Inspection Report"), dated November 22, 2024. Attachment 1 includes a copy of the Inspection Report.
39. The Inspection revealed, among other things, the following:
- a. Respondent operates a facility engaged in industrial activities, including recycling of used oil and storage of detergents;
 - b. stormwater runoff from the industrial areas at the Site flows towards a discrete conveyance point located at the north-east boundary of the Site;
 - c. the discrete conveyance point conveys stormwater associated with industrial activity into a gutter situated along PR-183 Road;
 - d. the stormwater runoff collected in gutter along PR-183 Road is conveyed into an inlet that in turn conveys the runoff through an underground pipeline that crosses PR-183 Road. Such underground concrete pipe conveys stormwater runoff into the Río Grande de Loíza (the "River");
 - e. no sign or other notice was observed at the Site indicating coverage under the 2021 MSGP;
 - f. the structure of the warehouse, which was used to store detergent containers, was deteriorated and parts of it were not roofed, allowing rain to come into contact with the containers;

- g. spills were observed throughout the warehouse, below and around the detergent containers;
 - h. waste materials scattered in the warehouse were exposed to rain due to the building deterioration and roof openings; and
 - i. the area surrounding the Site, including the stormwater concrete ditches, was overgrown with vegetation, and lacked housekeeping and maintenance.
40. As of the date of this Order, Respondent has not submitted to EPA an eNOI seeking coverage under the 2021 MSGP nor has submitted an individual NPDES permit application for its discharges of pollutants from the Site through the PR-183 Road storm water runoff collection, conveyance, and discharge points into the River.

IV. CONCLUSION OF LAW AND FINDINGS OF VIOLATIONS

41. Respondent is a “person” pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
42. At all relevant times to this Order, Respondent was and is the “owner” and “operator” of the Site.
43. The Site is a “facility,” as defined in 40 C.F.R. § 122.2.
44. The Site is “point source” pursuant to Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
45. At all relevant times to this Order, Respondent conducted and conducts “industrial activities” at the Site pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and as defined in 40 C.F.R. § 122.26.
46. Discharges of storm water runoff containing “pollutants” associated with industrial activities from the Site reach a gutter along Road PR-183 that flows into an inlet, which in turn flows through a concrete pipeline under Road PR-183 that flows into the River.
47. The Loiza River is a “water of the United States” pursuant to Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
48. Respondent is subject to the provisions of the CWA, 33 U.S.C. § 1251, et seq., and the applicable NPDES permit application regulations found at 40 C.F.R. § 122.
49. Respondent’s discharges of pollutants (storm water associated with industrial activities) from the Site into a water of the United States without an NPDES permit constitute a violation of Sections 301(a) and 402(p) of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the applicable NPDES regulations; therefore, Respondent is subject to an enforcement action under Section 309 of the Act, 33 U.S.C. § 1319.

V. ORDERED PROVISIONS

In consideration of the Findings of Fact and Conclusions of Law and Findings of Violation above, and pursuant to the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), it is hereby ORDERED that:

50. **Except as otherwise indicated in this Order**, at all times Respondent shall comply with the CWA and its NPDES implementing regulations.
51. **That within five (5) calendar days upon receipt of this Order**, Respondent shall complete the acknowledgment of receipt included as Attachment 2 of this Order and return it via electronic mail (“Email”) to Yolianne Maclay, P.E., Senior Environmental Engineer, Clean Water Act Team, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, at maclay.yolianne@epa.gov.

Unpermitted Discharge of Pollutants

52. Pursuant to Section 301(a) of the Act, 33 U.S.C. § 1311(a), Respondent shall not discharge storm water associated with industrial activity from the Site into the River, except with authorization under the 2021 MSGP or an NPDES individual permit issued to Respondent pursuant to the provision of Section 402 of the Act, 33 U.S.C. § 1342.

NPDES Permitting

53. **No later than fifteen (15) calendar days from receipt of this Order**, Respondent shall notify EPA about its NPDES permitting option for the stormwater discharges from industrial activities at the Site. Respondent’s proposal shall clearly state whether the option chosen will be:
- a. seeking NPDES permit coverage by preparing a Site-Specific SWPPPP and submitting an eNOI Form under the 2021 MSGP;⁶ or
 - b. submitting a “No Exposure Certification” Form pursuant to 40 C.F.R. 122.26(g).⁷

Respondent’s proposal shall also include a timetable for implementing and completing its chosen permitting option, which **shall not exceed sixty (60) calendar days from receipt of this Order**.

Corrective Measures

54. **That within forty-five (45) calendar days upon receipt of this Order**, in order to bring the Site into compliance with Sections 301(a) and 402(p) of the CWA, 33 U.S.C. §§ 1311(a) and 1342(p),

⁶ Information about the eNOI form can be found at https://www.epa.gov/sites/default/files/2021-01/documents/2021_msgp_-_appendix_g_-_notice_of_intent_noi.pdf.

⁷ Information about the No Exposure Form can found at https://www.epa.gov/sites/default/files/2021-01/documents/2021_msgp_-_appendix_k_-_no_exposure_certification_nec_form.pdf.

while Respondent obtains coverage under the 2021 MSGP or submits a No Exposure Certification Form, Respondent shall, at a minimum, perform the following measures to prevent the discharge of pollutants into the River:

- a. clean the spills of materials in the Warehouse;
- b. implement BMPs to:
 - i. prevent stormwater to come in contact material storage including but not limited to the 55-gallon drums and totes situated in the Warehouse;
 - ii. provide adequate and safe store of material stored in the Warehouse;
- c. clean the stormwater concrete ditches;
- d. provide housekeeping to areas near the Warehouse; and
- e. prepare written documentation, including pictures, of the actions taken at the Site addressing Sub-paragraphs 54.a. to d., above.

55. **Until written termination of this Order**, Respondent shall prepare and submit Monthly Progress Reports (“MPR”) on the 15th day of the month describing the status and progress of the actions taken to comply with the provisions of this Order. Respondent shall:

- a. submit the first MPR on January 15, 2025, and every thirty (30) calendar days thereafter (e.g., February 15, 2025); and
- b. MPR 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 rectify non-compliance with this Order; and
 - iii. a cost report detailing the expenses incurred during the reporting period.

The first MPR may cover a period of more than thirty (30) calendar days. If Respondent submits a deliverable to EPA during the compliance filing dates of this Order, Respondent does not have to re-submit such deliverable in future MPRs.

VI. REQUEST FOR INFORMATION⁸

Based on the above Finding of Facts, Conclusions of Law, and Findings of Violation, and pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent shall submit the following information to the attention of the officials identified in Paragraph 59, below:

56. **Within fifteen (15) calendar days of receipt of this Order**, Respondent shall submit:
- a. the names and contact information of Respondent's officials, including their physical and mail addresses, emails, and phone numbers;
 - b. a copy of deed or any other contract or document demonstrating ownership, title or possession of the Site;
 - c. the date when Respondent began to operate the Facility at the Site;
 - d. a legible copy of any land surveys that Respondent had prepared for the Site; and
 - e. a color copy of all available aerial photographs taken by Respondent for the Site during the last three (3) years.

VII. GENERAL PROVISIONS

57. Any questions concerning this Order should be directed to Yolianne Maclay, Senior Environmental Engineer, Clean Water Act Team, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, at (787) 977-5849, or by Email at maclay.yolianne@epa.gov. For information about the stormwater program, Respondent may review EPA's web site at <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>.
58. Any documents to be submitted by Respondent as part of this Order shall be sent by Email; shall be signed by an authorized representative of Respondent (see 40 C.F.R. § 122.22); 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

⁸ Respondent 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 (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.

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.”

59. All information required to be submitted under this Order shall be sent by Email to the following officials:

Ángel Meléndez
Director
Water Quality Area
Department of Natural and Environmental Resources
Email: angel.melendez@drna.pr.gov

and

Yolianne Maclay, P.E.
Senior Environmental Engineer
Clean Water Act Team
Multimedia Permits and Compliance Branch
Email: maclay.yolianne@epa.gov

60. Within twenty (20) calendar days from the effective date of this Order, Respondent shall have the opportunity to confer regarding Parts V (Ordered Provisions) and VI (Request for Information) of this Order, with the following EPA representatives:

José A. Rivera
Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
Email: rivera.jose@epa.gov
Telephone: (787) 977-5842

and

Yolianne Maclay, P.E.
Senior Environmental Engineer
Clean Water Act Team
Multimedia Permits and Compliance Branch
Email: maclay.yolianne@epa.gov
Telephone: (787) 977-5849.

61. 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>, provides the grounds for such review.

62. 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 2021 MSGP, 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.
63. Notice is hereby given that failure to comply with Section 308 of the CWA, 33 U.S.C. § 1318, or the terms of this Order may result in Respondent's liability for civil penalties for each violation of up to \$66,712 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.
64. 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.
65. This Order shall become effective upon the date of execution by the Director, Caribbean Environmental Protection Division.

**HECTOR
VELEZ-CRUZ** Digitally signed by
HECTOR VELEZ-CRUZ
Date: 2024.11.27
17:06:00 -04'00'

Dated: November 27, 2024

Signed: _____

HÉCTOR L. VÉLEZ CRUZ
Acting Director
Caribbean Environmental Protection Division

Attachment 1 – Inspection Report

Attachment 2 – Acknowledgement of Receipt of Order

cc: Director, Water Quality Area
Puerto Rico Department of Natural and Environmental Resources