



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](mailto:angel@urbaniapr.com)  
[rivertownplaza@gmail.com](mailto: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](mailto:lopez.jaime@epa.gov) to [rivertownplaza@gmail.com](mailto: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”).<sup>1</sup> 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](mailto: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](mailto: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

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<sup>1</sup> 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](mailto: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  
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Enclosures

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

# **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)