



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

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

Permittee

Municipality of Añasco
P. O. Box 1385
Añasco, Puerto Rico 00610-1385
Telephone Number: (787) 826-3100

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: PRR040040

Inspection Date: August 28, 2024

Participating Personnel:

U.S. EPA:

Sergio Bosques
Senior Environmental Engineer

Municipality of Añasco:

Efraín Rosado-Martí
Municipal Separate Storm Sewer System Coordinator
Añasco Public Works Office

Inspection Report

Prepared by:

SERGIO BOSQUES

Digitally signed by SERGIO
BOSQUES
Date: 2024.09.17 11:59:35 -04'00'

Sergio Bosques, MSEE
Senior Environmental Engineer
Clean Water Act Team
Tel.: (787) 977-5838; Email: bosques.sergio@epa.gov

Date

Inspection Report

Approving Officer:

JOSE SOTO

Digitally signed by JOSE SOTO
Date: 2024.09.17 14:04:30 -04'00'

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

Date

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 28, 2024, by Mr. Sergio Bosques, Senior Environmental Engineer (the “EPA Inspector”). The Inspection was conducted at the request of the Clean Water Act Team Leader of the Multimedia Permits and Compliance Branch under the Caribbean Environmental Protection Division at the Municipality of Añasco (“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 (“MS4s”) in the Commonwealth of Puerto Rico (“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 Mr. Rosado-Marti, 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:

Mr. Efraín Rosado-Marti
MS4 Coordinator
Tel.: 787-246-2024
Email: escorrentiaanasco@gmail.com

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 MS4 General Permit”). After the expiration of the 2006 MS4 General Permit, EPA issued an MS4 General Permit (“2016 MS4 General Permit”) for regulated MS4 entities located in Puerto Rico on June 13, 2016. The 2016 MS4 General Permit replaced the 2006 MS4 General Permit.

¹ On August 20, 2024, Inspector Bosques sent an email to Mr. Efraín Rosado-Marti to provide notice of the Inspection. The email included a statement about the date and purpose of the Inspection.

The 2016 MS4 General Permit became effective on July 1, 2016, and expired on June 30, 2021. EPA administratively continued the 2016 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 MS4 General Permit (Continuation of this Permit). Pursuant to 40 C.F.R. § 122.6(b) and Part 1.6 of the 2016 MS4 General Permit, the general permit remains fully effective and enforceable.

On October 21, 2016, the Municipality submitted a Notice of Intent form (the “2016 NOI”) to EPA seeking coverage under the 2016 MS4 General Permit. EPA granted coverage on April 10, 2017. This authorization required the Municipality to submit a revised SWMP by March 22, 2018.

4. FACILITY DESCRIPTION

The Municipality of Añasco was created under the laws of the Commonwealth of Puerto Rico and is located in the Western region of the island neighboring with the municipalities of Mayagüez at the South; Rincón, Aguada and Moca at its North; and San Sebastián and Las Marías 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 8:50 a.m., with the presentation of my credentials to Mr. Efraín Rosado-Marti. I explained that the purpose of the Inspection was to evaluate the Municipality’s compliance with the 2016 MS4 General Permit; specifically, 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 MS4 General Permit. Then, I proceeded to request documents that the Municipality is required to prepare and keep under the 2016 MS4 General Permit.

Mr. Rosado-Marti explained that he was familiar with the 2016 MS4 General Permit and its requirements. Mr. Rosado-Marti stated that after the email notice with EPA’s notification of the Inspection, he searched for information in the Municipality records regarding the 2016 MS4 General Permit, and found that in the past, the Municipality’s Administrator implemented the SWMP, and hired a contractor (i.e., Tetra Tech) to assist with the implementation of the 2016 MS4 General Permit. He also indicated that after 2017 hurricanes, due to a new municipal administration and the COVID-19 global health emergency, Añasco paused the implementation of the 2016 MS4 General Permit. On March 3, 2022, Mr. Rosado-Marti notified EPA through an email

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>

that he was assigned as the MS4 Coordinator for the Municipality. In addition, he further indicated that the Municipality has a stormwater pollution prevention plan (“SWPPP”) developed for the Municipal Department of Public Works, dated February 24, 2022.

6. DOCUMENTS REVIEW

The Inspector requested records concerning the SWMP, Annual Reports (“ARs”) for calendar years 2020 to 2023, education program that includes goals based on stormwater issues, public involvement activities, and 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 Official:

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

- The SWMP was not available during the Inspection. The Municipality Official provided a copy of the SWPPP for the Municipal Department of Public Work, dated February 24, 2020, which is a MCM component of the SWMP. He also provided a one-page table of the summary of MCMs descriptions for the SWMP and its status.
- Through review of EPA records, the Inspector found that the Municipality submitted a SWMP⁴ dated May 23, 2014. However, EPA’s notice of coverage letter under the 2016 Small MS4 General Permit required the Municipality to submit a revised SWMP by March 22, 2018. The Municipal Official agree to search Municipality records to find whether an updated SWMP had been developed. If not found, a revised SWMP will need to be submitted to EPA.

B. Annual Reports (ARs) – Section 3.0 of the 2016 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”*.

- The Inspector requested the Annual Reports from 2020 to 2023. The Municipality Official did not provide the requested ARs.⁵ The last AR found in EPA’s record was for 2016-2017 period submitted on September 18, 2017. This submittal was days prior to Hurricane Maria.

C. Public Education and Outreach

- 1) **Comprehensive Stormwater Education and Outreach Program** - Section 2.4.2.1 of the 2016 MS4 General Permit requires the permittee to *“develop, implement, and*

⁴ On September 4, 2024, the Inspector sent an email to Mr. Rosado-Martí, including an electronic copy of the SWMP found in EPA’s records.

⁵ Through a review of EPA’s records, the Inspector found that the Municipality has not submitted to EPA any ARs during the 2016 MS4 General Permit term.

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."

- Since 2020, the Municipality Official indicated that the Municipality had not implemented a comprehensive stormwater education and outreach program caused by the restrains with the pandemic.

2) **Educational materials** - Section 2.4.2.2 of the 2016 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 Official indicated he is not aware of the Municipality developing new educational materials specifically for stormwater related matters after 2017. Also, he mentioned the restrains caused by the pandemic that resulted in less public interaction.

D. Public Involvement

Section 2.4.3.3 of the 2016 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 Municipality Official indicated that the Municipality was active and participated with its educational program and public involvement prior to the impact of Hurricane María and 2019 COVID-19 Pandemic. He is not aware of recent stormwater educational activities and will search the Municipal records on this matter.

E. Construction Site Stormwater Runoff Control

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

- a. **Legal Authority** – Section 2.4.5.3 of the 2016 MS4 General Permit requires an *“ordinance or other regulatory mechanism that requires the use of sediments and erosion control practices at construction sites”*.
- Mr. Rosado-Marti stated that he is aware of the existence of an ordinance specifically for the use of sediments and erosion control practices at construction sites.⁶
 - The Construction MCM are tasks under the Bidding Board Director and the Municipal Administrator responsibilities with the collaboration of the Engineer/Inspector office. However, the Engineer/Inspector is an external contract. (See Figure 1.)

Figure 1. Flow chart for Construction MCM



- b. **Construction Site Inventory** – Section 2.4.5.4 of the 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 official indicated that there are no active private or public construction projects at this time. The Inspector indicated that EPA’s Construction General Permit database lists three (3) active sites in the Municipality. After reviewing the list, Mr. Rosado-Marti indicated the projects are not active or have finished construction activity.
 - EPA assessed the MAS Integrated School construction project to determine the status confirming EPA’s Construction General Permit list. A site visit confirmed

⁶ Through review of EPA records, the Inspector found that the Municipality indicated on its 2016 NOI form that an ordinance for construction/erosion and sediment control was adopted on October 15, 2014.

that the MAS Integrated School project was finished, and the school is open for business. The Municipality is accurate of no construction activity. (See Attachment 1 - Photo Log, Photo #2.)

7. FIELD ACTIVITIES

No field activities (i.e., walkthrough) were performed during the Inspection with the Municipality Official because the Municipality indicated that no active construction projects are presently ongoing. EPA did validate the MAS Integrated School construction project was finished with a drive through. Refer to Attachment 1 of this Inspection Report.

8. CLOSING MEETING

The closing meeting began at 11:15 a.m. and was held at the Municipality's City Hall Program Office. Mr. Rosado-Martí represented the Municipality. The EPA Inspector indicated the areas of potential non-compliance with the 2016 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; lack of an MS4 map; and lack of implementation of the SWMP. The Municipality's officials indicated that they were going to review their files to search for 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
Municipality of Añasco
August 28, 2024 Inspection

EPA Camera: Nikon Coolpix P530
Model Series 30077861



Photo #1

Municipality of Añasco City Hall building.



Photo #2

Depicts image of finished construction project for MAS Integrated School in the Municipality of Añasco.