



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 Cidra
P. O. Box 729
Cidra, Puerto Rico 00739
Telephone Number: (787) 434-1400

Statute / Regulations

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

NPDES ID Number: PRR040020

Inspection Date: June 7, 2024

Participating Personnel:

U.S. EPA: Yolianne Maclay, P.E.
Senior Environmental Engineer

Municipality of Cidra: Luraida Rivera
Planning Office Director

Michael Rodríguez López
Municipal Architect
Planning Office

Inspection Report
Prepared by:

Yolianne Maclay

Yolianne Maclay, P.E.

6/24/2024

Date

Senior Environmental Engineer

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JOSE RIVERA

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Inspection Report
Approving Officer:

José A. Rivera, BSCE

Date

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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 (MS4s) Inspection (the “Inspection”) conducted on June 7, 2024, by Ms. Yolianne Maclay, P.E., 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 Cidra (“Permittee” or the “Municipality”).¹

The purpose of the Inspection was to evaluate 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 Permit”). The Inspection was focused on two of the six Minimum Control Measures (“MCMs”) named “Public Education and Outreach” and “Construction Site Stormwater Runoff Control”, which conditions and requirements are found in Parts 2.4.2 and 2.4.5 of the MS4 Permit.

Upon showing of credentials to Ms. Luraida Rivera and Mr. Michael Rodríguez López, the Inspection was conducted under the authority of Section 308(a) 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 officials represented the Municipality during the Inspection:

Ms. Luraida Rivera
Planning Office Director
Tel.: 787-761-0172, ext.2174
Email: lriverram@cidra.gov.pr

Mr. Michael Rodríguez López
Planning and Land Management Office
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¹ On June 6, 2024, I called the Municipality to reach for a contact person that works with the MS4 Permit, since the contact person on EPA’s records was not responding. I was contacted by Ms. Luraida Rivera, the Director of the Planning Office. We spoke on the phone, and I informed her of the inspection that will be conducted and on that same day, I sent her an email providing written notification. The email included a statement about the date and purpose of the Inspection and the documents that will be requested.

3. PERMIT INFORMATION

On November 6, 2006, EPA issued an MS4 Permit for regulated MS4 entities located in the Commonwealth of Puerto Rico (“2006 MS4 Permit”). After the expiration of the 2006 MS4 Permit, EPA issued an MS4 Permit (“2016 MS4 Permit”) for regulated MS4 entities located in Puerto Rico on June 13, 2016. The 2016 MS4 Permit replaced the 2006 MS4 Permit.

The 2016 MS4 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 Pursuant to 40 C.F.R. § 122.6(b), the 2016 MS4 Permit remains fully effective and enforceable.

On April 6, 2018, the Municipality submitted a Notice of Intent form (the “2016 NOI”) to EPA seeking coverage under the 2016 MS4 Permit. EPA granted coverage on May 10, 2018.

4. FACILITY DESCRIPTION

The Municipality of Cidra was created under the laws of the Commonwealth of Puerto Rico and is located in the central region of the island neighboring with the municipalities of Comerio and Aguas Buenas. The Municipality owns and operates a Small MS4 and has urbanized areas, as defined by the Census Bureau.³ The stormwater runoff generated at the urbanized 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 9:20 a.m., with the presentation of my credentials to Ms. Luraida Rivera and Mr. Michael Rodríguez López. I explained that the purpose of the Inspection was to evaluate Municipality’s compliance with the 2016 MS4 Permit; specifically, Municipality’s implementation of the Public Education and Outreach MCM and Construction Site Stormwater Runoff Control MCM. I also explained the NPDES permitting program and the requirements of the 2016 MS4 Permit. Then, I proceeded to request documents that the Municipality is required to prepare and keep under the 2016 MS4 Permit.

Ms. Rivera explained that she was not familiar with the 2016 MS4 Permit and its requirements. Ms. Rivera stated that after our phone conversation, she search for information in the Municipality records in regards to the 2016 MS4 Permit, and found that in the past, the Municipality had an MS4 coordinator and had hired a contractor to assist with the implementation of the 2016 MS4 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 MS4 Coordinator stopped working in the Municipality since approximately 2018 and the new administration was not aware of the 2016 MS4 Permit. As a result of her search, Ms. Rivera obtained some digital documents related to the MS4 Permit.

6. DOCUMENTS REVIEW

I requested records concerning the Stormwater Management Program (SWMP), Annual Reports (ARs) for calendar years 2019 to 2023, education program that includes goals based on stormwater issues, 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 Municipality's Officials:

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

- The SWMP was not available during the Inspection. The Municipality's officials agreed to search for their records to find whether a SWMP had been developed.
- Through review of EPA records, I found that the Municipality submitted the SWMP⁴ on January 21, 2020. My preliminary review of the SWMP revealed that it was signed by Javier E. Carrasquillo Cruz, former Mayor of the Municipality on November 27, 2019.

B. Annual Reports (ARs) – Section 3.0 of the 2016 MS4 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”*.

I requested the Annual Reports from 2019 to 2023. The Municipality's officials did not provide the requested ARs.⁵

C. System Mapping – Section 2.4.4.6 of the 2016 MS4 Permit requires that the permittee shall *“develop a revised and more detailed map than was required by the 2006 Small MS4 General Permit”*.

The digital documents obtained by Ms. Rivera included an aerial photograph with green dots, but without a legend to describe the green dots (marks). The photograph did not include the elements required by the 2016 MS4 Permit. Currently, the Municipality doesn't have an MS4 map or any document where MS4s elements were identified.⁶

⁴ On June 20, 2024, I sent an email to Ms. Luraida Rivera, including an electronic copy of the SWMP found in EPA's records.

⁵ Through a review of EPA's records, I found that the Municipality has not submitted to EPA any ARs from 2019 to date.

⁶ Through a review of EPA records, I found that the Municipality indicated on its 2016 NOI form that 80% of the MS4 Outfall Map had been completed and was scheduled to be completed by December 12, 2020.

D. Public Education and Outreach

- 1) **Comprehensive Stormwater Education and Outreach Program** - Section 2.4.2.1 of the 2016 MS4 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’s officials indicated that the Municipality had not developed a comprehensive stormwater education and outreach program.

- 2) **Educational materials** - Section 2.4.2.2 of the 2016 MS4 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’s officials indicated that the Municipality had not developed educational materials specifically for stormwater related matters.

E. Construction Site Stormwater Runoff Control

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

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

Ms. Rivera stated that she is not aware of the existence of an ordinance specifically for the use of sediments and erosion control practices at construction sites.⁷ However, Ms. Rivera indicated that the Municipality has an ordinance that prohibits the discharge of pollutants into their MS4.

⁷ Through review of EPA records, I found that the Municipality indicated on its 2016 NOI form that an ordinance for construction/erosion and sediment control was adopted on March 21, 2018.

- b. **Requirements for construction operators** - Section 2.4.5.3.b of the 2016 MS4 Permit requires the implementation of “sediment and erosion control program to the extent allowable by Commonwealth of Puerto Rico and federal law”.

The Municipality’s officials indicated that the Municipality had not developed a Sediment and Erosion Controls Program.

- c. **Requirements to control waste** – Section 2.4.5.4.c of the 2016 MS4 Permit requires the implementation of requirements to control waste and prohibit discharges.

The Municipality’s officials indicated that the Municipality had not established requirements for waste control on construction sites.

- d. **Construction Plan Review Procedures** – Section 2.4.5.3.d of the 2016 MS4 Permit requires that “*permittees must maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction.*”.

During the Inspection, the Municipality’s officials did not present any procedures for site plan review. Ms. Rivera explained that they would have to verify the requested information with Municipality’s staff of the Permit Office that are involved with the permit approval process.

- e. **Procedures for pre-construction review** – Section 2.4.5.3.e of the 2016 MS4 Permit requires that “*permittees must maintain and implement pre-construction review procedures that describe which environmental requirements for the construction project are applicable, including the environmental permits, as well as to establish the responsible party (e.g., owner, developer, contractor, among others) of the construction project.*”

During the Inspection, the Municipality’s officials did not present any procedures for site plan review.

- f. **Construction Site Inspection and Enforcement** - Section 2.4.5.3.f of the 2016 MS4 Permit requires that “*permittees shall implement written procedures for inspecting large and small construction projects for sediment and erosion control measures*”.

The Municipality’s officials indicated that the Municipality had not developed written procedures for inspecting construction projects.

- g. **Information submitted by the public** – Section 2.4.5.3.g of the 2016 MS4 Permit requires to develop and implement “*procedures for receipt and consideration of information submitted by the public.*”

The Municipality's officials indicated that the Municipality had not developed procedures specifically for receiving information submitted by the public for construction projects. However, the Municipality has a "ballot system" in which a citizen can submit a complaint at the City Hall or through a telephone system and will be directed to the appropriate office for response, including complaints related to construction projects.

- h. **Site Plan Review Procedures** – Section 2.4.5.3.h of the MS4 General Permit requires that "site plan review procedures shall include evaluation of opportunities for use of low impact design and green infrastructure".

The Municipality officials indicated that the Municipality had not developed site plan review procedures.

7. FIELD ACTIVITIES

No field activities (i.e., walkthrough) were performed during the Inspection because the Municipality indicated that no active construction projects are presently ongoing.

8. CLOSING MEETING

The closing meeting began at 11:30 a.m. and was held at the Municipality's Planning Office. Ms. Rivera and Mr. López represented the Municipality. I indicated the areas of potential non-compliance with the 2016 MS4 Permit, including: lack of development, implementation, and enforcement of programs for Public Education and Outreach Program 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