



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 San Sebastián  
P. O. Box 1603  
San Sebastián, Puerto Rico 00685-1603  
Telephone Number: (787) 896-1550

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: PRR040072

Inspection Date: August 29, 2024

Participating Personnel:

U.S. EPA: Sergio Bosques  
Senior Environmental Engineer

Municipality of San Sebastián: Fernando García  
Department of Public Works Acting Director  
Municipality of San Sebastián

Inspection Report  
Prepared by:

**SERGIO BOSQUES** Digitally signed by SERGIO BOSQUES  
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Inspection Report  
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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’s (“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 CEPD at the Municipality of San Sebastián (“Permittee” or the “Municipality”).<sup>1</sup>

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 Small MS4 General Permit.

Upon showing of credentials to Mr. Fernando García, 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. Fernando García  
Acting Director  
Department of Public Works  
Municipality of San Sebastián  
Tel.: 787-896-3011/8917  
Email: [obraspublicas@munss.org](mailto:obraspublicas@munss.org)

## 3. PERMIT INFORMATION

On November 6, 2006, EPA issued the Small 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.

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<sup>1</sup> On August 20, 2024, Inspector Bosques sent emails to Mr. Fernando García to provide notice of the Inspection. The email included a statement about the date and purpose of the Inspection.

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)<sup>2</sup> 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 October 3, 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 February 21, 2017. This authorization required the Municipality to submit a revised SWMP by February 21, 2018.

#### **4. FACILITY DESCRIPTION**

The Municipality of San Sebastián was created under the laws of the Commonwealth of Puerto Rico and is in the inner Northwest region of the island neighboring with the municipalities of Las Marías at the South, Moca at its West, Isabela and Camuy at its North, and Lares at its East. The Municipality owns and operates a Small MS4 and has urban areas, as defined by the Census Bureau.<sup>3</sup> 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 1:05 p.m., with the presentation of my credentials to Mr. Fernando García, in the Municipality’s Department of Public Works office. (See Attachment 1 - Photo Log, Photo #1.) The Inspector 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. The Inspector also explained the NPDES permitting program and the requirements of the 2016 Small MS4 General Permit. Then, the EPA Inspector proceeded to request documents that the Municipality is required to prepare and keep under the 2016 Small MS4 General Permit.

The Municipality Official indicated he was unfamiliar with the 2016 Small MS4 General Permit and its requirements. Mr. García stated that after the electronic mail (“Email”) notice with EPA’s notification of the Inspection, he requested a search for information in the Municipality records regarding the 2016 Small MS4 General Permit, and found that in the past, the Municipality Engineer, Luis Albaladejo, was responsible for implementing the SWMP, and hired a contractor

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<sup>2</sup> See 5 U.S.C. § 558(c).

<sup>3</sup> 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>

(i.e., Ecostahlia) to assist with the implementation of the 2016 Small MS4 General Permit. Mr. García indicated he has been filling the position since the beginning of 2024, and there was no succession on these responsibilities. The EPA Inspector showed an EPA digital record copy of San Sebastián' SWMP, dated March 10, 2017, to the Municipality Official. During our meeting, Mr. García received confirmation from the City Hall Records Office on having found the municipal copy of the SWMP.

The Municipality Official indicated that he would continue the search of municipal records. Based on my interview, the Municipality Official is not familiar with requirements and conditions 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 Official:

**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 Official was notified during the meeting that the SWMP was found in the municipal records.

Note: Through review of EPA records prior to the Inspection, the EPA Inspector found that the Municipality submitted a SWMP<sup>4</sup> dated March 10, 2017. The EPA Inspector indicated to the Municipality Official that he will need to verify for an updated version, if any, and submit to EPA.

**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"*.

- The Inspector requested the Annual Reports from 2020 to 2023. The Municipality Official did not provide the requested ARs.<sup>5</sup> The Municipal Official will search and verify the municipal records.

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<sup>4</sup> On September 5, 2024, EPA Inspector sent an email to the Municipal Official that included an electronic signed copy of the SWMP, and correspondence found in EPA's records.

<sup>5</sup> Through a review of EPA's records, EPA Inspector found that the Municipality's last submitted a 2014-2015 AR during the 2006 Small MS4 General Permit term to EPA. A copy of the 2014-2015 AR was shared via email on September 24, 2024.

Note: The EPA Inspector review the EPA files prior to the Inspection and found an AR for 2014-2015, signed February 1, 2016.

### 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 Official indicated not being aware of the Municipality implementing a comprehensive stormwater education and outreach program. The Municipal Official will search and verify the municipal records.
- 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 Official indicated they are not aware of the Municipality developing recent educational materials specifically for stormwater related matters. The Municipal Official will search and verify the municipal records.

### 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 Official indicated that the Municipality is inactive with its educational program and public involvement. They are not aware of recent stormwater educational activities. The Municipal Official will search and verify the municipal records.

### 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 Official stated that he is unaware of the existence of an ordinance specifically 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 October 3, 2016, states that a Construction/Erosion and Sediment Control Ordinance was to be adopted on June 30, 2017. The Municipal Official will search and verify the municipal records.

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 Official indicated that there are no active private or public construction projects within the urban area of San Sebastián.

Note: The EPA Inspector review an EPA permit database known as Central Data Exchange (CDX)/NPDES electronic Tool (NeT)-Construction General Permit (CGP) prior to the Inspection and did not find active NPDES permitted projects in the Municipality.

## 7. FIELD ACTIVITIES

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

## 8. CLOSING MEETING

The closing meeting began at 2:45 p.m. and was held at the Municipality's Department of Public Works office. Mr. García 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 Official indicated that he is to review the files to search for documentation on the 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 – Photo Log Documentation**

# **ATTACHMENT 1**

Photo-log Documentation  
Municipality of San Sebastián  
August 29, 2024 Inspection

EPA Camera: Nikon Coolpix P530  
Model Series 30077861



Photo #1

Municipality of San Sebastián  
Department of Public Works.