

**STORM WATER MANAGEMENT PROGRAM
(SWMP)
LAS PIEDRAS MUNICIPALITY**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2009 AUG 17 PM 12:32
REGIONAL HEARING
CLERK

**PREPARED FOR:
LAS PIEDRAS PUERTO RICO MUNICIPALITY**

**PREPARED BY:
ESSAYON DESIGN & MANAGEMENT SOLUTIONS, INC.
CAGUAS, PUERTO RICO**

ANSWERING THE COMPLAINT

AUGUST 2009

August 05-2009

Ms. Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290-Broadway, 17th floor
New York, New York 10007-1866

RE:-Answer to the Complaint of U.S.E.P.A. Region 2-Docket Number CWA-02-2009-3456 Proceeding to Assess Class II Civil penalty under Section 309(g) (2)(B) of the Clean Water Act,33U.S.C. § 1319(g) in the Matter of Municipality of Las Piedras, Commonwealth of Puerto Rico-Respondent.

Dear Ms Karen Maples:

Based on the “Consolidated Rules Practices Governing the Administrative Assessment of Civil Penalties. Issuance of Compliance or Corrective Actions Orders , and the Revocation, Termination or Suspension of Permits” (“CROP”) where Respondent must file with the Regional Hearing Clerk of EPA, Region 2, and original and one copy of a written Answer to the Complaint , and such Answer must be filed within (30) days after Services of the Complaint pursuant 40 CFR -22.15(a). Respondent Municipality of Las Piedras is submitting to EPA the Answer to the Complaint Docket Number -CWA-02-2009-3456 received on April 14, 2009(See **Annex 1**)

Therefore, Comes Now Respondent Municipality of Las Piedras through its undersigned Representative-Mayor Miguel A. Lopez Rivera in his own right and respectfully alleges, states and request as follows:

I-Introduction:

The Permit PRR040000-PRR04000F became effective on November 6, 2006, and will expire on November 6, 2011(was issued on September 21-2006).(Annex 2)According to EPA Regulations found at 40 CFR -122.26 (e) (9) and 122.33, require Respondent to submit a Permit Application before March 10, 2003,and last administration Respondent failed to produce evidence that it had submitted permit applications, including Notice of Intention (NOI) for coverage under the permit for the period between March 10, 2003 and July 18, 2008.

On Behalf of Las Piedras Municipality Present Administration, it is our Intention to follow the Procedure Governing this Administrative Action ,Answering the Complaint to **deny and explain each of the factual allegations that are contained in CWA-02-2009-3456 and CWA-02-2008-3118** to set aside the final order and to hold a Hearing thereon;

1-Based on Past Administration Respondent’s failure to submit a NOI or any other NPDES permit application, EPA issued to 2008’s Respondent, an Administrative

Compliance Order ('ACO'), Docket Number CWA-02-2008-3118, dated February 16, 2008. Based on the Findings and violations Region 2 proposes a penalty of \$47,738.

2-On April 14 2009 The Present Administration for the Municipality of Las Piedras received a Complaint # CWA-02-2009-3456 for its failure to apply for a National Pollutant Discharge Elimination System ("NPDES") permit for its storm water discharges from the municipal separate storm sewer systems ("MS4s") into waters of the United States. According to this ,constitutes a violation of Sections 308(a) and 402 (p) of the Clean Water Act ("CWA or the Act"),33 U.S.C.-1318 (a) and 1342 (p)(4).This complaint is based on the Findings of the 2008-Las Piedras Past administration(LP2008) Respondent's failure and violation already described.

3-Paragraphs numbers 7 thru 21 of Part II Jurisdictional Basis of the Complaint are Statements of Law for which No Answer is necessary but to the extend an answer is required, Las Piedras Municipality Present Administration (LP2009) denies items from Part II Jurisdictional Basis items 7 thru 21

4) Paragraph number 22 of Part III Findings of Violations are Statements of Law for which No answer is required, but to the extend an answer is required ,(LP2009) denies the aforementioned paragraphs.

5) (LP2009) denies paragraph number 23 of the Part III because the New Municipal Administration ("Present Administration") commences its function on January 15, 2009.

6) (LP2009) denies paragraph number 24, 25,26,27,28,29,30,31 of the Part III and clarifies that the New Municipal Administration ("Present Administration") commences its function on January 15, 2009.

7) Paragraph number 32 of Part III based on the Findings of Violations are Statements of Law for which No answer is required, but to the extend an answer is required ,(LP2009) denies the aforementioned paragraphs.

8) ,(LP2009) denies paragraphs number 33,34 and 35 of Part IV Notice of Proposed Order Assessing a Civil Penalty . and clarifies that the New Municipal Administration ("Present Administration") commences its function on January 15, 2009.

II-Answering the Complaint:

A) Grounds of Defense :(Circumstances or Arguments that are alleged)

- 1) The New Municipal Administration ("Present Administration") commence its function on January 15, 2009.
- 2) There are twenty four months (24) available to accomplish with the PRR040000/PRR04000F-Small General Permit, it expire at midnight on November 6, 2011

- 3) Complaint Docket Number CWA-02-2009-3456 was received on April 14, 2009 and was immediately answered into 30 days period on April 21, 2009 on Certified Mail by Mayor Miguel A López Rivera. (See Annex 3)
- 4) Complaint Docket-Number CWA-02-2009-3456 for the Present Administration was based on findings on Docket Number CWA-02-2008-3118 of the 2008-Past Administration (Findings of Violations from item 22 thru Item 32)
- 5) On June 26, 2009 the Municipality Planning Officer Director Engineer Juan E. Morales Rivera sent a letter to EPA informing the Engineering Professional Services thru Essayon Design & Management Solutions, Inc. (See Annex 4).
- 6) On August 06, 2009 Essayon Design & Management Solutions, Inc submit NOI-Application to Puerto Rico EPA Office Director Carl-Axel P. Soderberg. (See Annex 5)
- 7) There no way, the Present Administration could answer CWA-02-2008 3118 or develop and fully implement our program. (Five Years period from March 10, 2003 to July 18, 2008.) The New Municipal Administration (“Present Administration”) commence its function on January 15, 2009.

But at this specific moment we are Answering our Complaint CWA-02-2009-3456 having in mind its **Main Objective** to accomplished with the **Phase II Rule** that defines small MS4s storm water management program (SWMP) as a program comprising six elements that, when properly implemented, are expected to result in significant reductions of potential pollutants discharged into receiving water bodies The six programs elements described in the permit as “minimum control measures” are:

- Development of a Public education and outreach program on storm water impacts.
- Development of a public involvement/participation program
- Development of an illicit discharges detection and elimination program.
- Development of a construction site storm water runoff control program.
- Development of a post-construction storm water management program for new developments and redevelopments
- Development of a pollution prevention

The objective of our proposed **SWMP** is:

- To comply with the requirements of the **Small MS4** General Permit applicable to Puerto Rico, Permit No. **PRR04000**.
- To describe the storm water management controls that Las Piedras Municipality will develop and implement to reduce the discharges of pollutants from the Las Piedras small **MS4** to the Maximum extent practicable (**MEP**)

8) Actual economical crisis have limited available funds at small and large municipalities in the process to comply with law requirements, but this SWMP program being a” Must”, our Municipality must approve this season its internal legislation budget in order to accomplish with SWMP in the next 24 months.

B) The Facts Respondent’s dispute:

1) The New Municipal Administration (“Present Administration”) commence its function on January 15, 2009.

2) Complaint Docket Number CWA-02-2009-3456 was received on April 14, 2009 and answered on April 21, 2009 on Certified Mail by Mayor Miguel A López Rivera. The reaction to this Complaint of April 14, 2009 was the immediate answering into 30 days period (See Annex 3)

3) There no way, the Present Administration could answer CWA-02-2008 3118 or develop and fully implement our program. (Five Years period from March 10, 2003 to July 18, 2008.)

4) On August 06, 2009 Essayon Design & Management Solutions, Inc submit **NOI**-Application to Puerto Rico **EPA** Office Director Carl-Axel P. Soderberg. (See Annex 5)

5) **Actual Economical Crisis** have affected Local, Nationwide and Universally and limited available funds at small and large municipalities in the process to comply with Law Requirements, but this **SWMP** program being a” **Must**”, our Municipality must approve this season in its internal Legislation Budget in order to accomplish with SWMP

C) Basis for opposing the proposed relief:

1) It is a **Fact** and there is no evidence that Our Present Administration Failed to Answer the Complaint 2009-3456CWA-02-

2) **Independently of our actual economical crisis and past administration failures we are really engaged to comply with the requirements of the small MS4 General Permit applicable to Puerto Rico, Permit No PRR04000.**

3) **Although Las Piedras Municipality is part of the Commonwealth of Puerto Rico and Past and Present administration must accomplish its Rules and Law Procedures, we have already proved penalty do not proceed on Complaint 2009-3456CWA-02 and must be dismissed in the absence of notification or jurisdiction.**

D) Request of Hearing:

1) Based on our previous arguments and facts we are requesting from EPA **To eliminate the penalty** already notified in the reference complaints, Where reference complaint should be dismissed and give us the opportunity to participate in a **Hearing pursuant** held at location determined in accordance with 40CFR-22.21(d) upon the issues raised by the Complaint and Answer already submitted.

III-PRAYER FOR RELIEF OF PENALTY:

On Behalf of Las Piedras Present Administration and pursuant to Section 309(a) of the Act, 33U.S.C. § 1319(a) and based on our previous arguments and facts, Respondent on Complaint 2009-3456CWA-02, **is requesting to eliminate the penalty already notified where reference complaint should be dismissed by lack of notification and jurisdiction and give us the opportunity to participate in a Hearing (If needed) at Las Piedras municipality location at Jose Celso Barbosa Street Int. Desvio Jose Gomez and PR 9939.**



Miguel A López Rivera,
Mayor Las Piedras Municipality

Date- August 10, 2009

Annex 1

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. 2
NOV 9 - 6 AM 11:39
REGIONAL HEARING CLERK

IN THE MATTER OF:

Culebra Resort Associates
P.O. Box 192336
San Juan, Puerto Rico 00917-2336

Villa Mi Terrufo Development
NPDES Permit Number PRU202016

Respondent

Proceeding pursuant to Section 309(g)
of the Clean Water Act 33 U.S.C. §1319(g)

Docket No. CWA-02-2008-3356
Proceeding to Assess a Class I
Civil Penalty

ANSWER TO COMPLAINT AND REQUEST FOR HEARING

TO: Regional Hearing Clerk
U.S. EPA Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

COMES NOW Respondent Culebra Resort Associates II S. en C. por A., S. I (hereinafter CRA) through its undersigned representative and respectfully alleges, states and requests as follows:

1. On October 9, 2008, CRA received by mail an Administrative Complaint Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing (hereinafter Complaint), that had an attached certificate to that effect that it was served by mail on October 6, 2008.

2. Within 30 days after receipt of the Complaint, and pursuant to 40 C.F.R. §22.1: CRA hereby files an Answer to the Complaint contesting the jurisdictional findings and the material facts upon which it is based, and contending that the proposed penalty is not applicable

3. Respondent, CRA, without submitting to the jurisdictional authority regarding the subject matter of the Regional Administrator of Region 2, EPA and/or the Director of the

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

MUNICIPALITY OF LAS PIEDRAS
P. O. Box 68
Las Piedras, Puerto Rico 00771

RESPONDENT

Proceeding pursuant to Section 309(g)(2)(B) of
the Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS A
CLASS II CIVIL PENALTY**

**DOCKET NUMBER
CWA-02-2009-3456**

**COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF PROPOSED
ASSESSMENT OF A CIVIL PENALTY, AND
NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

I. STATUTORY AUTHORITY

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing ("Complaint") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g)(2)(B) of the Clean Water Act (the "Act" or "CWA"), 33 U.S.C. §1319(g)(2)(B). The Administrator of EPA has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Caribbean Environmental Protection Division of EPA, Region 2 ("Complainant").
2. Pursuant to Section 309(g)(2)(A) of the Act, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 CFR § 22, a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against the Municipality of Las Piedras ("Respondent"), as a result of Complainant's determination that the Respondent is in violation of Sections 402 and 308 of the Act, 33 U.S.C. §§ 1318 and 1342, for its failure to apply for a National Pollutant Discharge Elimination System (NPDES) permit for the discharges of pollutants from the Las Piedras municipal separate storm sewer system into waters of the United States.

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3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides in part that "except as in compliance with this Section and Sections . . . 402, and 404 of the Act, the discharge of any pollutant by any person shall be unlawful."
4. Section 308 of the Act, 33 U.S.C. § 1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. § 1342.
5. Section 402 of the Act, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the Act and such conditions as the Administrator determines are necessary.
6. The Act and its implementing regulations contain the following definitions:
 - a) "Navigable waters" means the waters of the United States and territorial seas, pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7).
 - b) "Pollutant" means, but is not limited to, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, and industrial, municipal and agricultural waste discharged into water, pursuant to Section 502(6) of the Act, 33 U.S.C. § 1362(6).
 - c) "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, ..." pursuant to Section 502(14) of the Act, 33 U.S.C. § 1362(14).
 - d) "Discharge of a pollutant" means any addition of any pollutant to navigable waters from any point source, pursuant to Section 502(12) of the Act, 33 U.S.C. § 1362(12).
 - e) "Person" means, but is not limited to, an individual, corporation, partnership or association, pursuant to Section 502(5) of the Act, 33 U.S.C. § 1362(5).
 - f) "Owner or Operator" means the owner or operator of any facility or activity subject to regulation under the NPDES program.

- g) "Municipality" means, among other things, a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under Section 208 of the Act.
- h) "NPDES" means a National Pollutant Discharge Elimination System pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
- i) "Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains).... pursuant to 40 CFR § 122.26(b)(8).
- j) "Small municipal separate storm sewer system" means all separate storm sewers, pursuant to 40 CFR § 122.26(b)(16), that are:
- i. Owned or operated by the United States, 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, storm water, 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. Not defined as "large" or "medium" municipal separate storm sewers pursuant to paragraphs 40 CFR §§ 122.26(b)(4) and (b)(7), or designated under paragraph 40 CFR § 122.26(a)(1)(v).
 - iii. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

II. JURISDICTIONAL BASIS

7. Respondent is a person pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
8. Respondent owns and operates a Small Municipal Separate Storm Sewer System ("Small MS4").
9. The MS4 is a point source pursuant to 502(14) of the Act, 33 U.S.C. § 1362(14)

10. Respondent's MS4 is located in an urbanized area of Las Piedras, Puerto Rico.
11. The MS4 discharges into Río Valenciano.
12. Río Valenciano is a water of the United States pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7).
13. Section 402(p)(6) of the Act, 33 U.S.C. § 1342(p)(6), authorized EPA to issue storm water regulations and permits to Small MS4s.
14. On December 9, 1999, EPA promulgated the Phase II storm water regulations under Section 402(p)(6) of the Act.
15. EPA promulgated regulations at 40 CFR §§ 122.26(a)(9)(ii), 122.26(b)(16) and 122.33, which require certain municipalities to apply for and obtain a NPDES permit for the discharges from Small MS4s.
16. Regulations found at 40 CFR §§ 122.26(e)(9) and 122.33 require Respondent to submit a permit application before March 10, 2003.
17. On November 6, 2006, EPA Region 2 issued and published the NPDES General Permit for Discharges from Small MS4s (the "permit").
18. The permit became effective on November 6, 2006, and will expire on November 6, 2011.
19. The permit established application requirements through a Notice of Intent ("NOI") filing process and application deadlines.
20. Municipalities who intended to obtain coverage should have submitted the NOI form on or before February 5, 2007.
21. The permit also established that permittees must submit to EPA a hard and electronic copy of the Storm Water Management Program ("SWMP") by August 6, 2007.

III. FINDINGS OF VIOLATIONS

22. Complainant re-alleges and incorporates by reference paragraphs 1-21 above.
23. By letter dated February 12, 2003, EPA informed Respondent of the NPDES storm water permit application requirements for Small MS4s.
24. On July 10, 2007, EPA sent a Request for Information letter ("RFI") to Respondent pursuant to Section 308 of the CWA, 33 U.S.C. § 1318.

25. The RFI ordered Respondent to produce evidence that it had submitted a NOI for coverage under the permit.
26. Respondent acknowledged receipt of the July 10, 2007 letter by United States Post Office return receipt dated July 18, 2007.
27. Respondent failed to produce evidence that it had submitted a NOI.
28. Respondent failed to apply for a NPDES permit for its storm water discharges from the MS4s into waters of the United States, therefore, the Respondent has been found to have violated the Act.
29. Based on Respondent's failure to submit a NOI or any other NPDES permit application, EPA issued to Respondent an Administrative Compliance Order ("ACO"), Docket Number CWA-02-2008-3118, dated February 16, 2008.
30. Respondent acknowledged receipt of the ACO by United States Post Office return receipt dated February 22, 2008.
31. The ACO included Ordered Provisions which required Respondent to among others: (a) submit a NOI within ten (10) days from the receipt of the Order [March 3, 2008]; (b) develop, submit and implement a SWMP within ninety five (95) calendar days from the receipt of the Order [May 27, 2008]; and (c) submit a compliance cost report [June 21, 2008]. Respondent also failed to comply with the Ordered Provisions of the ACO.
32. Based on the Findings in Paragraph 23-31 above, Respondent violated Sections 308 and 402 of the Act, 33 U.S.C. §§ 1318 and 1342, by failing to apply for a NPDES permit.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

33. Based on the foregoing Findings of Violation, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Debt Collection Improvement Act of 1996, EPA, Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties (Final Order) to Respondent assessing a penalty of **\$47,738**.
34. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). They are: the nature, circumstances, extent and gravity of the violation (or violations), and Respondent's prior compliance history, degree of culpability, economic benefit or savings accruing to Respondent by virtue of the violations, and Respondent's ability to pay the proposed penalty. Such determination is found in the March 23, 2009 memorandum prepared for this case.

35. EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondent's receipt of this Notice unless Respondent, within that time, files an Answer to the Complaint and requests a Hearing on this Notice pursuant to the following section.

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE ACTION

36. The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 CFR Part 22. A copy of these rules accompanies this Complaint.

A. **Answering the Complaint**

37. Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint pursuant 40 CFR § 22.15(a).

38. The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th floor
New York, New York 10007-1866**

39. Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action pursuant 40 CFR § 22.15(a).
40. Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which the Respondent has any knowledge pursuant 40 CFR § 22.15(b).
41. Where Respondent lacks knowledge of a particular factual allegation and so states in the Answer, the allegation is deemed denied pursuant 40 CFR § 22.15(b).
42. The Answer shall also set forth:
- a) the circumstances or arguments that are alleged to constitute the grounds of defense,

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- b) the facts that Respondent disputes (and thus intend to place at issue in the proceeding),
 - c) the basis for opposing the proposed relief, and
 - d) whether Respondent requests a Hearing pursuant 40 CFR § 22.15(b).
43. Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a Hearing.

B. Opportunity to Request a Hearing

44. If requested by Respondent in its Answer, a Hearing upon the issues raised by the Complaint and Answer may be held pursuant 40 CFR § 22.15(c).
45. If, however, Respondent does not request a Hearing, the Presiding Officer (as defined in 40 CFR § 22.3) may hold a Hearing if the Answer raises issues appropriate for adjudication pursuant 40 CFR § 22.15(c).
46. Any Hearing in this proceeding will be held at a location determined in accordance with 40 CFR § 22.21(d).
47. A Hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 CFR Part 22.
48. Should Respondent request a Hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment.
49. Should Respondent not request a Hearing, EPA will issue a Final Order, and only members of the public who submit timely comment on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a Hearing thereon.
50. EPA will grant the petition and will hold a Hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure to Answer

51. If Respondent fails in any Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation pursuant 40 CFR § 22.15(d).
52. If Respondent fails to file a timely [i.e. in accordance with the 30-day period set forth in 40 CFR § 22.15(a)] Answer to the Complaint, Respondent may be found in default upon motion pursuant 40 CFR § 22.17(a).
53. Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations pursuant 40 CFR § 22.17(a).
54. Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 CFR § 22.17(c).
55. Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 CFR § 22.27(c) and to 40 CFR § 22.17(d).
56. If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in Federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

57. Whether or not Respondent requests a formal Hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations pursuant 40 CFR § 22.18(b).
58. At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint and Respondent may also provide whatever additional information is believed to be relevant to the disposition of this matter, including:
 - a) actions Respondent has taken to correct any or all of the violations herein alleged,
 - b) any information relevant to Complainant's calculation of the proposed penalty,
 - c) the effect the proposed penalty would have on Respondent's ability to continue in business, and/or
 - d) any other special facts or circumstances Respondent wishes to raise.

59. Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 CFR § 22.18.
60. Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to the EPA attorney named in Section VII Paragraph 82 below.
61. The parties may engage in settlement discussions irrespective of whether Respondent has requested a Hearing pursuant 40 CFR § 22.18(b)(1).
62. Respondent's requesting a formal Hearing does not prevent Respondent from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure.
63. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a Hearing as specified in 40 CFR § 22.15(c).
64. A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 CFR § 22.15.
65. No penalty reduction, however, will be made simply because an informal settlement conference is held.
66. Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. Pursuant 40 CFR § 22.18(b)(2).
67. In accepting the Consent Agreement, Respondent waives any right to contest the allegations in the Complaint and waive any right to appeal the Final Order that is to accompany the Consent Agreement pursuant 40 CFR § 22.18(b)(2).
68. In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed pursuant 40 CFR § 22.18(b)(3).
69. Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order terminates this administrative litigation and these civil

proceedings against Respondent (note that a new enforcement action may be initiated based on continued non-compliance).

70. Entering into a settlement agreement does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

71. Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty (**\$47,738**) within thirty (30) calendar days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment pursuant 40 CFR § 22.18(a).
72. A copy of the check or other instrument of payment should be provided to the EPA attorney named in Section VII Paragraph 82 below.
73. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America," in the full amount of the penalty assessed in this complaint to the following addressee:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000

74. Pursuant to 40 CFR § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order in accordance with 40 CFR § 22.18(a)(3).
75. In accordance with 40 CFR § 22.45(c)(3), no Final Order shall issue until at least ten (10) days after the close of the comment period on this Complaint.
76. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint (note that a new enforcement action may be initiated based on continued non-compliance).
77. Further, pursuant to 40 CFR § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the

allegations made in the Complaint and to appeal said Final Order to Federal court.

78. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VIII. FILING OF DOCUMENTS

79. The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, New York 10007-1866

80. A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

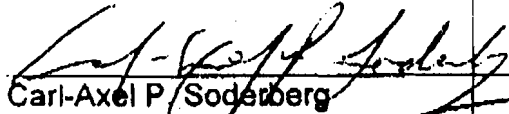
Silvia Carreño, Esq.
Team Leader
Caribbean Team
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907
Telephone (787) 977-5818
Fax: (787) 729-7748

IX. GENERAL PROVISIONS

81. Respondent has a right to be represented by an attorney at any stage of these proceedings.
82. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder, or any applicable permit.

83. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act will affect Respondent's continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

ISSUED THIS 30th DAY OF March, 2009.


Carl-Axel P. Soderberg
Director, Caribbean Environmental Protection Division
U. S. Environmental Protection Agency - Region 2
Centro Europa Building, Suite 417
1492 Ponce de León Avenue
San Juan, Puerto Rico 00907

Complaint against the Municipality of Las Piedras
Docket Number CWA-02-2009-3456
Page 12 of 12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of

MUNICIPALITY OF LAS PIEDRAS
P.O. Box 68
Las Piedras, Puerto Rico 00771

Respondent

Docket No. CWA-02-2009-3456

Proceeding to Assess Class II Civil Penalty
under Section 309(g)(2)(B) of the Clean
Water Act, 33 U.S.C. § 1319(g)

CERTIFICATE OF SERVICE

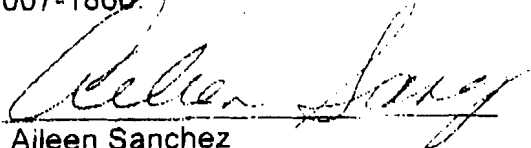
I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits", 40 C.F.R. Part 22, to the following person at the address listed below:

Honorable Miguel A. Lopez Rivera
Mayor
Municipality of Las Piedras
P.O. Box 68
Las Piedras, Puerto Rico 00771

I sent the original and a copy of the foregoing Complaint for filing, to:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, R 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Date: 3/31/09
San Juan, Puerto Rico


Aileen Sanchez

Annex 2

Permit No. PRR040000
Permit No. PRR04000F

**National Pollutant Discharge Elimination System
General Permit for Discharges from Small Municipal Separate Storm Sewer Systems**

Authorization to Discharge Under the National Pollutant Discharge Elimination System

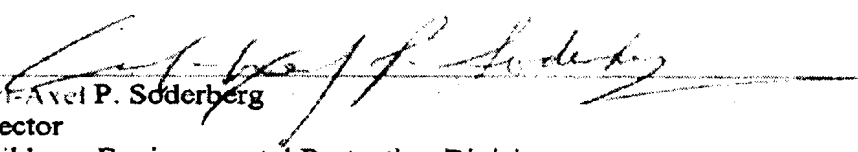
In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.), except as provided in Part 1.3 of this permit, operators of small municipal separate storm sewer systems, located in the area specified in Part 1.1, Commonwealth of Puerto Rico, and who submit a Notice of Intent and a storm water management plan in accordance with Part II, are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein.

This permit becomes effective on **November 6, 2006**.

This permit and the authorization to discharge expire at midnight, **November 6, 2011**.

Region 2

Signed and issued this **21** day of September 2006.



Carl Axel P. Soderberg
Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency
Region II

Annex 3



Gobierno Municipal de Las Piedras
Hon. Miguel A. López Rivera, Alcalde

CERTIFIED MAIL
SENT BY FAX: 787-729-7748 (APRIL 22, 09)

21 de abril de 2009

Carl-Axel P. Soderberg
Director, Caribbean Environmental Protection Division
U.S. Environmental Protection Agency - Region 2
Centro Europa Building, Suite 417
1492 Ponce De León Ave.
San Juan, Puerto Rico 00907-4127

ATTN: Silvia Carreño, Esq.
Team Leader
Caribbean Team
Office of Regional Counsel

RE: **Querella CWA-02-2009-3456**

Estimado señor Director

En comunicación recibida el 14 de abril de 2009, la presente administración del Municipio de Las Piedras advino en conocimiento de la Querella enumerada CWA-02-2009-3456, contra nuestra municipalidad. En la misma, se nos notifica que de encontrarse en penalidad a nuestra administración, el Municipio enfrentaría una penalidad líquida por la cantidad de \$47,738.

Habiendo hecho las revisiones correspondientes, sorpresivamente no encontramos expediente alguno relacionado con la querella de referencia, así como de los asuntos que la motivan. Entendemos pertinente hacerle saber que la nueva administración municipal, entró en funciones el pasado 15 de enero de 2009. Previo a ello, tuvimos la oportunidad de participar en un contencioso proceso de transición en donde la información no fluyó adecuadamente, y en ocasiones, no se nos proveyó la información requerida para asumir el poder de una forma responsable y conciente de todos los pormenores que requerían atención inmediata. Lamentablemente para nosotros, en dicho proceso de transición no recibimos información alguna relacionada con los asuntos esbozados en la referida querella. Ello, nos pone en una posición muy difícil como para poder contestar la misma adecuadamente, mas aún, desconociendo la totalidad de los alegatos de los en donde se acusa al Municipio.

"Trabajando por nuestro pueblo, Las Piedras es Puerto Rico"
PO Box 68, Las Piedras, PR 00771 • Teléfono (787) 733-2160 • Fax (787) 733-0165

Carl-Axel P. Soderberg
Director, Caribbean Environmental Protection Division
U.S. Environmental Protection Agency -- Region 2
Querrela CWA-02-2009-3456
21 de abril de 2009
Página 2

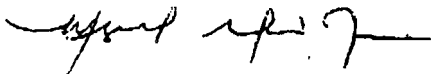
Somos conscientes que a pesar de que los procesos de transición, y posterior advenimiento al poder entre una administración y otra, no debe ser óbice para el desconocimiento de asuntos tan meritorios como éste. No obstante, en cuanto al proceso que se llevó a cabo en el Municipio de Las Piedras, al ser uno tan contencioso, nos hemos visto impedidos de aprovecharnos de valiosa información que nos pusiera en la posición de poder responder a ciertos asuntos que requerían prioridad, y que no es hasta que nos hemos topado con ellos, que hemos podido tomar acción diligente en torno a una solución efectiva.

A tenor con todo lo antes expuesto y a fin de poder cumplir con lo establecido en el procedimiento a seguir y poder contestar la querrela correspondiente, agradeceré profundamente el que se nos otorgue audiencia a fin de poder revisar el expediente, discutir los hallazgos y entrar en conocimiento de las alegadas faltas del Municipio, y de haberlas, encontrar un remedio óptimo y tomar acción lo antes posible.

Agradeceré muy profundamente toda acción conducente a complacer nuestra petición, toda vez que somos concientes de la premura y delicadeza del asunto en cuestión.

Esperando pronta respuesta a nuestra petición, quedo de usted. Puede contactarnos al teléfono (787) 733-4595, al fax (787) 733-0165 o escribanos a heydeccnid@gmail.com.

Cordialmente



Miguel A. López Rivera, Alcalde

"Trabajando por nuestro pueblo, Las Piedras es Puerto Rico"
PO Box 68, Las Piedras, PR 00771 • Teléfono (787) 733-2160 • Fax (787) 733-0165



RSP & Associates Law Office

Raúl Santiago Pérez, JD Managing Partner

20 de abril de 2009

Hon. Miguel A. López Rivera
Municipio de Las Piedras
PO Box 68
Las Piedras, PR 00771

RE: NOTIFICACION DE INTENCION DE MULTA POR LA CANTIDAD DE \$47,738.00 EMITIDA POR LA ENVIROMENT PROTECTION AGENCY CONTRA EL MUNICIPIO DE LAS PIEDRAS

Estimado Alcalde:

El 17 de abril de 2009 recibimos del Municipio una orden emitida por la EPA el 31 de marzo de 2009 contra el Municipio de las Piedras. Ver anejo 1'

En la referida notificación la EPA le concedió al Municipio un Término de 30 días para que conteste la querrela los cuales vencen el 29 de abril de 2009. Dentro del periodo señalado hoy que solicita la vista administrativa y todos los justificantes sobre las acciones afirmativas relatadas en la misma.

Es importante que este asunto sea contestado por el Director de Obras Públicas Municipal y la asesora en asuntos relacionados con la evidencia que obre en el Municipio la cual no tenemos en estos momentos.

De vencer el periodo antes señalado, el Municipio será responsable del pago antes señalado.

Cordialmente,

Raúl Santiago Pérez

mrp

100 Carr. PR-165, Suite 409, Guaynabo, Puerto Rico 00968-8048
Tel. (787) 273-7625 / Fax. (787) 277-0064
raulsantiago@prtc.net

Annex 4



HON. MIGUEL A. LÓPEZ RIVERA
ALCALDE

ESTADO LIBRE ASOCIADO DE PUERTO RICO
GOBIERNO MUNICIPAL
LAS PIEDRAS, PUERTO RICO

Oficina de Planificación y Desarrollo

26 de junio de 2009

Correo Certificado
7009 0820 0000 5400 2780

Sra. Silvia Carreño, Esq.
Team Leader – Caribbean Team
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907

Estimada señora Carreño:

Re.: Programa de Manejo del Sistema Pluvial Municipal
NPDES Fase II

Un cordial saludo para usted y su equipo de trabajo de parte del Hon. Miguel A. López, Alcalde del Municipio de Las Piedras y de este servidor.

Deseo comunicarle que diligentemente hemos tomado la decisión de contratar los servicios de la compañía Essayon Design & Management Solution, Inc. para realizar todos los trabajos concernientes a nuestro Plan de Manejo del Sistema Pluvial Municipal "Clean Water Act" para establecer toda la responsabilidad y solución efectiva a tenor con las leyes federales y estatales ante lo expuesto.

Agradecemos la oportunidad que nos brinda ante la acción conducente. De tener duda al respecto, favor de comunicarse con la Oficina de Planificación y Desarrollo a los teléfonos (787) 733-2160 Ext. 487, Fax (787) 733-0165 o correo electrónico alcaldemp@gmail.com y/o jmoralesmlpplanificacion7@gmail.com

Cordialmente,

Juan E. Morales Rivera
Director de Planificación y Desarrollo

c Hon. Miguel A. López Rivera, Alcalde
Sra. Mayra Rivera Medina, Secretaria Municipal

Annex 5

**STORM WATER MANAGEMENT PROGRAM
(SWMP)
LAS PIEDRAS MUNICIPALITY**

**PREPARED FOR:
LAS PIEDRAS PUERTO RICO MUNICIPALITY**

**PREPARED BY:
ESSAYON DESIGN & MANAGEMENT SOLUTIONS,
INC.
CAGUAS, PUERTO RICO**

NOI-APPLICATION

AUGUST 2009

00081-5000
00081-5000
00081-5000

August 05-2009

Carl-Axel P. Soderberg
Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency -Region 2
Multi-Media Permits and Compliance Branch
Centro Europa Building, Suite 417
1492 Ponce de Leon Ave.
San Juan, PR 00907

RE: Notice of Intent (NOI) for Puerto Rico Small MS4 NPDES General Permit
Las Piedras Municipality, Commonwealth of Puerto Rico

Dear Mr. Soderberg:

On November 6, 2006, EPA Region 2 issued and published the NPDES General Permit for Discharges from Small MS4s (the permit) the permit became effective on November 6, 2006, and will expire on November 6, 2011

According to EPA Regulations found at 40 CFR -122.26 (e) (9) and 122.33, require Respondent to submit a permit application before March 10, 2003 and last administration respondent failed to produce evidence that it had submitted permit applications, including Notice of Intention (NOI) for coverage under the permit for the period between March 10, 2003 and July 18, 2008.

Based on Past Administration Respondent's failure to submit a NOI or any other NPDES permit application, EPA issued to 2008's Respondent, an Administrative Compliance Order ("ACO"), Docket Number CWA-02-2008-3118, dated February 16, 2008. Based on the Findings and violations Region 2 proposes a penalty of \$47,738.

On April 14 2009 The Present Administration for the Municipality of Las Piedras received Complaint # CWA 02-2009-3456 for its failure to apply for a National Pollutant Discharge Elimination System ("NPDES") permit for its storm water discharges from the municipal separate storm sewer systems ("MS4s") into waters of the United States. According to this ,constitutes a violation of Sections 308(a) and 402 (p) of the Clean Water Act ("CWA or the Act"),33 U.S.C.- 1318 (a) and 1342 (p)(4). This complaint is based on the Findings of the 2008-Past administration Respondent's failure and violation already described.

It is our intention to follows the Procedure Governing this Administrative action Answering the Complaint to deny and explain each of the factual allegations that are contained in CWA-02-2008-3118 and to set aside the final order and to hold a Hearing thereon.

Therefore to comply with all applicable statutory and regulatory requirements and to maintain such compliances we are submitting the Request of information from the Environmental Protection Agency (EPA) requesting the submission of a Notice of Intent (NOI) for a National Pollutant Discharge Elimination System (NPDES) General Permit. Las Piedras Municipality has a Small Municipal Separate Storm Sewer System (MS4) operating for many years that discharges storm water mainly to the Valenciano River, Gurabo River and Humacao River.

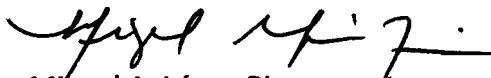
Las Piedras Municipality is located within the South-East San Juan urbanized area as determined by the EPA based on the latest 2000 Decennial Census by the Bureau of Census. Las Piedras is a municipality with a population of less than 100,000 persons. On January 9, 1998, EPA established in the proposed rule for the Commonwealth of Puerto Rico that for MS4s that are located within an urbanized area and the municipality has population of less than 100,000, only the Pueblo will be regulated. Based on this ruling and the urbanized area map prepared by the EPA for Las Piedras Municipality, Las Piedras Pueblo Urbanized Area (LPPUAU) covered by the NPDES General Permit is shown on the maps in Appendix 1.

After review of six (6) Environmental Impact Statement documents for projects in proximity to the (LPPUAU) where the effects on listed endangered or threatened species and critical habitats have been evaluated, there is no reason to believe that the storm water discharges, allowable non-storm water discharges and discharge related activities will jeopardize the continued existence of any species or result in the adverse modification or destruction of critical habitat. Also, based on this evaluation, there is no reason to believe that there are suitable habitats for these species within the (LPPUAU).

In addition, after review of six (6) Environmental Impact Statement documents for projects in proximity to the (LPPUAU) where compliance with the National Historic preservation Act have been evaluated, there is no reason to believe that the storm water discharges, allowable non-storm water discharges and discharge related activities will affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior.

So, as required by EPA and to be authorized to discharge storm water from a small MS4, the Municipality of Las Piedras submits a notice of intent (NO I) and a description of their storm water management program that currently is being developed (see NOI in Appendix # 2).

Sincerely,









Miguel A. López Rivera
Mayor, Las Piedras Municipality

Appendix 1

San Juan, PR Urbanized Area - Southeast Portion Storm Water Entities as Defined by the 2000 Census

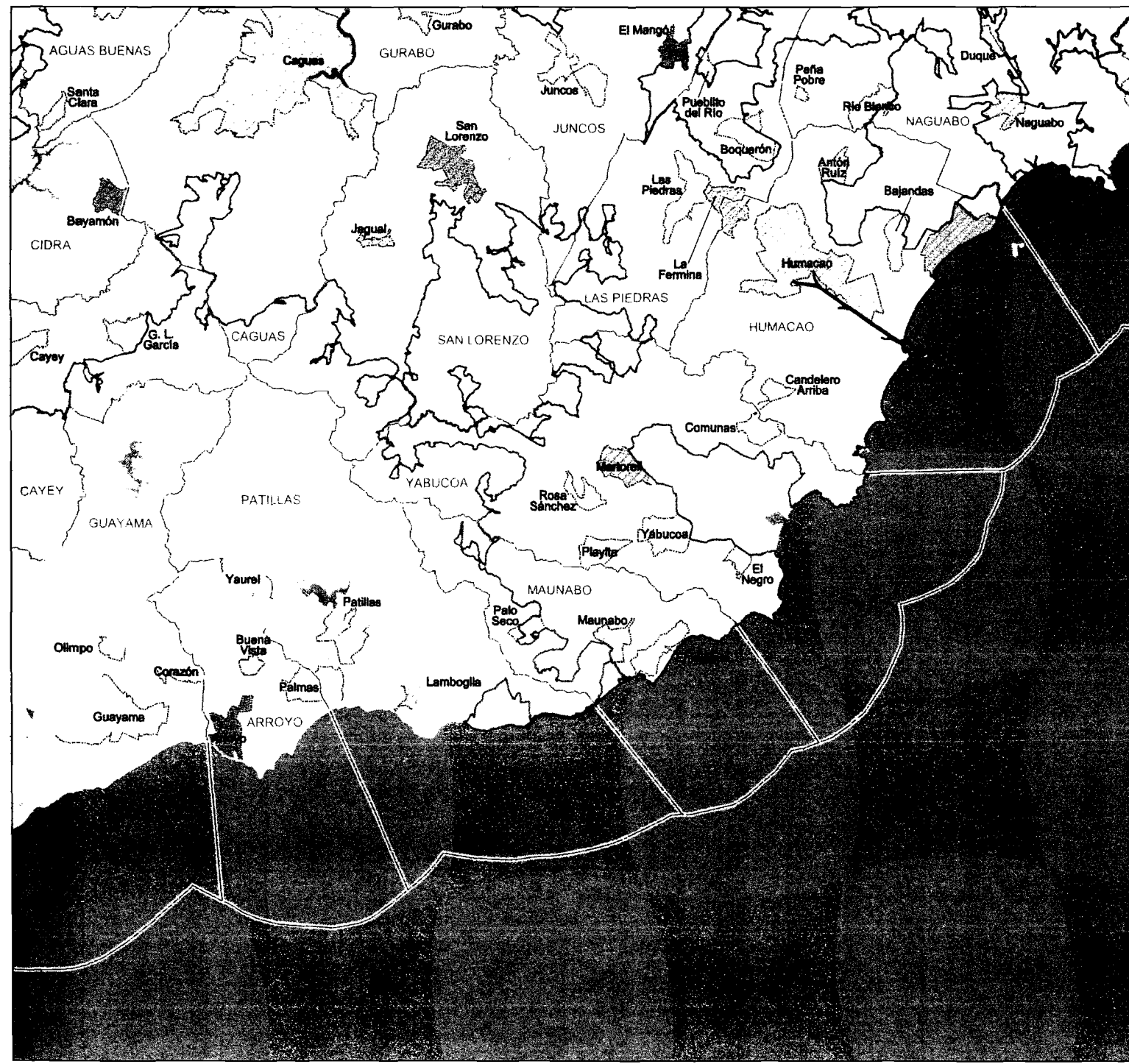
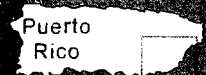
2000 Census Urbanized Areas

-  San Juan, PR
-  Fajardo, PR
-  Guayama, PR
-  Municipal Boundaries
-  County Boundaries
-  Major Waterbodies

SOURCE:
US Census Bureau TIGER data, 2000 Census






PROJECTION:
State Plane Coordinate System - Puerto Rico
Horizontal datum - NAD83

MAP DESIGN:
October 15, 2002



San Juan, PR Urbanized Area - Northeast Portion Storm Water Entities as Defined by the 2000 Census

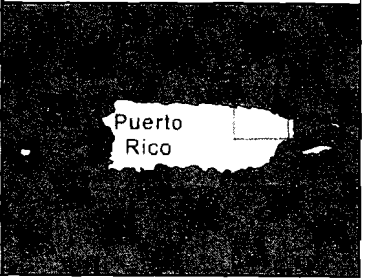
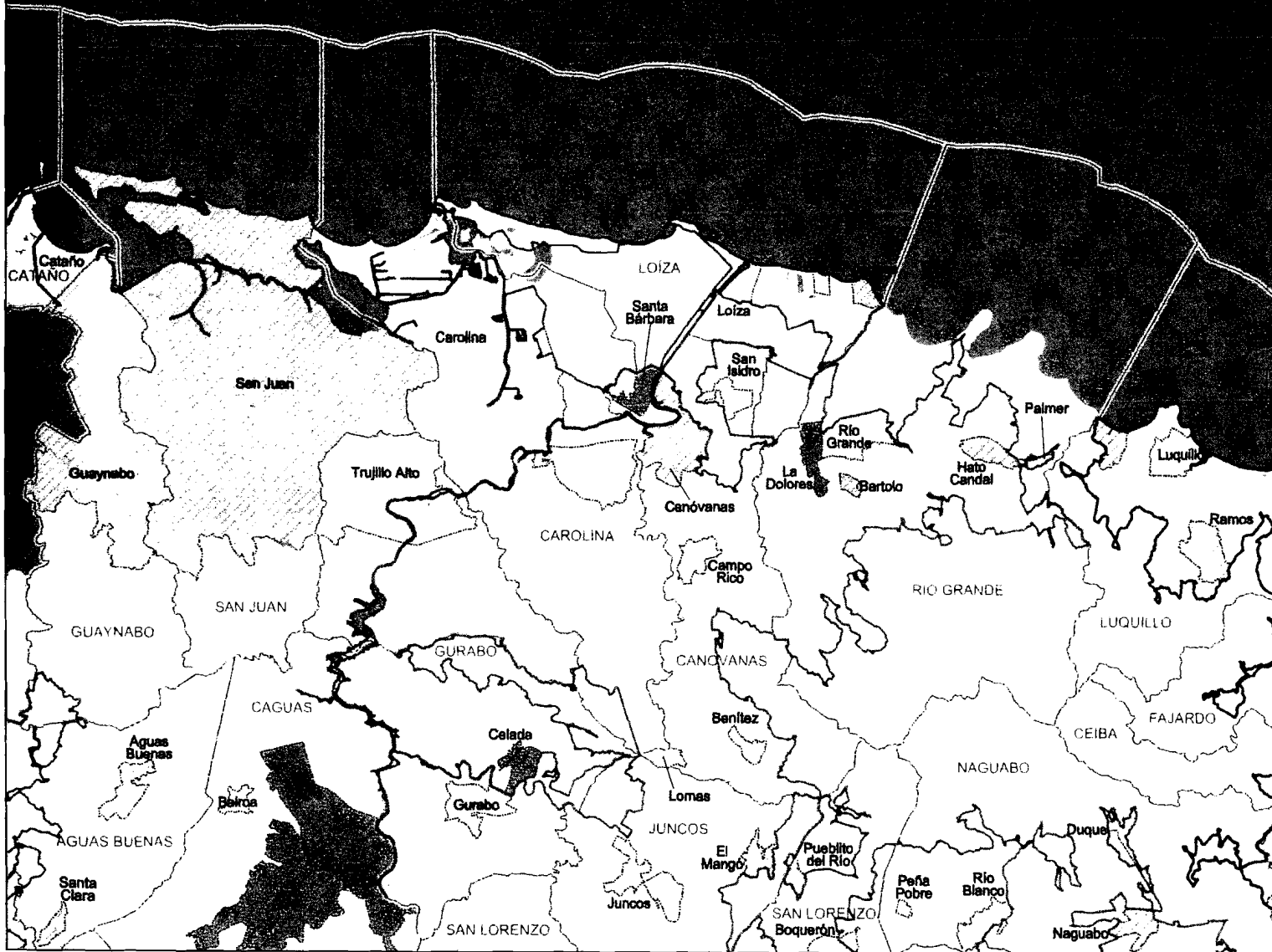
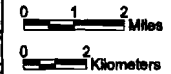
2000 Census Urbanized Areas

-  San Juan, PR
-  Fajardo, PR
-  Municipal Boundaries
-  County Boundaries
-  Major Waterbodies

SOURCE:
US Census Bureau TIGER data, 2000 Census

PROJECTION:
State Plane Coordinate System - Puerto Rico
Horizontal datum - NAD83

MAP DESIGN:
October 15, 2002



Appendix 2

STORM WATER MANAGEMENT PROGRAM (SWMP)
LAS PIEDRAS MUNICIPALITY

PREPARED FOR:
LAS PIEDRAS PUERTO RICO MUNICIPALITY

PREPARED BY:
ESSAYON DESIGN & MANAGEMENT SOLUTIONS, INC.
CAGUAS, PUERTO RICO

NOI-APPLICATION

AUGUST 2009

August 4, 2009

Eng Carl-Axel Soderberg
United States Environmental Protection Agency
Caribbean Environmental Protection Division
Centro Europa Building, Suite 417
1492 Ponce de León Avenue
San Juan Puerto Rico 00907

**Re: Municipality of Las Piedras, Notice of Intent
Puerto Rico NPDES Municipal Separate Storm Sewer System Permit**

Las Piedras Municipality as an owner and operator of a Municipal Separate Storm Water System (MS4) submits this application for coverage under the NPDES Permit PR040000 issued on November 6, 2006 by the U.S Environmental Protection Agency (USEPA) for the Commonwealth of Puerto Rico.

This application follows the format provided in the document **"NPDES" Permit Application Form Regulating Small Municipal MS4s in EPA's Jurisdiction within Puerto Rico** issued by the USEPA on February 2003.

- 1) Las Piedras Municipality, represented by its mayor, Hon. Miguel A. Lopez Rivera operates a municipal separate storm sewer system located Las Piedras, Puerto Rico.
- 2) Las Piedras is located in the East central region of Puerto Rico and is defined by EPA as an urbanized area based on the 2000 census. Las Piedras is spread over seven (7) Wards, Boquerón, Ceiba, Collores, Montones, Quebrada Arenas, Tejas, El Rio and Las Piedras Pueblo (The downtown area and the administrative center of the city).It is part of the San Juan Caguas-Guaynabo Metropolitan Statistical Area. See urbanized areas reference maps on **Attachments I**.
- 3) Operator's General Information:
 - Name: Las Piedras Municipality
 - Representative: Hon Miguel A Lopez Rivera
 - Mailing Address: PO Box 68 Las Piedras Puerto Rico 00771
 - Location of representative's office: City Hall located at Jose Celso Barbosa St. At the west of Las Piedras, Municipality.

- Telephone numbers (787)-733-2160, 0165,2183,2195,2187,2145
 - Las Piedras is located in the East center region of the island, By the North Canovanas and Río Grande; Yabucoa in the South; Naguabo and Humacao by the East and Juncos and San Lorenzo by the West.
- 4) Operator's Standards Industrial Classification Code (SIC) that reflects the service provided by Las Piedras Municipality is **9199** .this industrial Sector is under Division Public Administration of the US Department of Labor.
- 5) Las Piedras is government public entity. Its primary administrative contact is:
- Name: Mrs. Wanda I. Rosa Flores Federal Programs Office Coordinator.
 - Mailing Address: PO Box 68 Las Piedras Puerto Rico.00771
 - Location of representative's office:
José Celso Barbosa St. #223(alto) Las Piedras, Puerto Rico 00771
 - Telephone numbers: (787)-733-2434,733-6180
- 6) Las Piedras does not generate, treat, or dispose hazardous waste; has no permit under The Resource Conservation or Recovery Act. The Municipality does not own or operate a Waste water treatment unit or a portable water plant; has not NPDES permit
- 7) List of Environmental Permits
- a) Resource Conservation or Recovery Act: NONE
 - b) Underground Injection Control under the Safe Drinking Water Act: NONE
 - c) NPDES program under the Clean Water Act: NONE
 - d) Prevention of Significant Deterioration program under the Clean Air Act: NONE
 - e) Non attainment program under the Clean Air Act: NONE
 - t) National Emission Standards for Hazardous Air Pollutants and Pre-construction Approval under the Clean Air Act: NONE
 - g) Ocean Dumping Permits under the Marine Protection Research and Sanctuaries Act: NONE
 - h) Dredge or fill permits under section 404 of the Clean Water Act: NONE
- 8) **-Attachments II** of This Notice of Intent Application (**NOI**) include a Topographic map of the municipality, extending 1 mile beyond the property boundaries. If existing within the coverage area, the map locates the intake and discharge structures, hazardous waste treatment, storage, or disposal facilities, Underground injection, Control systems, Drinking water wells, and

surface water bodies. Also, the location of all storm water outfalls, with name and location of US water receives those discharges.

As a summary, all the bodies of water flowing through Las Piedras are part of the Gurabo-Watershed, except Rio Humacao that outlets into Vieques Passage, a small passage between Atlantic and Caribbean Ocean the Humacao River Watershed that includes 16,477 acres is bounded by the watersheds on the West with Valenciano and Cayaguax tributaries of the Loiza River. All streams in Las Piedras, Quebrada Honda, De Los Rábanos, Arenas and Valenciano River are part of Gurabo Watershed. The main Rivers passing through Las Piedras Municipal territory are the Humacao River, Valenciano River and Gurabo River, which is the main tributary of the Rio Grande de Loiza and supplies water to the Reservoir. A map of roads and streams supplied by the municipality of Las Piedras Planning Officer shows over three (3) creeks and streams those water bodies previous mentioned drain through Rio Grande de Loiza.

Downtown Las Piedras Pueblo ward and crossing PR 198 from West(Juncos) to East(Humacao) (José Celso Barbosa Street there are sixty-one (61) storm water inlets and three (3) identified storm drains. Nineteen (19) storm inlets and three (3) water storm drains in PR 921; Ten (10) water inlets in PR 936 ;and Five (5) water inlets in PR 9939 At PR 198 km 24.3and at the end of la Fermina Community there are two outfall tributaries to Rio Humacao.

Also in PR 183 from Las Piedras Intersection with PR 30 thru Montones Ward and San Lorenzo there is twenty eight (28) waters inlets and three Outfalls in front of McNeil ,Flexi Package and Ceramco Industries sector.

Storm water outfall locations studies are not completely finished but must be terminated by December 2009 .A Map of Las Piedras Urbanized Area MS4 including outside urban areas from Las Piedras Pueblo is expected to be completed by December 2009.

See other relevant maps and Photos in Attachment III

9-Las Piedras's population is estimated at 34,485 according to 2000 Census and 41,733 as internal Statistical from Public Work Department municipality census for 2007 .Its urban center for which this MS4 applies Las Piedras Pueblo Ward is 1,911.according to 2000-Census There are 28 urban development's for Las Piedras Municipality. The municipality of Las Piedras is composed of eight (8) Wards

10-Las Piedras has many services areas, the following are the principal service areas that will be directly involve with the implementation of the Storm Water Program:

- Federal Program Office

- Planning Department
- Municipal Public Works Department
- Medical Emergency Department
- Press, Public Relations and Communications
- Citizens Assistant Office

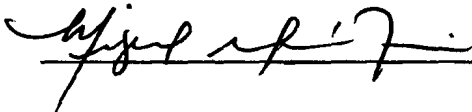
11- Las Piedras territorial extension is 43.4 square miles and its population density is 794.5 /square-miles.

12- Best management Practices and description of the preliminary measurable goals for each of the six minimum controls established as part of Las Piedras Storm Water Program and Storm Water Pollution Prevention Plan.

As the date of this submission, the program is under the development process. When the SWMP is completed it will be certified and submitted to USEPA for review.

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 a qualified personnel properly gather 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 submitted is, to the best of my knowledge and belief, true, accurate, and complete I'm aware that there are significant penalties for submitting false information ,including the possibility of fine and imprisonment for knowing violations".

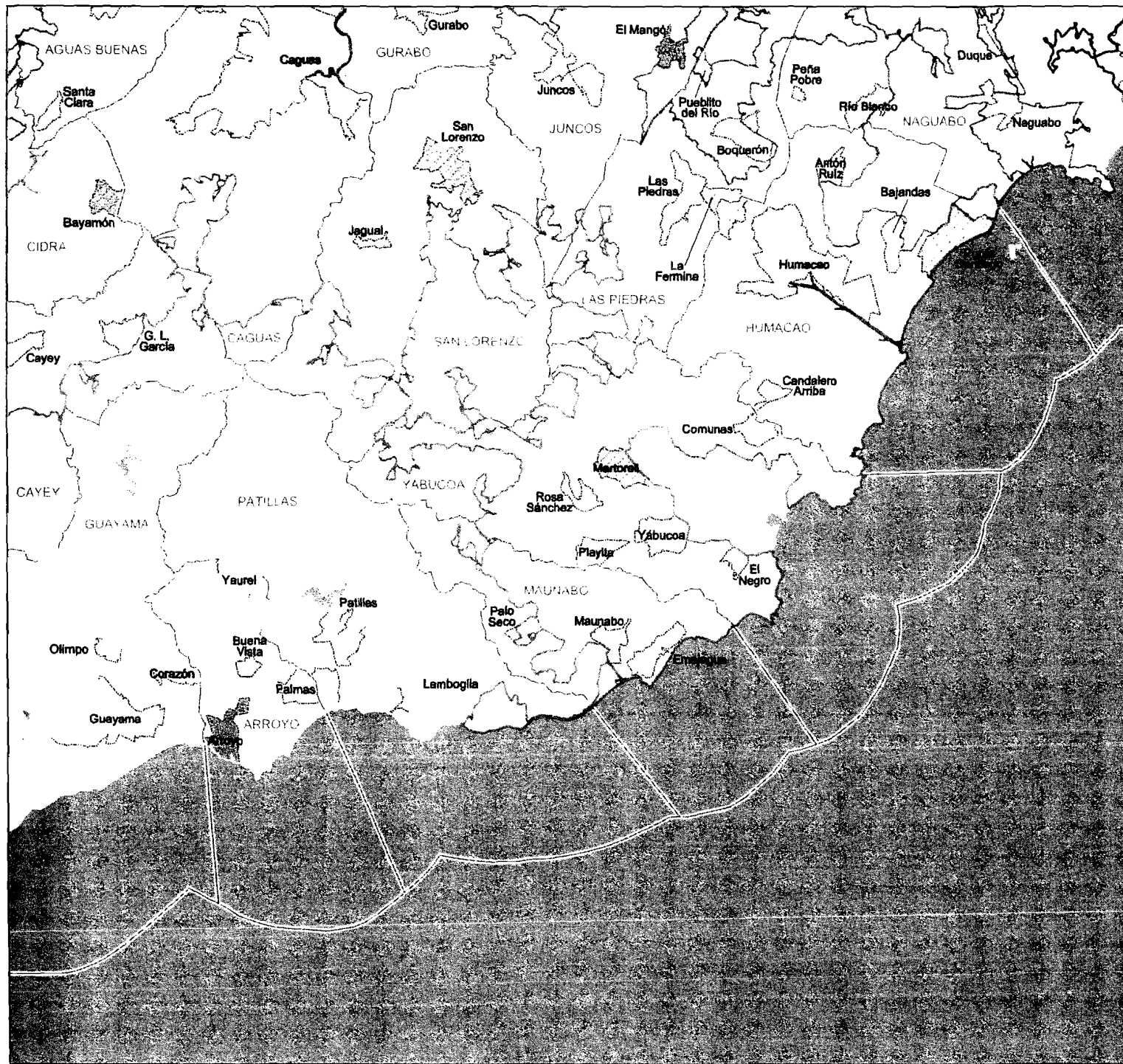


Miguel A López Rivera, -
Mayor Las Piedras Municipality







Date- August 4, 2009

Attachment 1

San Juan, PR Urbanized Area - Southeast Portion Storm Water Entities as Defined by the 2000 Census



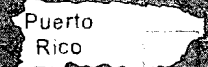
2000 Census Urbanized Areas

-  San Juan, PR
-  Fajardo, PR
-  Guayama, PR
-  Municipal Boundaries
-  County Boundaries
-  Major Waterbodies

SOURCE:
US Census Bureau TIGER data, 2000 Census






PROJECTION:
State Plane Coordinate System - Puerto Rico
Horizontal datum - NAD83

MAP DESIGN:
October 15, 2002



San Juan, PR Urbanized Area - Northeast Portion Storm Water Entities as Defined by the 2000 Census

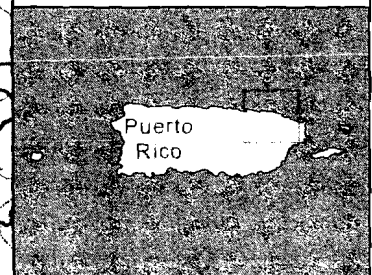
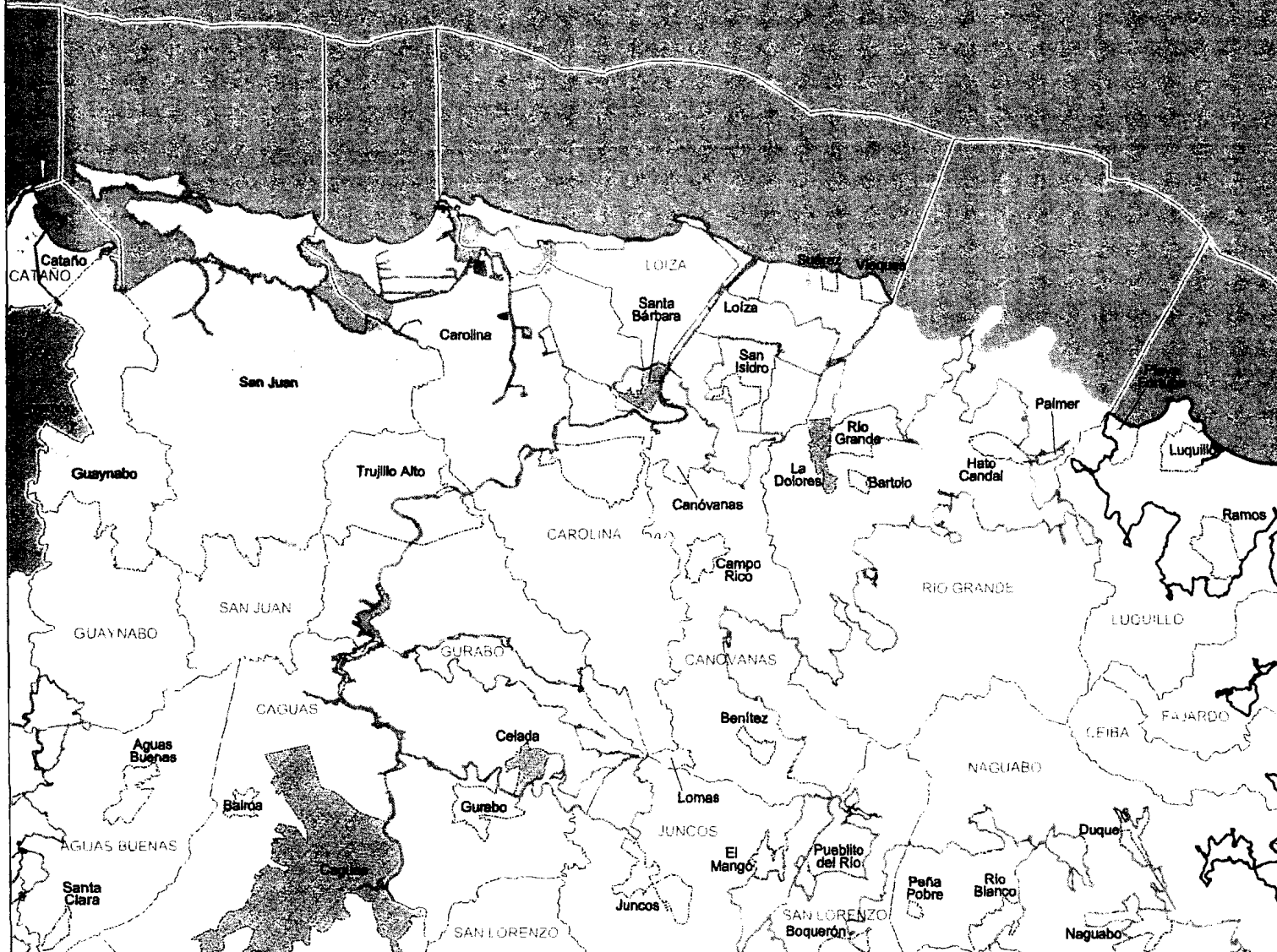
2000 Census Urbanized Areas

-  San Juan, PR
-  Fajardo, PR
-  Municipal Boundaries
-  County Boundaries
-  Major Waterbodies

SOURCE:
US Census Bureau TIGER data, 2000 Census

PROJECTION:
State Plane Coordinate System - Puerto Rico
Horizontal datum - NAD83

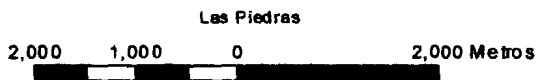
MAP DESIGN:
October 15, 2002



Attachment 2

Las Piedras Mapa Topográfico

Rio Gurabo
Quebrada Arena
Quebrada Honda
Tributario Rio Grande Lolza



Escala: 1: 60,000

Leyenda

- Barrios
- Carreteras Estatales
- Embalse Valenciano
- elevaciones_clip
- red_hidrografica_clip
- Comunidades
- Urbanizaciones

**NOTICE OF INTENT APPLICATION
(NOI) EXTENDING 1 MILE**

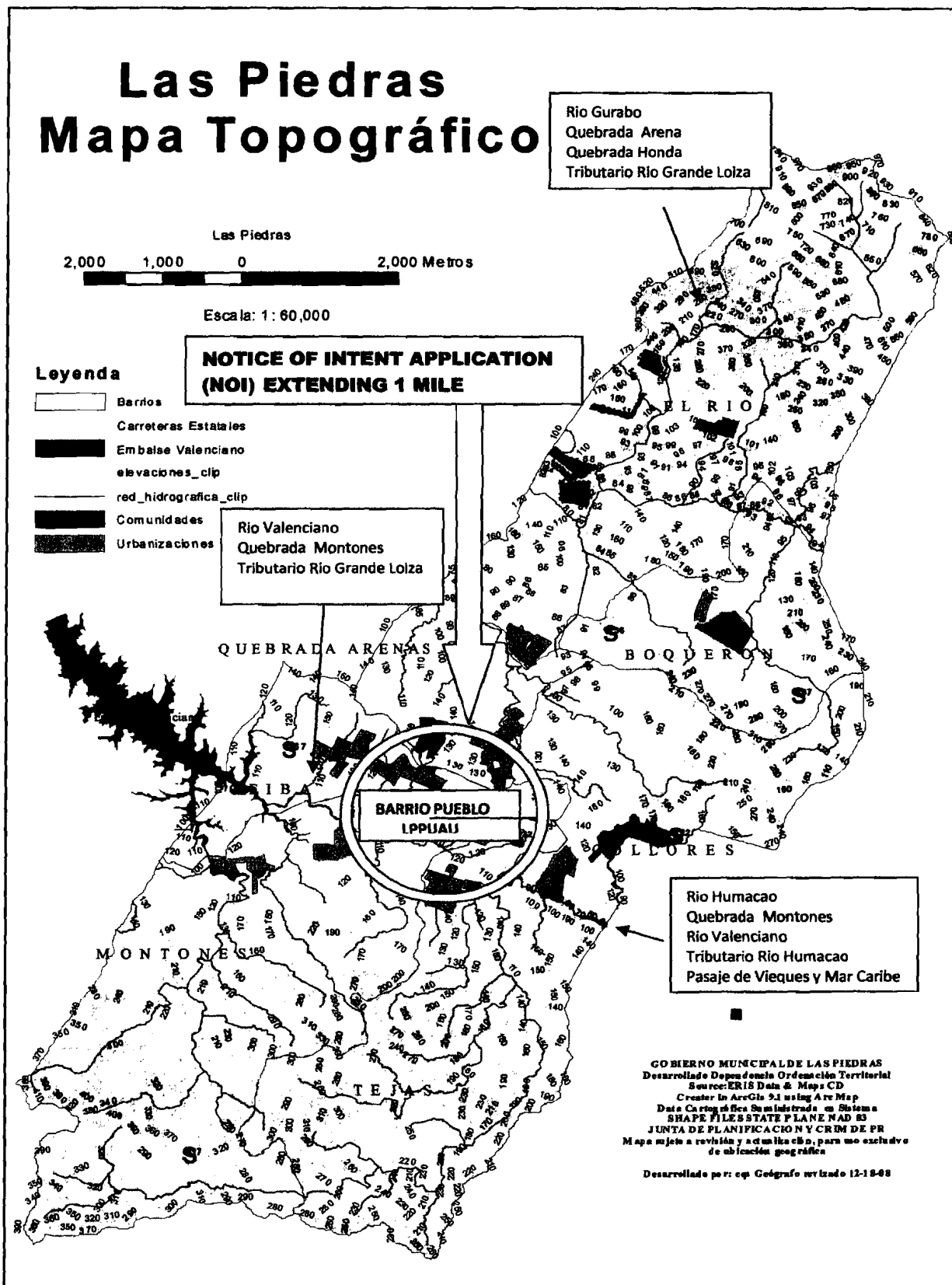
Rio Valenciano
Quebrada Montones
Tributario Rio Grande Lolza

**BARRIO PUEBLO
LPPUAI**

Rio Humacao
Quebrada Montones
Rio Valenciano
Tributario Rio Humacao
Pasaje de Vieques y Mar Caribe

GOBIERNO MUNICIPAL DE LAS PIEDRAS
Desarrollado Dependencia Organización Territorial
Source: ERIS Data & Maps CD
Created in ArcGIS 9.1 using Arc Map
Data Cartográfica Sustrada en Sistema
SHAPE FILES STATE PLANE NAD 83
JUNTA DE PLANIFICACION Y CRIM DE PR
Mapa sujeto a revisión y actualización, para uso exclusivo
de ubicación geográfica

Desarrollado por: csp Geógrafo certificado 12-1848



Description of the Best Management Practices

(Part of Exhibit 2)

The Municipality of Las Piedras will implement the following Best Management Practices for each of the six storm water minimum control measures as described in 40 CFR 122.34(b) (1) through (6).

1) Public Education Programs:

Objective: The Municipality will educate the general public by making 500 impressions per year with a storm water quality message via print, or other appropriate media.

- a. Prepare storm water education materials for citizens
Goal: prepare outreach materials on proper storm water management practices for citizens. Storm water management practices that can include:
 - Avoid blocking existing channels made from storm water flow.
 - Avoid leaving construction materials unprotected from storm water flows.
 - Always clean up debris around the house.
 - Periodically clean storm drains to prevent blockages.

- b. Prepare storm water education materials for citizens on management of household hazardous waste.
Goal: Prepare outreach material on proper household hazardous waste management practices for citizens. Practices include:
 - Proper ways to store paint including how to seal the paint and how to where to store it.
 - How to store pesticides.
 - The proper use of hazardous materials and how much to use and how not to have it release materials into the environment.
 - How to minimize the disposal of hazardous products it is necessary to use when possible nontoxic alternatives.
 - The dangers with flushing waste down the drain.
 - The dangers of pouring hazardous products into gutters, drains, and sewers.
 - Lessons on how to dispose of hazardous waste.

- c. Prepare trash management education material.
Goal: Prepare outreach material on proper trash management practices for citizens. Points include:
 - Implement a control structure designed to target the most prevalent types of trash and identify the source of the trash.
 - Create an inventory of possible locations for trash management and disposal.
 - Regular cleaning and maintenance are necessary to prevent accumulating trash.
 - Inform communities on options to recycle.
 - Promote waste reduction.
 - Cleanup campaigns.

- d. Prepare education/outreach material for commercial activities.
Goal: Prepare educate/outreach material for commercial activities. Some recommendations include:
 - Good storage practices
 - Waste management
 - Vehicle and equipment washing
 - Spill prevention and cleanup
 - Proper maintenance
 - Training and education for employees and customers
 - Eliminating improper discharges to drains
 - Trucking and shipping/receiving
 - Constructing parking and landscaped areas to include storm water management features
 - Using absorbent material to dispose of automotive fluids
 - Rinsing and cleaning parking lots.

- e. Prepare classroom education on storm water pollution management.
Goals: Prepare classroom education material for distribution to local schools. Municipality officials should work with school officials to identify their needs and provide educational aid.

2) Public Involvement Participation:

Objectives: Involve stakeholder groups, include the municipal government, businesses, and citizens in making decisions about the storm water management priorities and programs.

- a. Establish a NPDES storm water steering committee
Goal: The NPDES Storm Water Steering Committee is established and meets during the permit term. It includes members from the Municipality, public, industrial and commercial groups, and constructor and design groups.

- b. Hold public meetings to receive input on the proposed program.
Goal: Two public meetings will be held on the subject.

3) Illicit Discharge and Elimination:

Objectives: Develop a comprehensive map of the storm water drain system, establish and carry out procedures to identify and remove illicit discharges, establish legal authority for enforcement, and encourage public involvement.

- a. Storm drain system map
Goal: Develop a storm drain system map. This will aid the municipality in targeting outfalls and dry weather flows.

- b. Identify illicit connections through dry weather screening
Goal: A survey during dry weather of the storm drain system will be conducted to identify non-storm water flows. Areas with suspicious

activity will be further inspected.

- c. Illicit discharge/illegal dumping hotline
Goal: A number and extension will be assigned to the Municipal government's phone network to provide a hotline for citizens interested in reporting illegal discharges.

- 4) Prepare a program to reduce pollutants in any storm water runoff to our Storm Sewer System from construction activities:
Objectives: Establish a set of minimum erosion and sediment control (ESC) requirements for construction sites, including planning, installation, inspection, and maintenance of ESC practices.

- a. Request (ESC) plans for projects with land disturbance
Goal: A draft ordinance will be prepared that will request an ESC with all project constructions.
- b. Request the use of appropriate perimeter controls.
Goal: ESC requirements will be revised to require all sites on slopes and areas where pooling of water is possible to use perimeter controls.
- c. Develop and education program for contractors.
Goal: Educate contractors about the proper selection, inspection, and Maintenance of BMPs to ensure compliance with the ESC.

- 5) Post-construction storm water management in new developments and redevelopments
Objective: Reduce the volume and improve the quality of storm water runoff by disconnecting impervious surfaces and maintaining structural storm water controls.

- a. Develop a program for maintenance of structural storm water controls.
Goal: Conduct an inventory of structural runoff controls. Integrate the location of these controls with schedules for regular inspection and maintenance. Conduct inspections annually and conduct regular maintenance.
- b. Develop and implement a storm water ordinance and guidance that includes standards to control runoff impacts.
Goal: Construction activities in the Municipality will be issued descriptions and plans regarding control practices and site design that comply with criteria.

- 6) Pollution prevention/good housekeeping for municipal operations.
Objective: Reduce the amount of nutrients entering receiving waters through

education of employees about lawn care activities, spill prevention, control, and vehicle washing.

a. Training program for ground maintenance and landscaping crews.

Goal: Develop a pollution prevention workshop for all municipal employees

Responsible for grounds maintenance and landscaping at public facilities. New

Employees will be trained as they are hired.

b. Develop spill prevention and control plans for municipal facilities.

Goal: Develop plans describing spill prevention and control procedures.

Conduct a spill prevention and response training session for all employees.

Distribute materials, posters, and pamphlets.

Attachment 3









Las Piedras

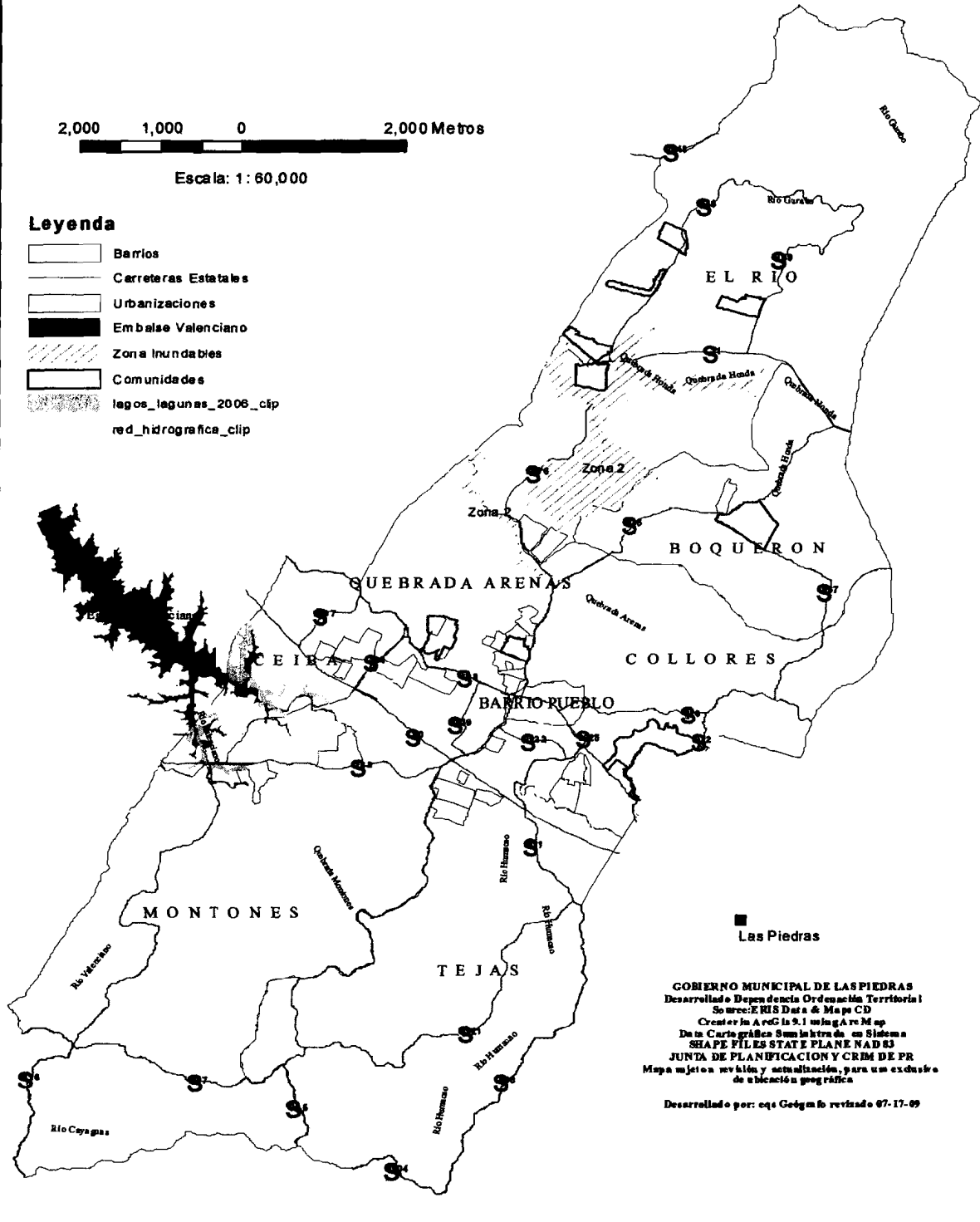
Mapa Hidrografía

2,000 1,000 0 2,000 Metros

Escala: 1: 60,000

Leyenda

-  Barrios
-  Carreteras Estatales
-  Urbanizaciones
-  Embalse Valenciano
-  Zona Inundables
-  Comunidades
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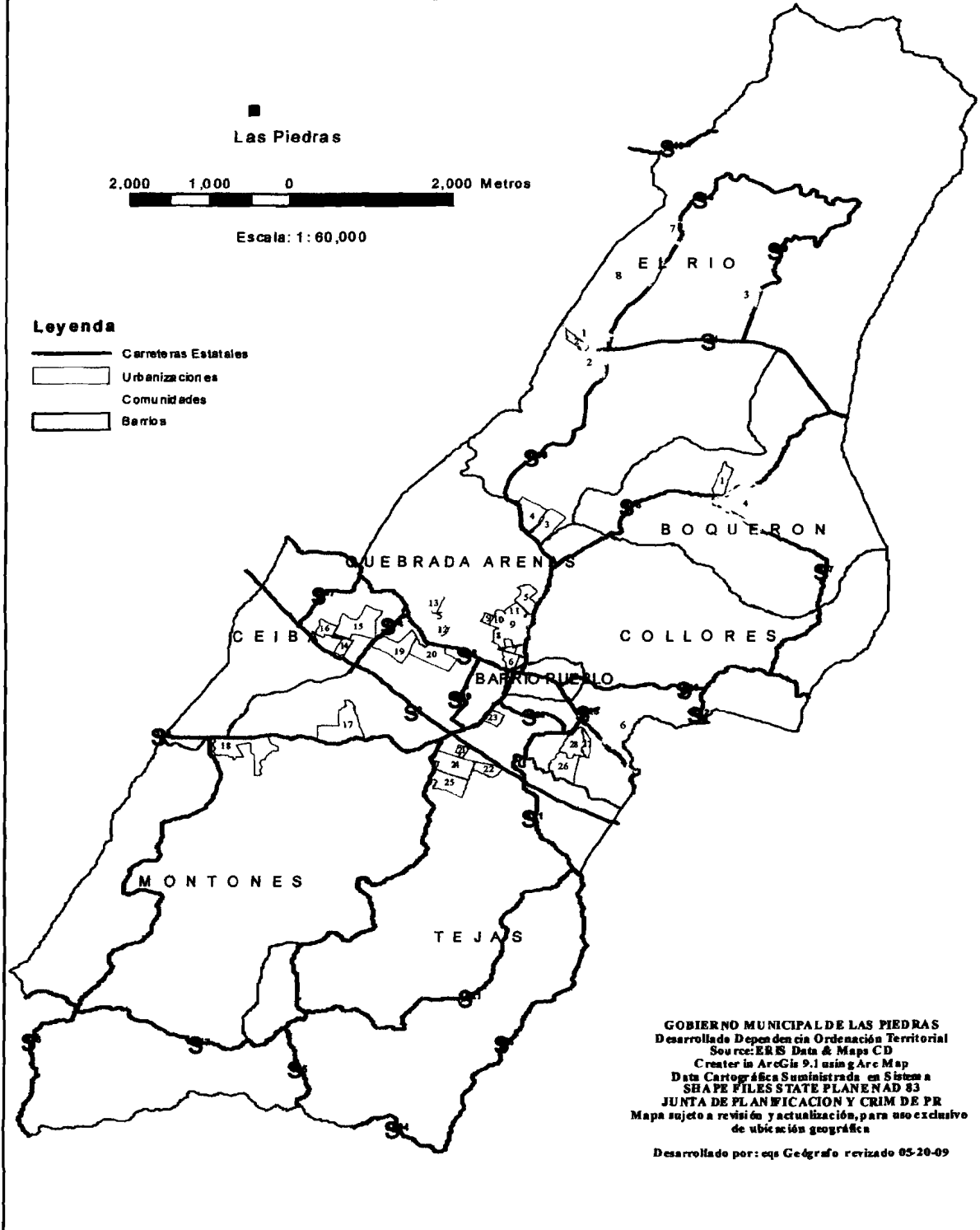


Las Piedras

GOBIERNO MUNICIPAL DE LAS PIEDRAS
 Desarrollado Dependencia Ordenamiento Territorial
 Source: ERIS Data & Mapa CD
 Creador In ArcGIS 9.1 using ArcMap
 Datos Cartográficos Suministrados en Sistema
 SHAPE FILES STATE PLANE NAD83
 JUNTA DE PLANIFICACION Y CRIM DE PR
 Mapa sujeto a revisión y actualización, para uso exclusivo
 de ubicación geográfica

Desarrollado por: cqs Geógrafos revisado 07-17-09

Las Piedras Urbanizaciones y Comunidades



Gobierno Municipal de La Piedras
Urbanizaciones en Las Piedras

Num.	Nombre	Dirección- Barrio	# Vivienda	Acceso Controlado Si o No
1	Urb. Colinas San Agustín	Boquerón	187	No
2	Urb. Brisa del Prado	El Río	81	Si
3	Urb. La Estancia	El Río	135	Si
4	Urb. Palma Royal	El Río	225	Si
5	Urb. Valle Piedras	Quebrada Arenas	152	No
6	Urb. La Inmaculada	Quebrada Arenas	98	No
7	Urb. Ext. La Inmaculada	Quebrada Arenas	48	No
8	Urb. Camino Sereno	Quebrada Arenas	101	Si
9	Urb. Estancia Pietrinova	Quebrada Arenas		Si
10	Urb. Mansiones de Las Piedras	Quebrada Arenas	75	Si
11	Urb. Portales de Las Piedras	Quebrada Arenas	51	No
12	Urb.	Quebrada Arenas	42	No
13	Urb. Estancia del Rocio	Quebrada Arenas	154	No
14	Urb. Olympic Park	Ceiba	48	Si
15	Urb. Olympic Ville	Ceiba	296	Si
16	Urb. Olympic Court	Ceiba	74	Si
17	Urb. Las Campinas	Montones	354	No
18	Urb. Villas de San Cristóbal	Montones	322	No
19	Urb. Mansiones de Los Artesanos	Montones	133	Si
20	Urb. Paseo de Los Artesanos	Montones	231	Si
21	Urb. Olivia Park	Tejas	34	Si
22	Urb. Campo Real	Tejas	82	Si
23	Urb. Parkhurst Gardens	Tejas	68	No
24	Urb. April Gardens	Tejas	345	No
25	Urb. Ext. April Gardens	Tejas	224	No
26	Urb. Vista del Rio	Collores	114	
27	Urb. Ext. Las Mercedes	Collores	53	No
28	Urb. Las Mercedes	Collores	180	No

Fuente: Oficina Ordenación Territorial 2-19-09
Administración Municipal, Inventario estimado de vivienda realizado 07-2007
Ver Anejo Mapa Urbanizaciones en Las Piedras

Gobierno Municipal de Las Piedras
Comunidades

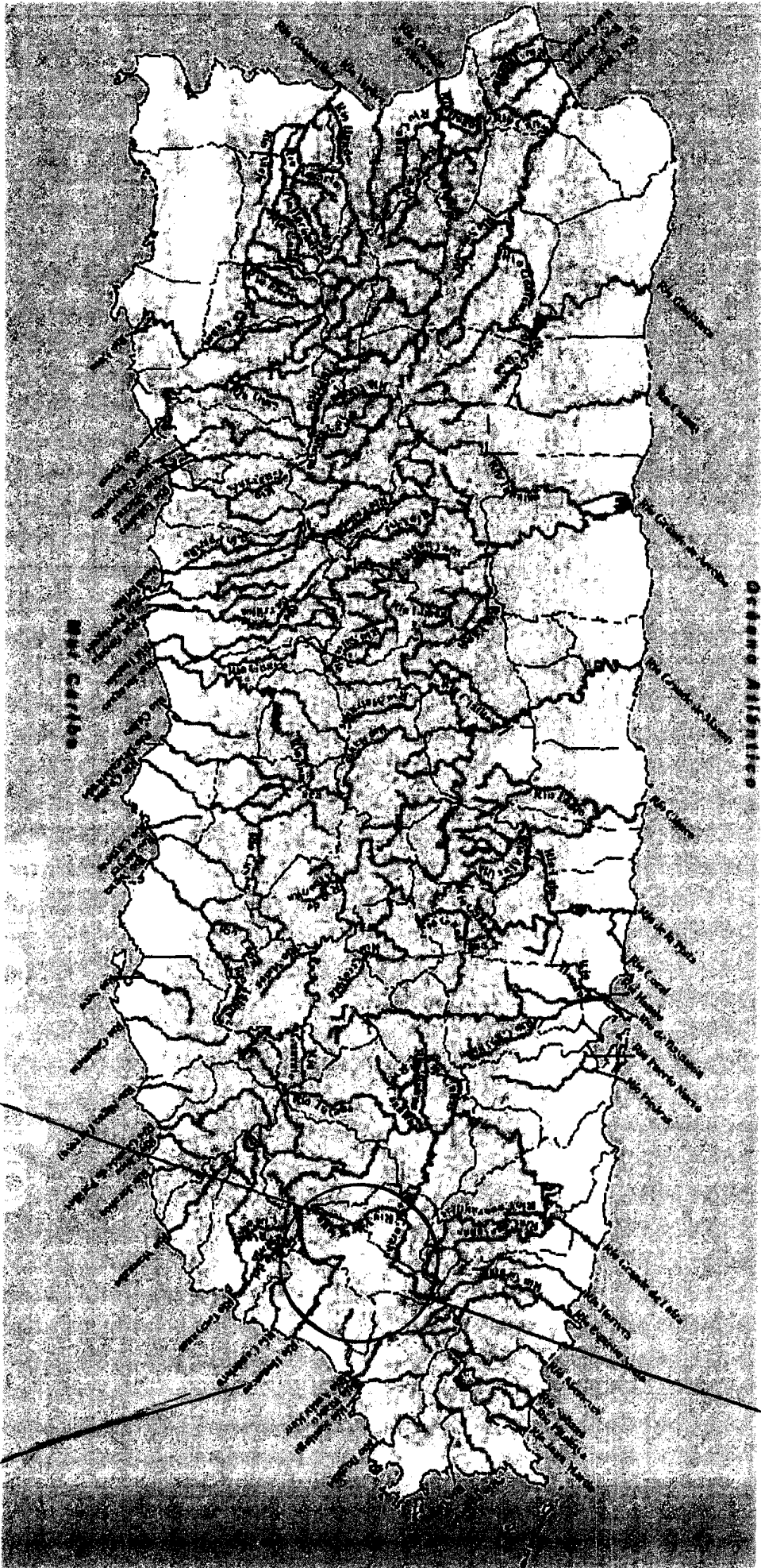
Num.	Nombre	Dirección- Barrio	# Vivienda
1	Pueblito del Río 2	El Río	228
2	Pueblito del Río 1	El Río	203
3	Pasto Seco	El Río	303
4	Melillas	Boquerón	217
5	Jardines de Oriente	Quebrada Arenas	443
6	Fermina	Collores	269
7	Quebrada Grande	El Río	
8	La Pica	El Río	
9	Reparto Arenales	Quebrada Arenas	115

Fuente: Oficina Ordenación Territorial 02-20-09

Revisado 03-24-09

Administración Municipal , Inventario estimado de vivienda realizado 07-2007.

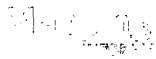
Anejo: ver mapa Las Piedras



RIO VALENCIANO

RIO HUMACAO

RIO GURABO



Home > Map Information Platform > Map Viewer

Home > Map Viewer

View areas at risk of floods in the United States and territories. Search by address, state or zip code or use advanced search options such as coordinates and map scales. View data from 2002 and earlier hurricanes and other hazards.

Geocoder

Overview Map

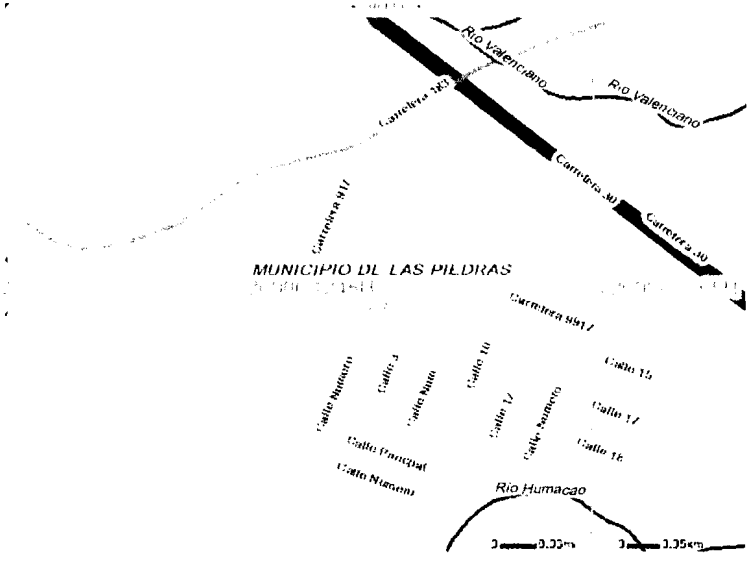


Select Zoom Filter
Zoom to:
Community
Community
Select State for community
PR
Select community
PUEBLITO DEL R??

Zoom Map

Flood Map Viewer

File Navigation Quick Zoom
PR VI AS GU EM US M

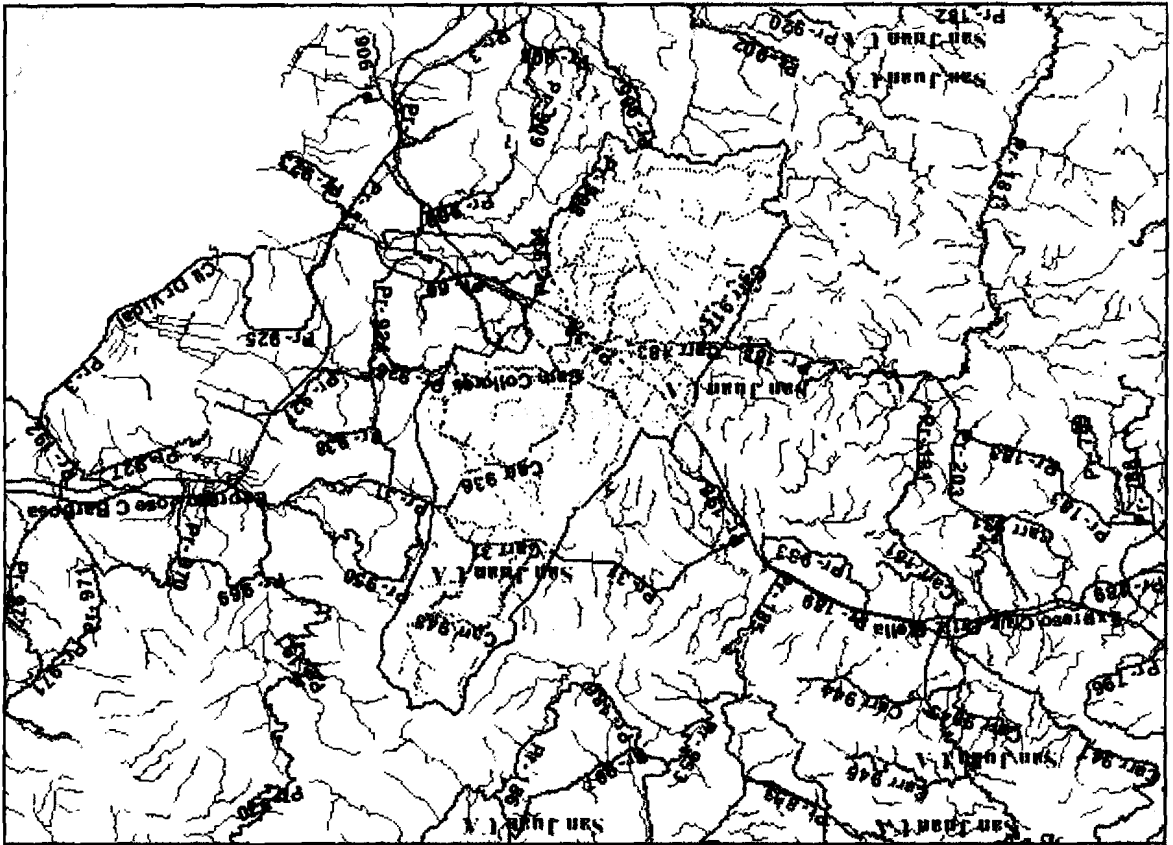


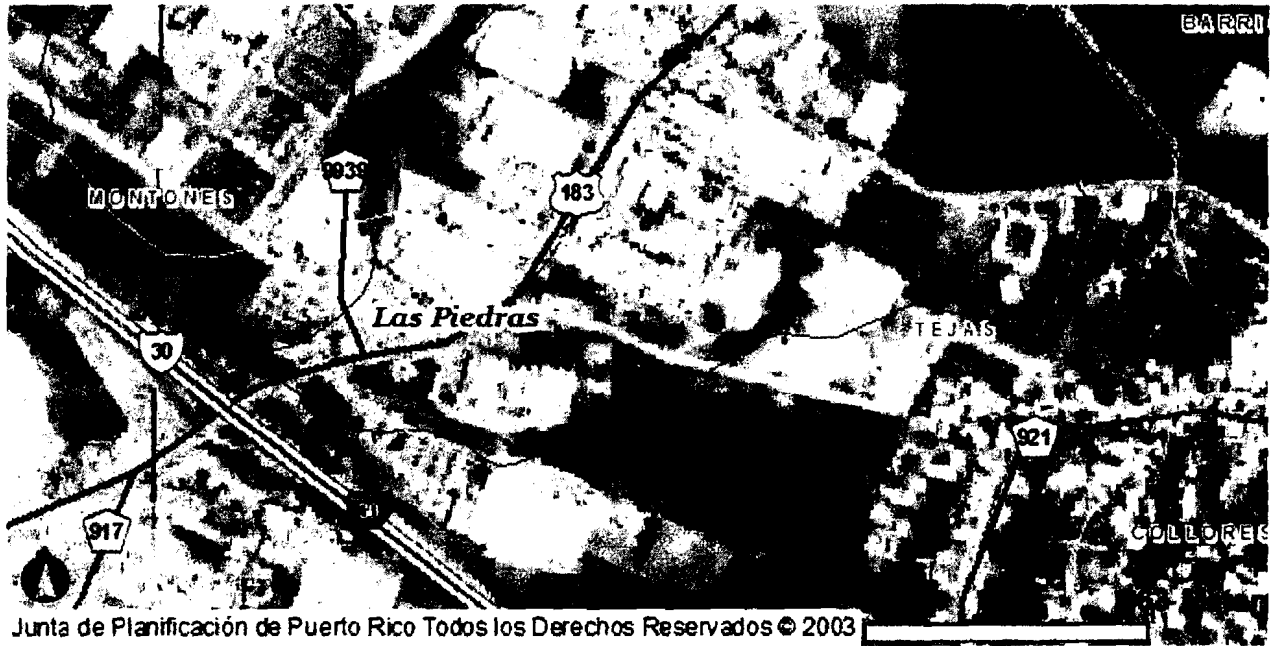
Road data from 1984-2008 TeleAtlas, Rel. 05/2007
The current map contains layers that do not comply with DFIRM specifications
To show only DFIRM compliant layers, click here

Map Legend

Click "+" button to see a list of map layers
Click on a check box to add or remove a layer
Click "Refresh Map" button to update the map

- Refresh Map
- Legend Identify
- Flood Data
 - FEMA Boundaries
 - National Flood Hazard L
 - Political Jurisdictions
 - Water Body
 - PLSS Sections
 - PLSS Township Rang
 - River Distance Marker
 - Streams
 - DFIRM Streets
 - PRIMARY ROAD
 - SECONDARY ROAD
 - UNDEVELOPED RAILROAD
 - UNDEVELOPED ROAD
 - Floodways
 - Flood Hazard Zone Bo
 - Flood Hazard Zones
 - Zone A





**STORM WATER DISCHARGES PHOTOS
FROM MUNICIPAL SEPARATE STORM
SEWER MS4s PHASE II**

INDEX

Las Piedras Outfall thru Gurabo River at Pueblito del Rio sector

Outfall Int with PR 183 (Industries sector)

Regulated Small Municipalities in Urbanized Areas MS4s

Outfall Intersection with PR 921 thru PR 30

Outfall Intersection with PR 196 La Fermina Sector

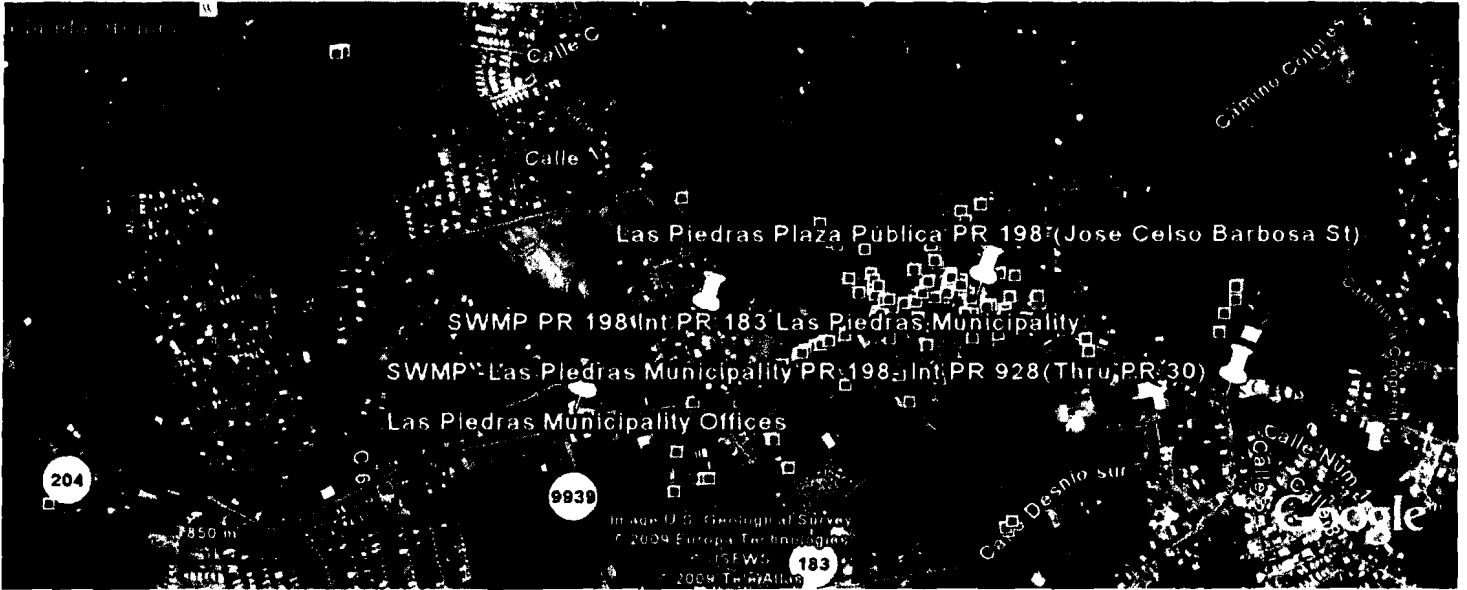
SWMP -Las Piedras Municipality PR 198- Int PR 928(Thru PR 30)

Las Piedras Plaza Pública PR 198 (José Celso Barbosa St.)

SWMP PR 198 Int PR 183 Las Piedras Municipality

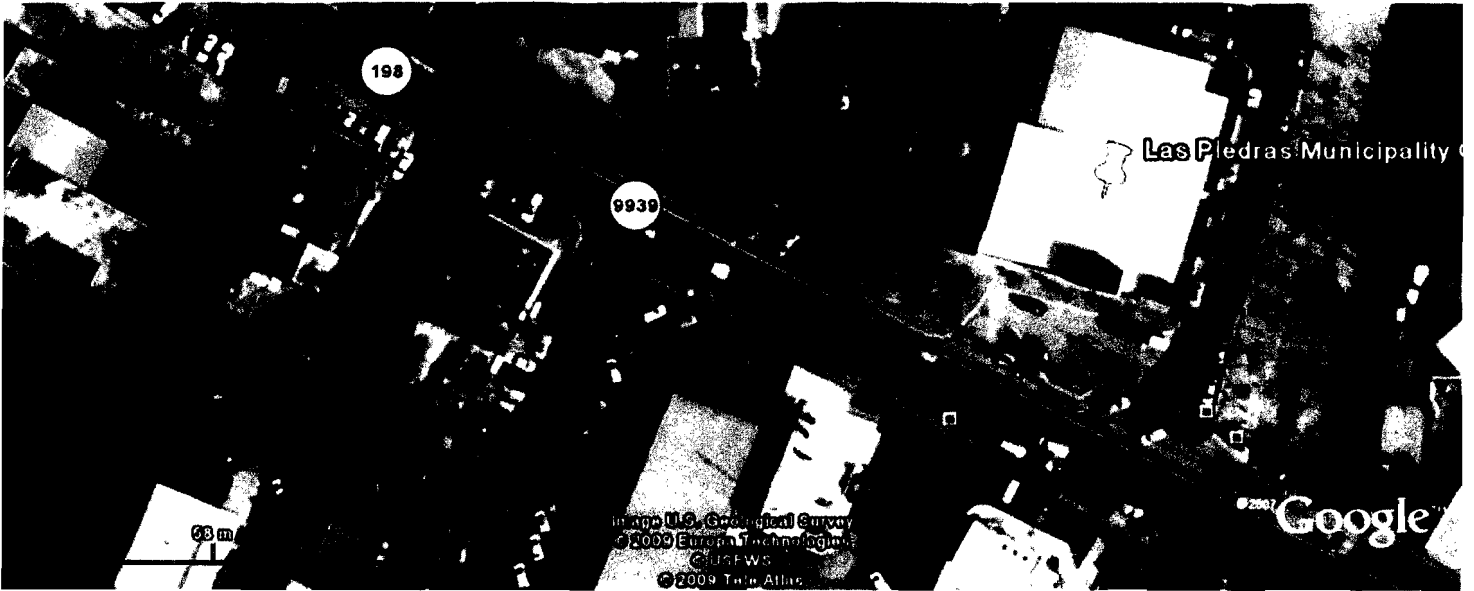
Las Piedras Municipality Parking Bldg -PR 198

Las Piedras Municipality Offices



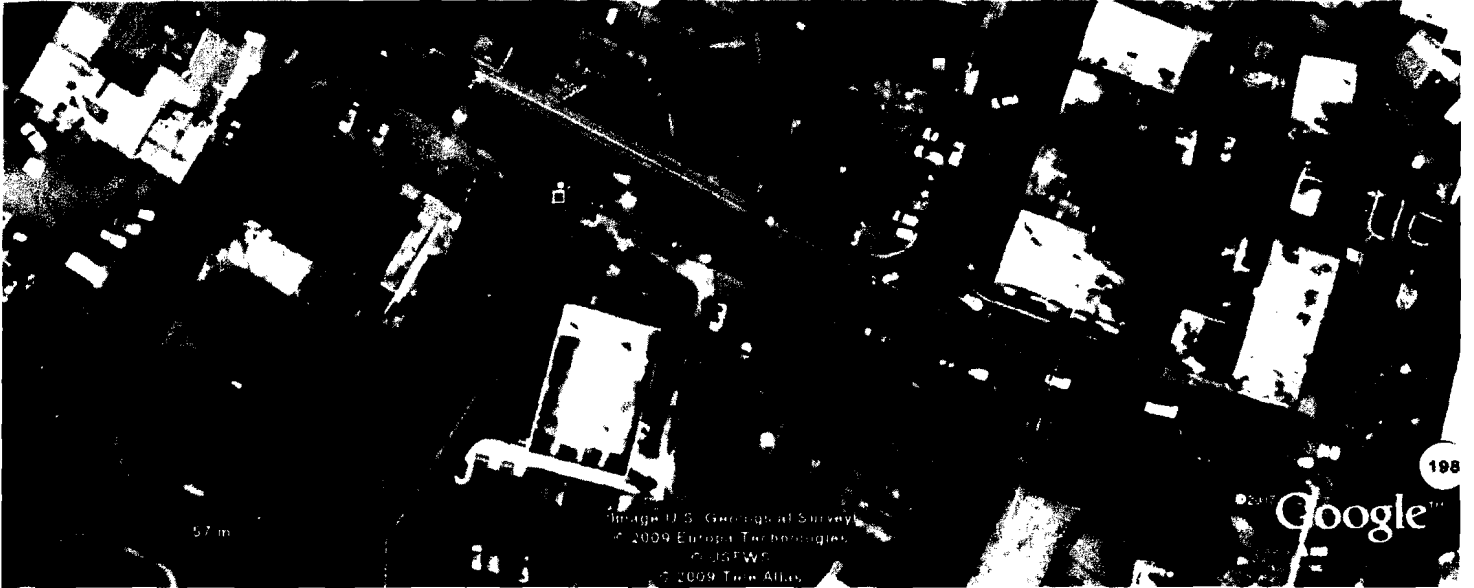
Regulated Small Municipalities in Urbanized Areas MS4s
MS4s in Urbanized Areas as well as outside areas in Las Piedras PR Municipality



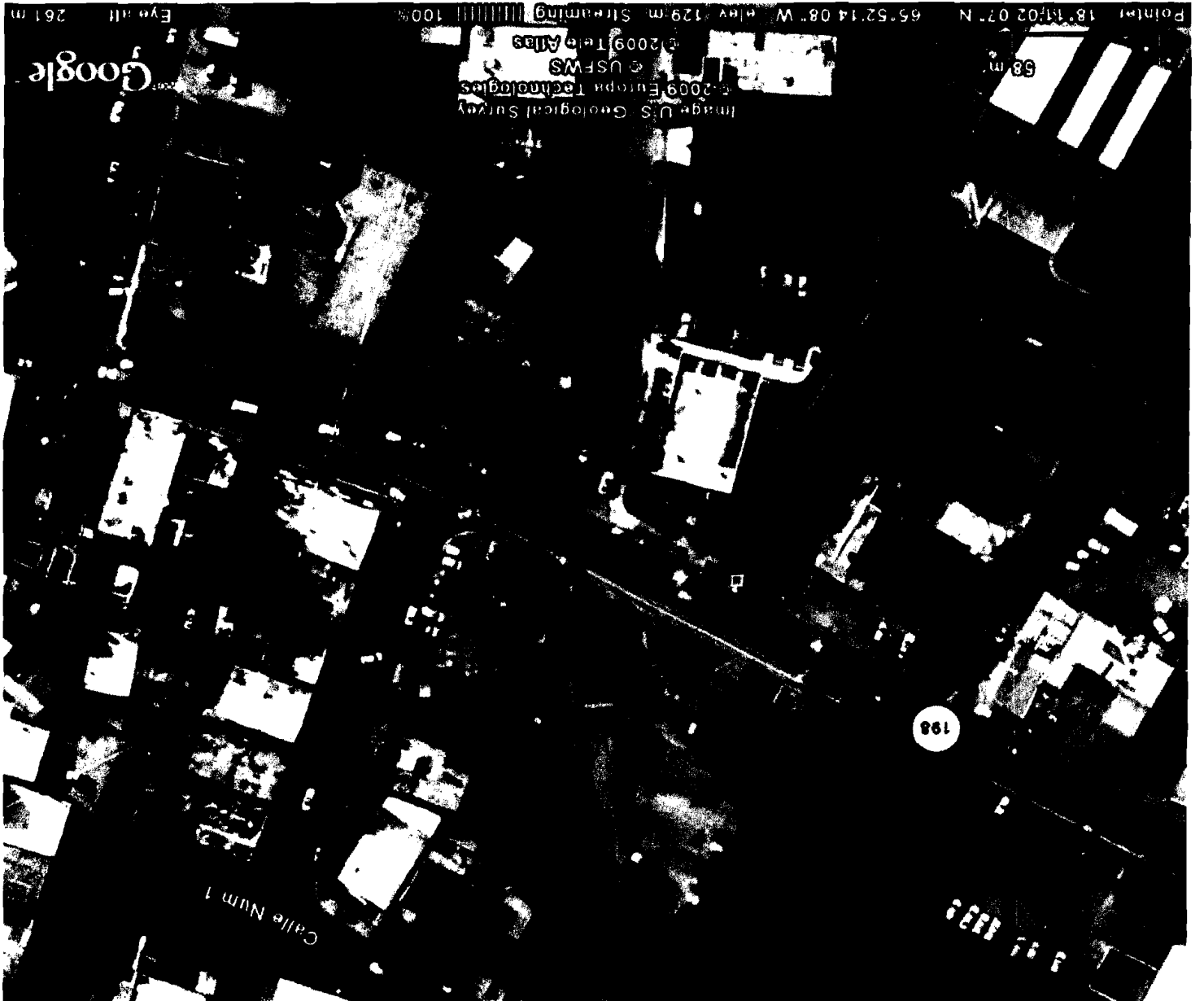


Las Piedras Municipality Offices
Commence of SWMP from PR 109 (West) to PR 198 -Humacao (East)



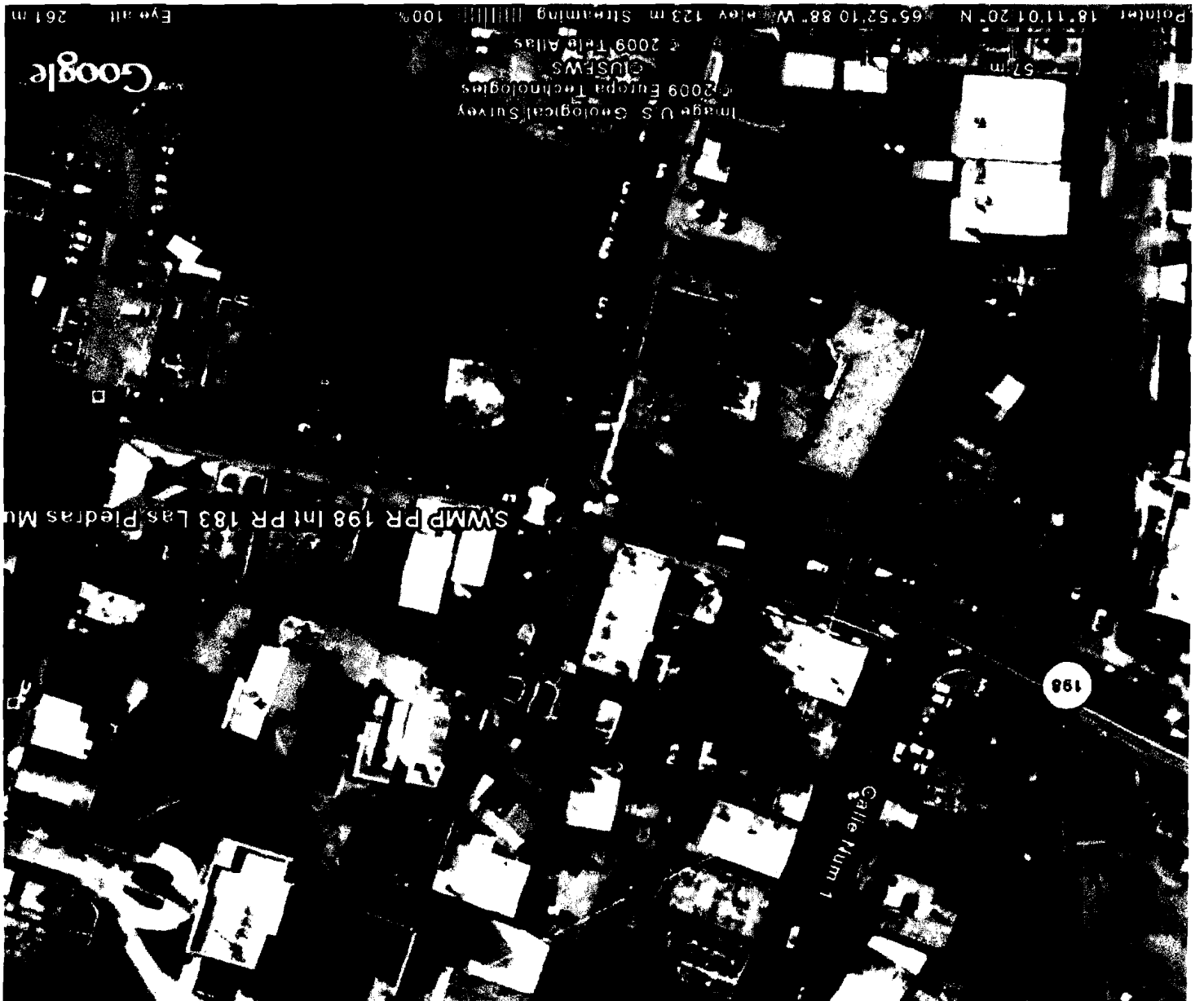


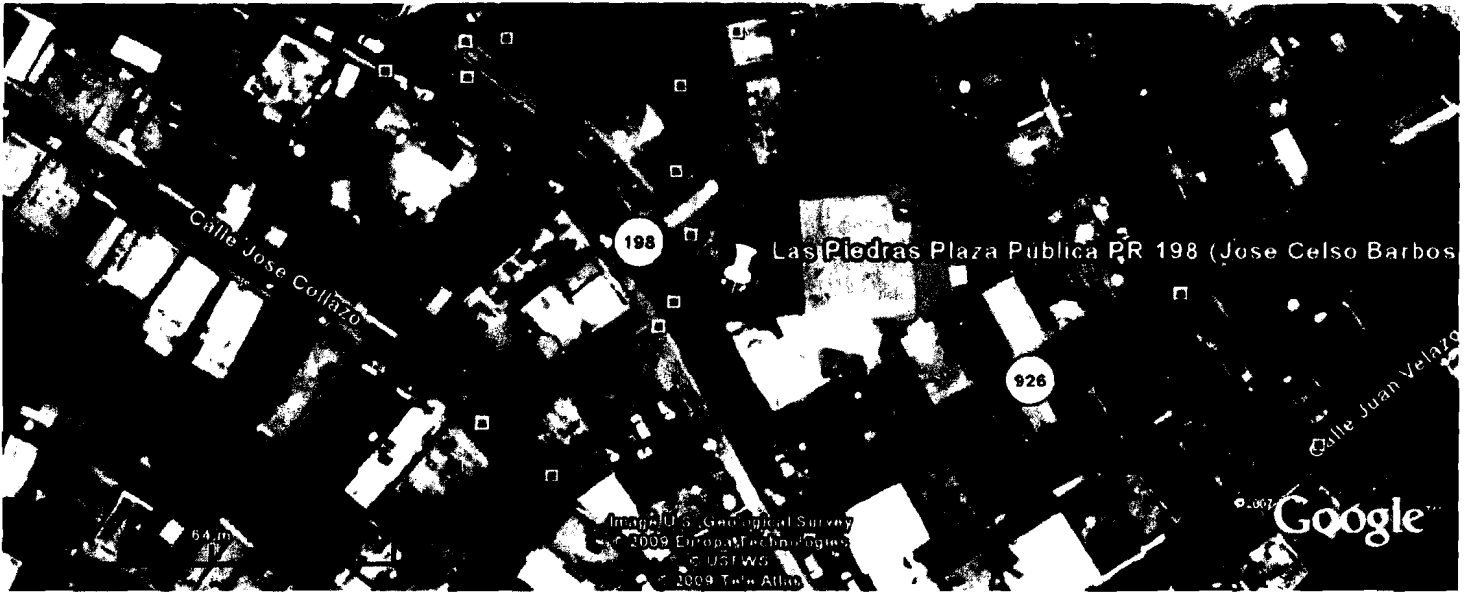
Las Piedras Municipality Parking Bldg -PR 198
Las Piedras Municipal Parkink lots Facilities at PR 198- 80 mts from PR 183



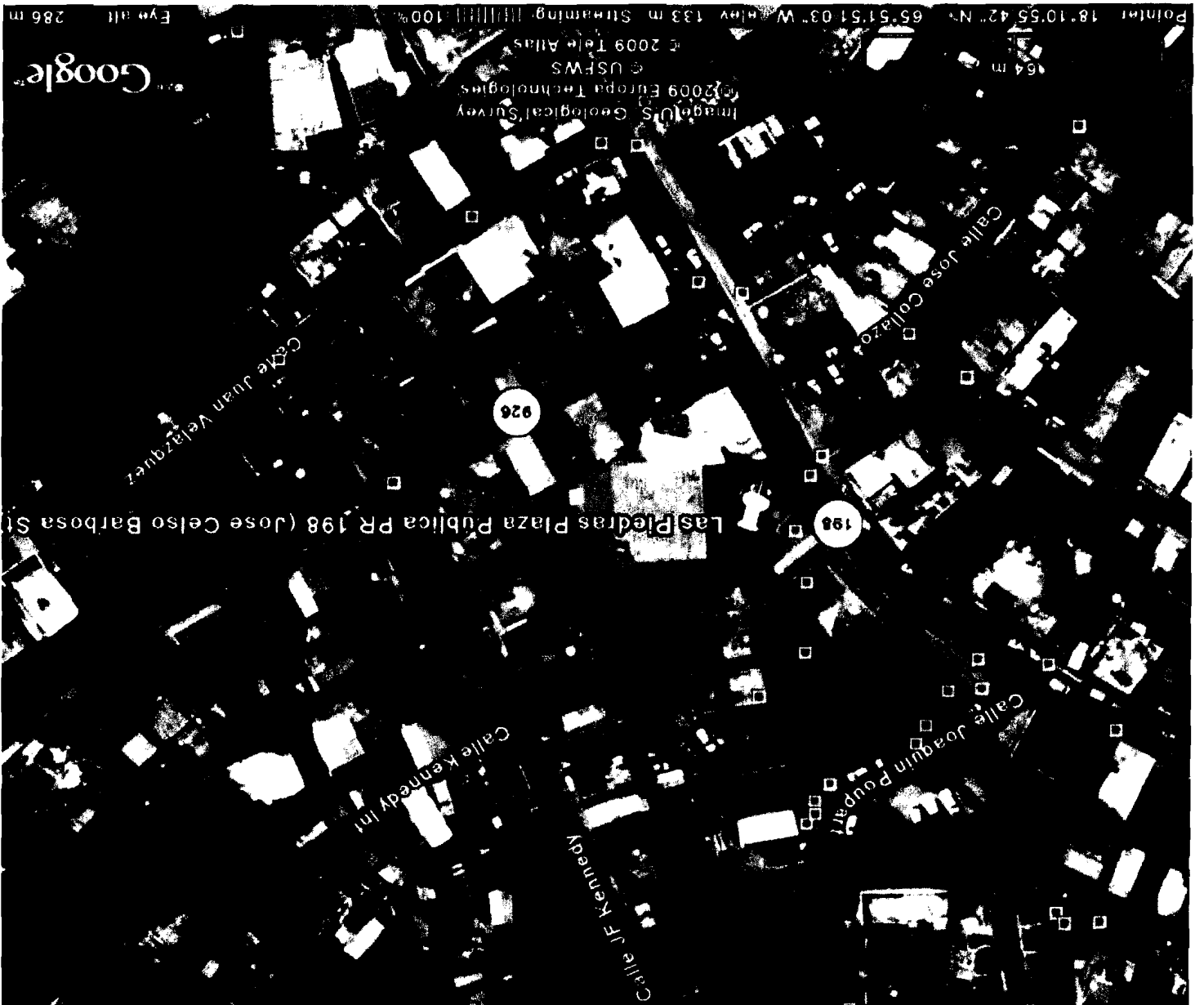


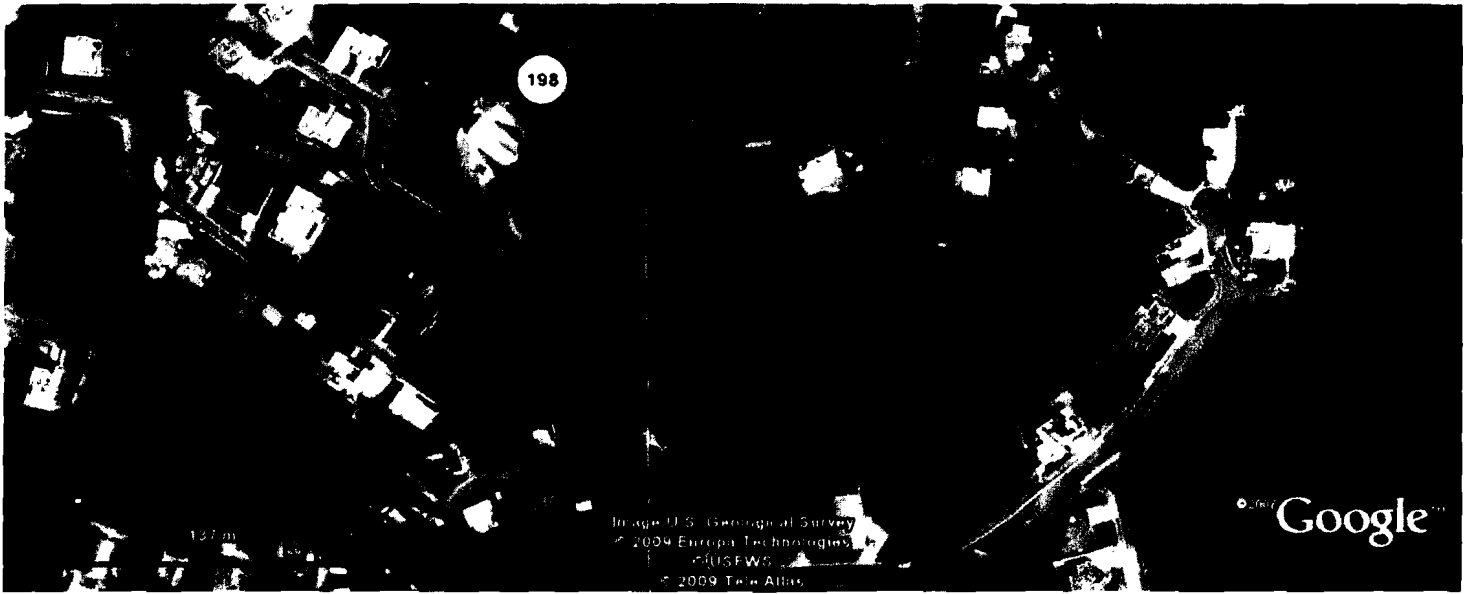
SWMP PR 198 Int PR 183 Las Piedras Municipality
PR 198-Int PR 183





Las Piedras Plaza Pública PR 198 (Jose Celso Barbosa St)
Las Piedras Plaza Pública and Old City Hall-Actually as Municipal Police Department





Outfall Intersection with PR 196 La Fermina Sector
Outfall where part of the storm system drains thru Humacao River



Google

Image © U.S. Geological Survey
© 2009 Europa Technologies
© USFWS
© 2009 TALE Atlas

144 m

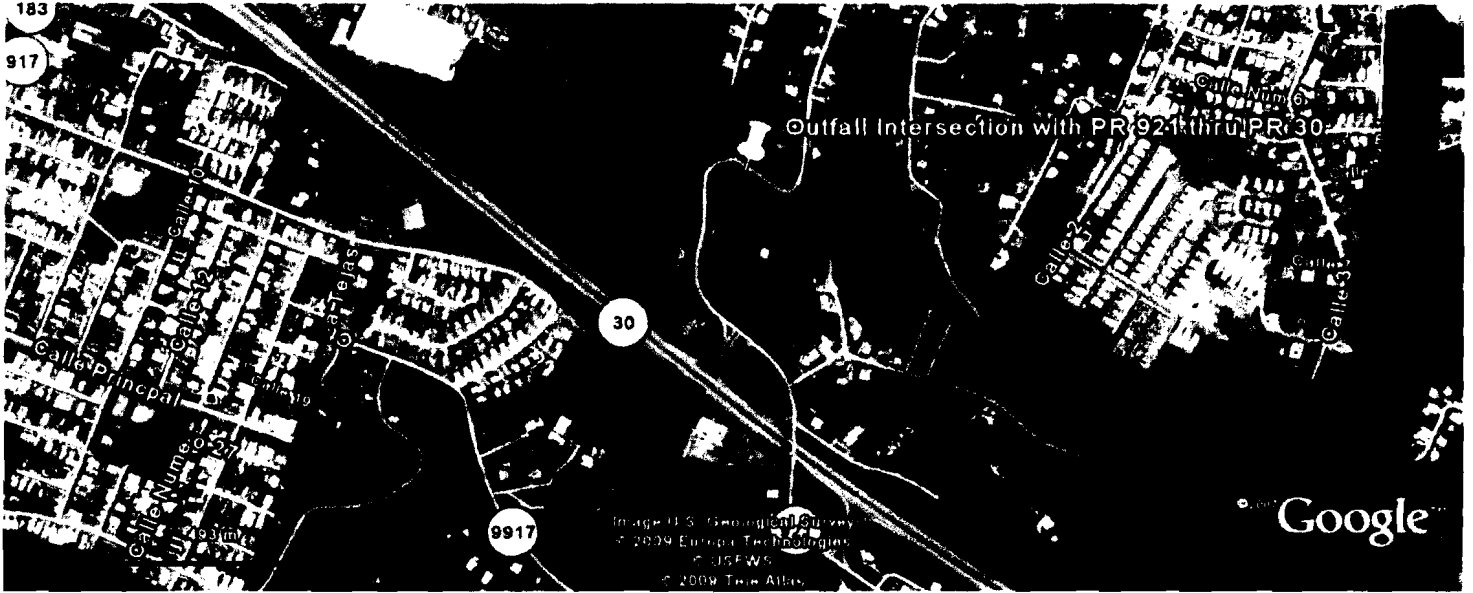
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Eye alt: 547 m

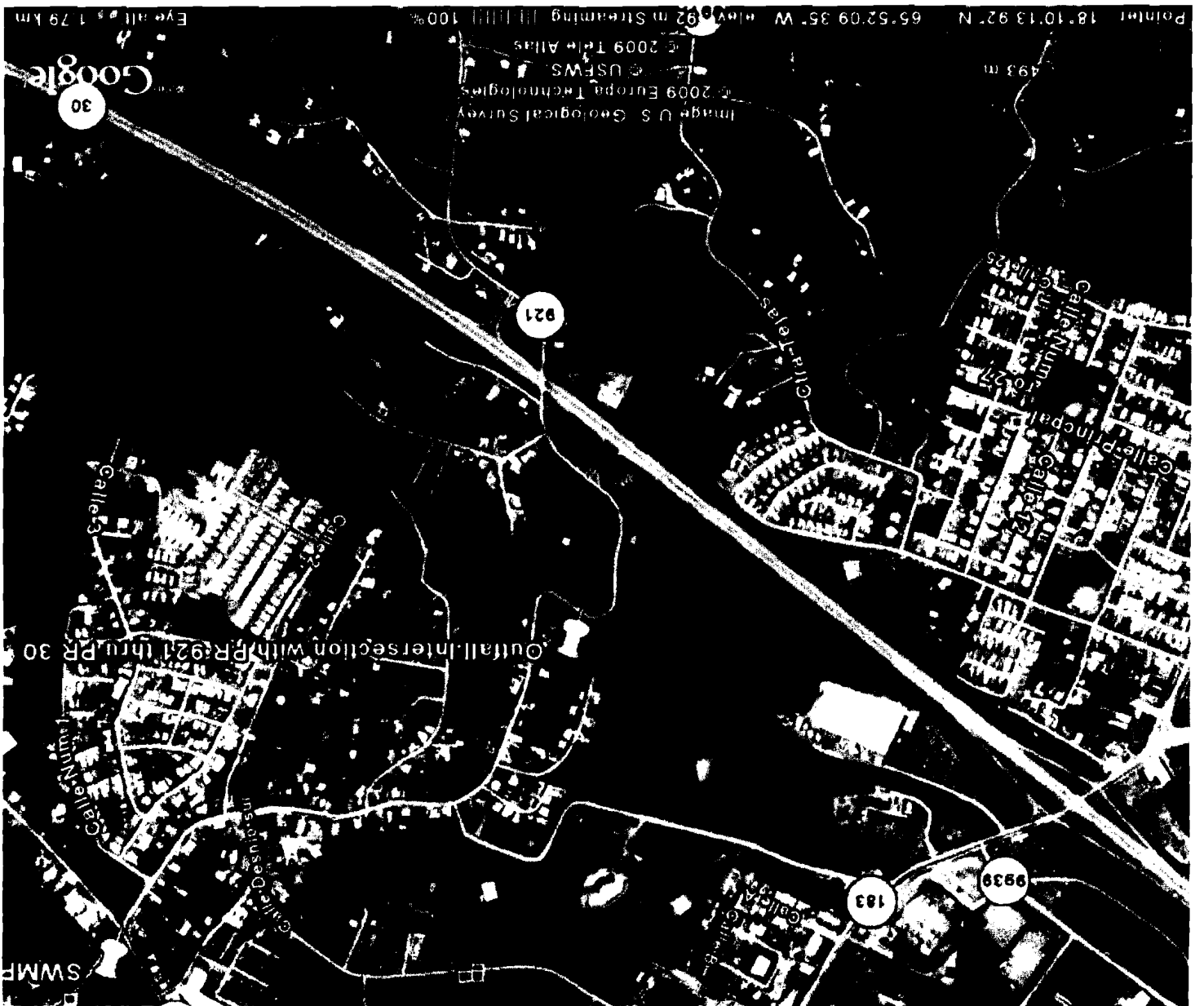
Outfall Intersection with PR 196 La Fermina Sector

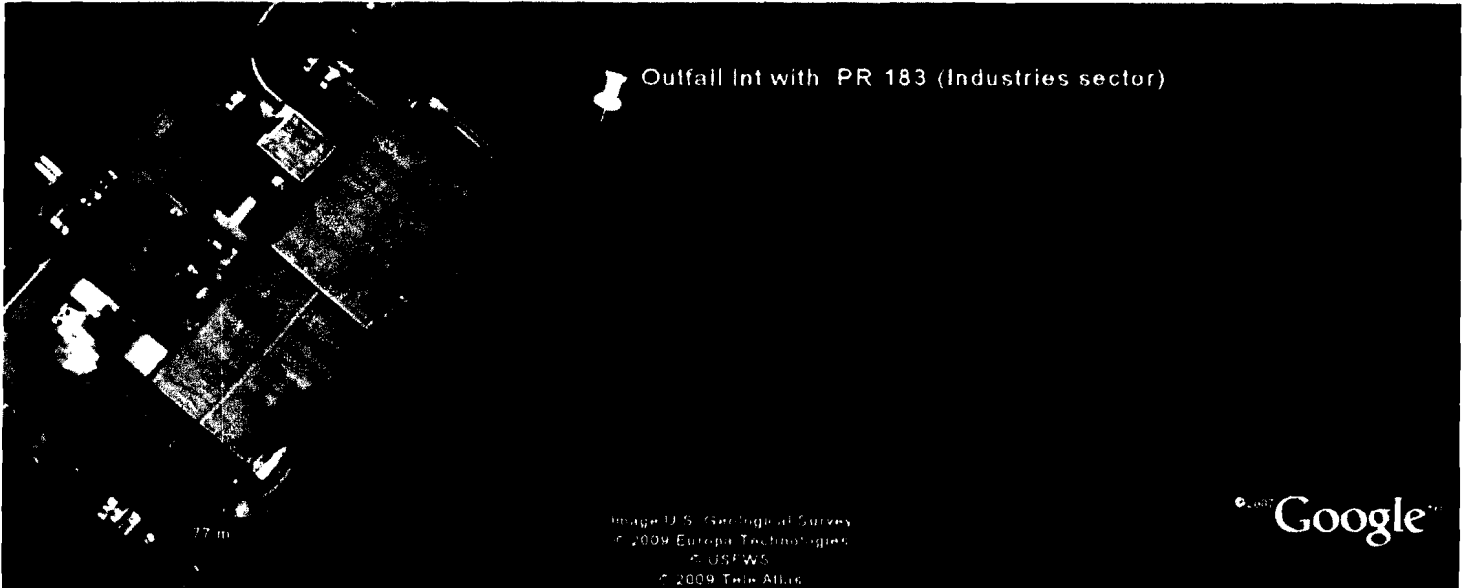
Sector la GranParada


196



Outfall Intersection with PR 921 thru PR 30
Outfall to Humacao River at PR 921 Int PR 30





 **Outfall Int with PR 183 (Industries sector)**
Outfall to Valenciano River near Industries Sector Mc Neil/Ceramco, Flexible Packag. thru Km 24 in direction to san Lorenzo



Point 18.10.28.20 N 65.53.06.16 W elev 110 m Streaming 100%

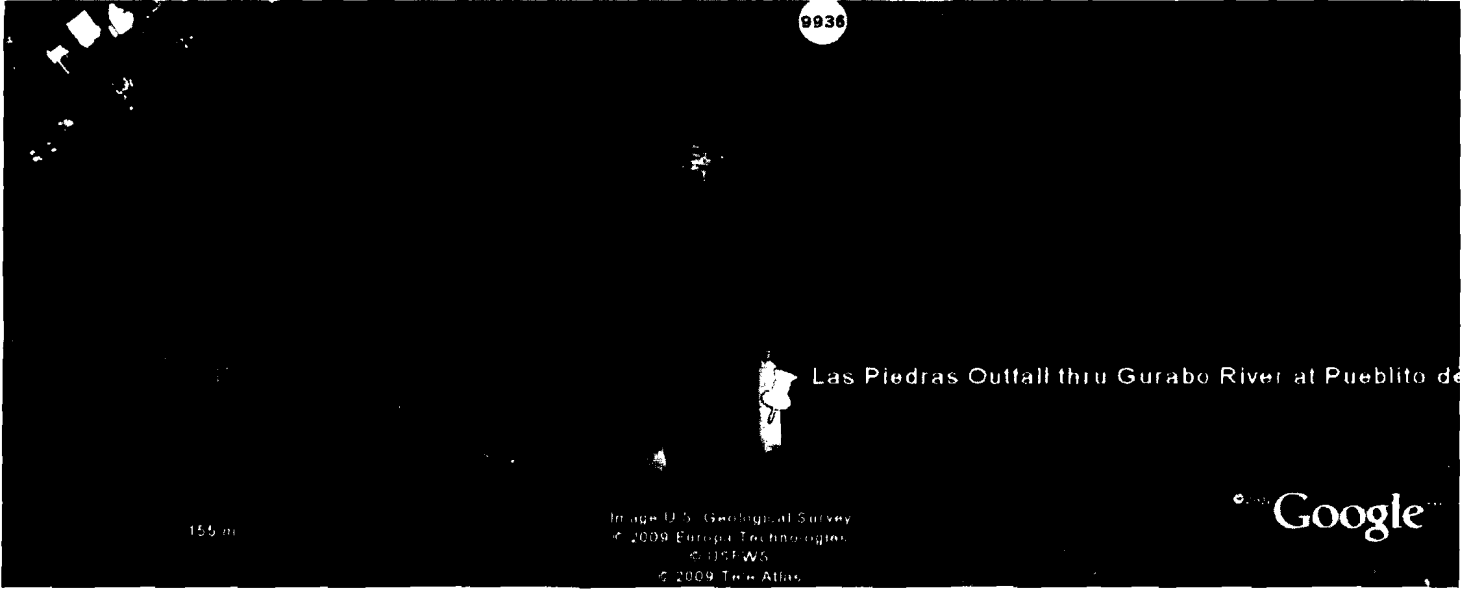
76 m

Image © 2009 Google
© 2009 Europa Technologies
© USFWS
© 2009 Terra Atlas

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Eye alt 325 m

Outfall Int with PR 183 (Industries sector)



Las Piedras Outfall thru Gurabo River at Pueblito del Rio sector
 Outfall Int PR 9936 with Gurabo River at El Rio Ward Las Piedras Mun



Google

Image U.S. Geological Survey
© 2009 Europa Technologies
© USFWS
© 2009 Terra Alias

882 m

Point 18.1324 137 N 65.5128 157 W 81 m Streaming 100%

Eye alt 3.08 km

Las Piedras Outfall thru Gurabo River at Pueblo

Pueblo del Rio

PR 183-OUTFALL



PR183 OUTFALL INTERSECTION-RIO
VALENCIANO FOR DTOP-
IMPROVEMENTS TRIBUTARIES



PR 198 INLETS

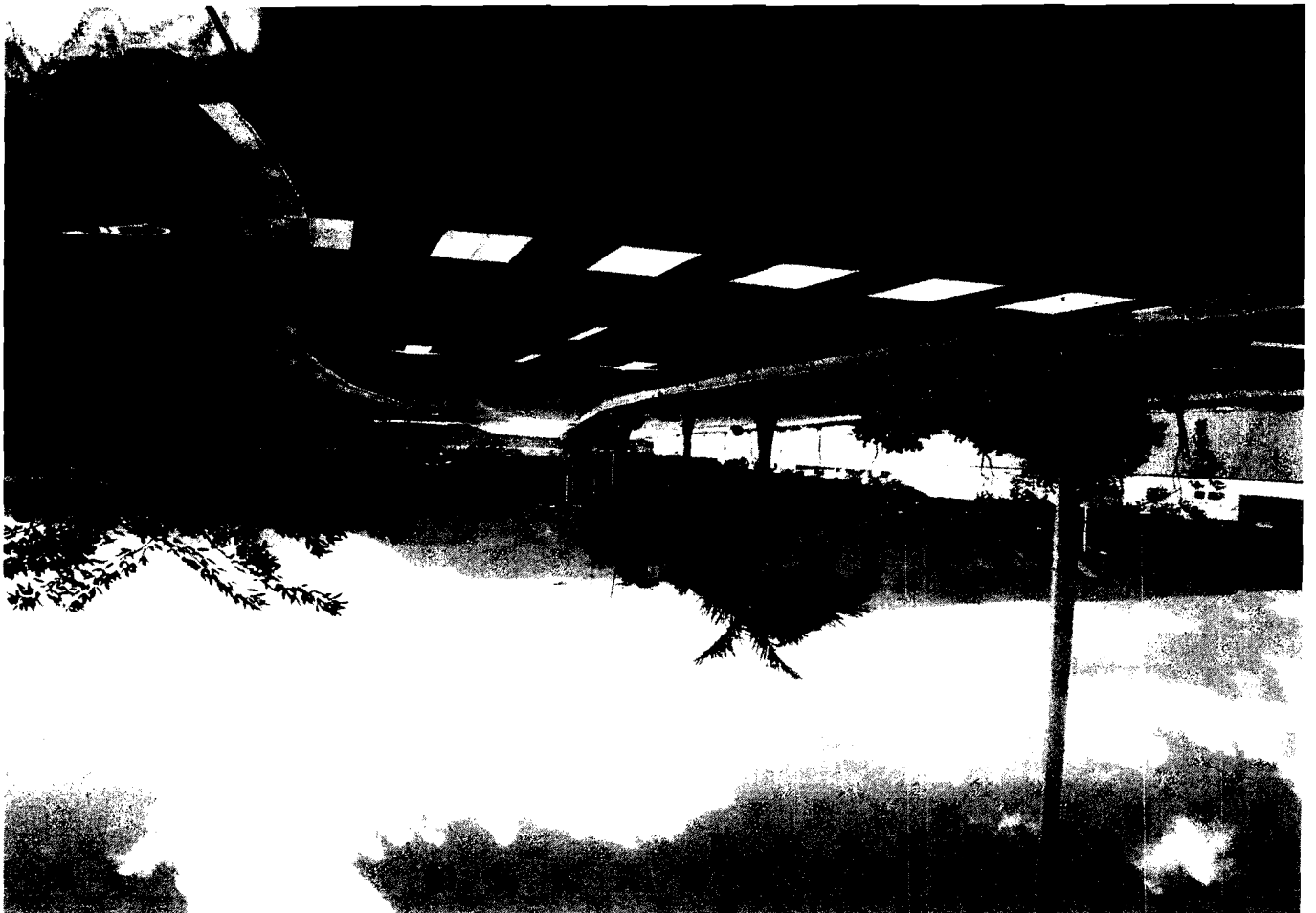


PR 198 INLETS

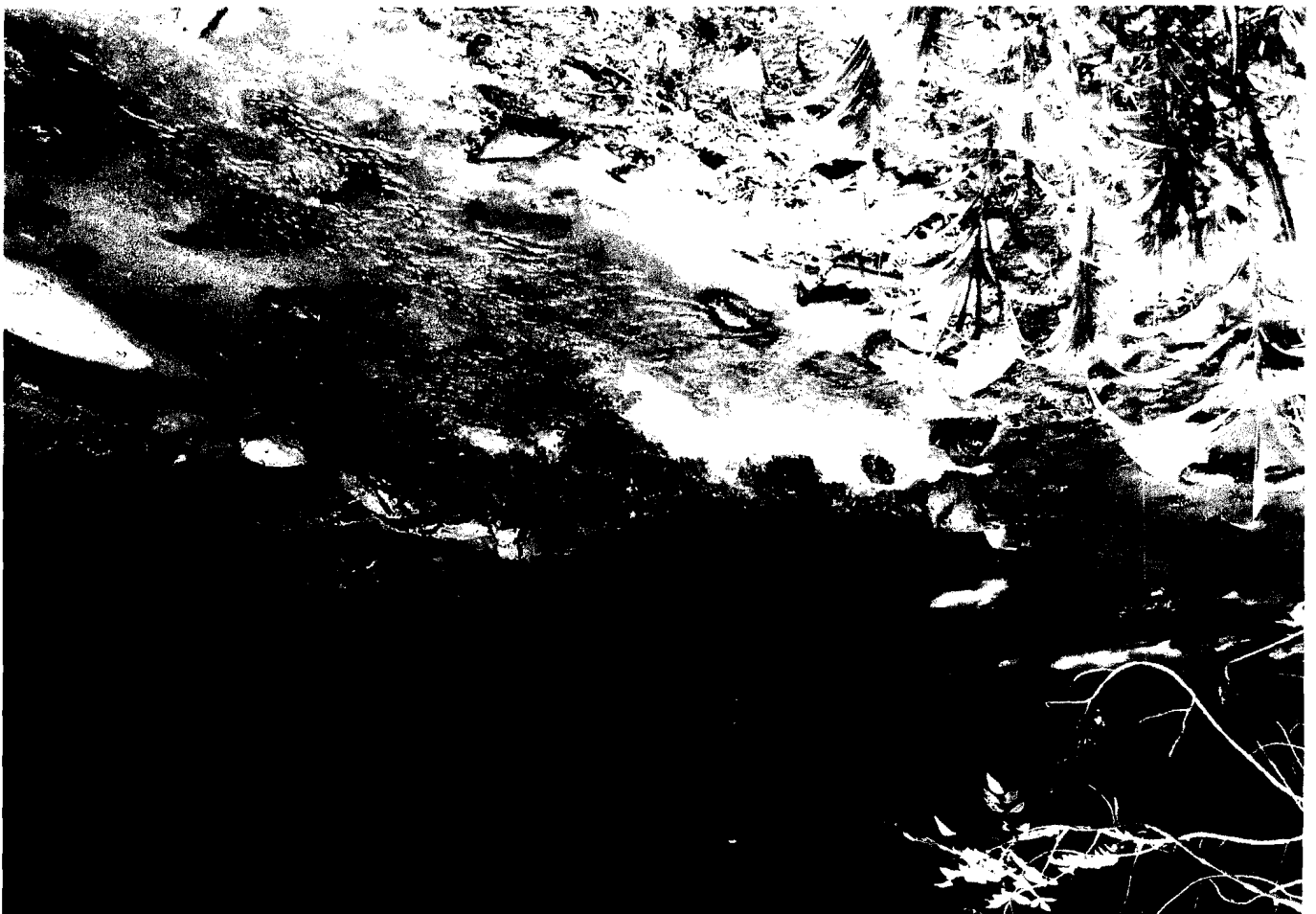


PR 9936 SEPARATE URBANIZED AREAS





HUMACAO RIVER



PR 921 OUTFALL - HUMACAO RIVER-INT
PR30



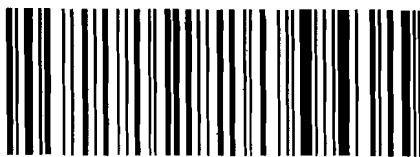
PR 921 BRIDGE OVER HUMACAO RIVER



Las Piedras Municipality
c/o Essayon Design & Management
Solutions, Inc.
P.O. Box 1761
Juncos, P.R. 00777

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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7008 1140 0004 4075 8481



1006



10007

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Ms. Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region 2
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