September 12, 2025

By Electronic Mail

Yolianne Maclay
Senior Environmental Engineer
Clean Water Act Team
Caribbean Environmental Protection Division
United States Environmental Protection Agency, Region 2
City View Plaza II – Suite 7000
#48 Rd. 165 km 1.2
Guaynabo, PR 00968-8069
maclay.yolianne@epa.gov

Re: Desarrolladora Yahir, Inc. (DYI) / Tres Palmas Sunset View Construction Project – Response to U.S. EPA's NPDES Compliance Evaluation Inspection Report

Dear Ms. Maclay:

On behalf of Desarrolladora Yahir, Inc. (DYI), we respectfully submit this response to the United States Environmental Protection Agency's (EPA) NPDES Compliance Evaluation Inspection (CEI) Report dated July 9, 2025, and EPA's Administrative Compliance Order and Request for Information, Docket Number CWA-02-2025-3107, dated July 7, 2025.

The report outlines EPA's observations from the inspection conducted on May 20, 2025, at the Tres Palmas Sunset View Construction Project. Below, DYI provides responses to each of EPA's observations. These responses reflect the best information currently available to DYI. In some cases, projected dates for completion of corrective measures are included; however, delays may occur due to construction schedules or unforeseen circumstances.

EPA Observation No. 1

DYI Response No. 1
To the best of our knowledge, the inspection was conducted on a dry day, and no stormwater runoff flows were observed at the time.

The Notice of Intent (NOI) identified only two outfalls with corresponding coordinates. Specifically:
- Outfall 001: Correctly identified in the NOI and in the Stormwater Pollution Prevention Plan (SWPPP) site map.
- Outfall 002: Not an actual discharge point. It appears to have been a temporary conveyance created by earth-moving activities. No discharges from this location have been documented in SWPPP inspection reports, and the area was later diverted with a berm to Outfall 001.
- Outfall 003: Correctly identified in the NOI and the SWPPP site map.
- Outfall 004: Not an actual discharge point. It appears to have been another temporary conveyance caused by grading activities. SWPPP inspection reports have not documented discharges from this location. BMPs, including hay bales and silt fencing, were implemented in the area, and flows were in sheet (laminar) flow, not through a discrete point source.

Accordingly, Outfalls 002 and 004 were not discrete points but rather temporary features of earth-moving activities. Corrective actions were taken after EPA's inspection to eliminate these potential conveyances.

EPA Observation No. 2

DYI Response No. 2
The sign at the site entrance identifies the project as Tres Palmas Sunset View / Desarrolladora Yahir, Inc., clearly indicating DYI as the project owner. The sign also lists A&M Group, Inc. as the contact, along with its phone number and email address. A&M Group, Inc., owned by DYI's principal, is the designated construction contractor for the project, which is why it is listed as the contact.

EPA Observation No. 3

DYI Response No. 3
Corrective measures were implemented following the inspection. Sediments were removed, the silt fence was replaced, and the area was graded to final ground levels. These actions improve stormwater runoff management and facilitate ongoing stabilization measures.

EPA Observation No. 4

DYI Response No. 4
The slope described in the inspection corresponds to the northwestern side of the site. At the time of inspection, earth-moving activities had not ceased for 14 consecutive days. Nevertheless, corrective actions have since been taken: the silt fence was repaired, crushed stones were removed, and an earthen berm was installed to manage runoff. Once grading is completed, slope stabilization will be finalized using erosion control blankets and vegetative cover.

EPA Observation No. 5

DYI Response No. 5
The silt fence along the southern perimeter adjacent to PR-413 Road has been repaired. Additionally, the slope was temporarily stabilized with erosion control blankets, and a berm was installed at the top of the slope for runoff management.

EPA Observation No. 6

DYI Response No. 6
Please refer to DYI Response No. 5.

EPA Observation No. 7

DYI Response No. 7
The stockpiles were removed, and the areas were graded for improved stormwater management. An earthen berm was also placed at the top of the slope to prevent erosion.

EPA Observation No. 8

DYI Response No. 8
Best Management Practices (BMPs), including silt fences and geotextile fabric under inlet grates, have been installed to prevent excess sediment from entering storm drains. Once the roads are finalized, permanent stabilization will be implemented through paving.

EPA Observation No. 9

DYI Response No. 9
Grading and earth-moving activities were still ongoing and had not ceased for 14 consecutive days, consistent with permit requirements for stabilization. Temporary measures, including an earthen berm and hay bales at specific locations, were implemented to manage stormwater runoff and control erosion and sedimentation.

EPA Observation No. 10

DYI Response No. 10
The concrete washout structure was removed, the area was cleaned, and excess concrete was properly disposed of at a landfill. No additional concrete is expected for the project, except for a retention wall to be constructed in the final phase.

EPA Observation No. 11

DYI Response No. 11
Grading activities at the northeastern perimeter are nearly complete. Run-on management measures were implemented, diverting flows toward storm drains with inlet protection or infiltration areas within the site.

EPA Observation No. 12

DYI Response No. 12
A sedimentation pond was included in the SWPPP. A small detention/sediment trap area was installed at the southeastern side of the site, parallel to PR-413 Road. Most stormwater infiltrates on-site; remaining flows are collected in this feature, which ultimately discharges through Outfall 001.

EPA Observation No. 13

DYI Response No. 13

Rainfall data is obtained from the CoCoRaHS station Rincon 1.5 N. Daily precipitation records are also available from the National Oceanic and Atmospheric Administration (NOAA) climatological station in Rincón, Puerto Rico. Because the site does not have a permanent office and for security reasons, a rain gauge was not installed directly at the site.

STATEMENT CERTIFICATION

"I certify that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal inquiry ·of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. § 1004, 1341, and 1505" .

Sincerely,

Mr. Alexis Medina
President
Desarrolladora Yahir, Inc.
P. O. Box 2133
San Sebastian, PR 00685

Picture #1

Sign located at the Site entrance main gate depicting NPDES ID Number PRR1000JG.

Picture # 2

Retention basin located at the south perimeter adjacent to PR 413-Road Silt fence needs to be fixed but hay bales and a grass buffer established prior to the silt fence.

Picture # 3

Southeast corner slope working with the implemented erosion control blankets.

Picture # 4

Area located at the south corner of the site identified in the EPA discrete outfall 004 BMPs were implemented in the area (hay bales and silt fence) and it is not a point source as defined in the 2022 CGP permit due to that the stormwater in a sheet (laminal) flow.

Picture # 5

Intermittent creek that conveys stormwater flow from outfall 003 with a grass vegetation established in the bed and bank which slows and filters the stormwater sediments prior to reaching the shoreline.

Picture # 6

Stormwater temporary retention basin with sediments accumulated working as intended sediments will be removed as needed. Track out control established/installed at the project main entrance.

Picture # 7

Project road number two which cross the project from west to east with sidewalks and culverts. Also you can see the slopes with erosion control blankets and hay bales installed. A stormwater inlet with a siltfence/ geotextile which provides sediment protection.

Picture # 8

O

A stormwater inlet with a silt fence/ geotextile which provides sediment protection.

Picture # 9

Project road number two east street which crosses the project from west to east with sidewalks and culverts. Also, you can see the slopes with erosion control blankets and hay bales installed.

Picture # 10

A stormwater inlet with a silt fence/ geotextile which provides sediment protection.

Picture # 11

Outfall 002 discharge point located at the east side of the project with headwall and rip rap for flow velocity control and stormwater filtering prior to discharge into the intermittent stream. An erosion control blanket was installed in the slope

Picture #12

East side slope of the project with erosion control blanket installed.

Picture #13

Another picture of the southeast part slope with erosion control blanket installed

Picture # 14

Ditch coming from the west side of the property constructed to divert stormwater flow to outfall 001 from alleged discrete discharge point identified in the EPA inspection report as outfall 002 South side slope of the project with erosion control blanket installed.

Picture # 15

Part of the entrance tracks out stabilization control and slope with erosion control blankets. Also, silt fence and hay bales are installed in the south perimeter next to PR 413 - Road

Picture #16

Access road number two south side slope with erosion control blanket. Overlooking the site south perimeter with PR 413-Road with a a berm installed at the top of the slope.

Picture # 17

Main access road with temporary stabilization with gravel to prevent further erosion. View of the slopes with erosion control blankets and hay bales installed.

Picture # 18

Another view of the west side of access road number 2 with erosion blankets on slopes and hay bales. Also, with temporary stabilization with gravel to prevent further erosion

Picture # 19

Another stormwater inlet located in access road # 2 with silt fence/geotextile installed for sediment control and protection.

Picture # 20

West side upper paecel of the site with vegetation buffer stablished for run on control. Also, main access road slope of this area with erosion control blanket

Picture # 21

North slope of the project facing main access road. The slope is stabilized because the soils are solid sedimentary rock and run on is managed through the stormwater sewer system of the project. Also, the road has temporary stabilization with gravel for erosion control.

Picture # 22

Overview of the upper east side parcel of the project and slope with erosion control blankets and a berm on top of the slope.

Picture # 23

Track out control established/installed at the project main entrance. No sediment track out on the PR 413- Road.

Picture # 24

Outfall 001 with hay bales and silt fence to control outside sediments from earth movement activities from going in.

CORRECTIVE ACTION PLAN (CAP)

Desarrolladora Yahir, Inc. (DYI) / Tres Palmas Sunset View Construction Project

Docket No. CWA-02-2025-3107

EPA Observation No.	Corrective Action to be Implemented	Responsible Party	Completion Date	Status / Verification
1 – Outfalls identified beyond NOI (002 and 004)	Berm installed to redirect runoff to Outfall 001; temporary conveyances eliminated; SWPPP updated.	DYI / A&M Group, Inc.	Completed – July 2025	Verified by internal inspection; no additional discharge observed.
2 – NPDES sign contact information	Sign corrected to clearly identify DYI as owner and A&M Group as contractor contact.	DYI / Contractor	Completed	Verified
3 – Erosion controls at Outfall 001	Removed accumulated sediment; replaced silt fence; area regraded; stabilization in progress.	Contractor / DYI Environmental Officer	August 15, 2025	Verified
4 – Lack of slope controls at northern perimeter	Repaired silt fence; installed berm; erosion control blankets and vegetation planned post-grading.	Contractor	Completed – July 30 2025	Ongoing – vegetation to be installed upon grading completion.
5 & 6 – Lack of slope	Repaired silt fence;	Contractor	Completed – August 1 2025	Verified

stabilization at PR-413 perimeter	installed erosion control blankets; berm placed at slope top.			
7 – Stockpiles without stabilization	Removed stockpiles; graded areas; berm installed for runoff control.	Contractor	Completed – August 1 2025	Verified.
8 – No inlet protection at storm drains	Installed silt fence and geotextile fabric under inlet grates; roads to be paved for permanent stabilization.	Contractor	Completed – July 21, 2025	Verified
9 – Exposed soils (6 acres)	Temporary berms and hay bales installed; full stabilization scheduled after grading.	Contractor	Completed – July 21 2025	Verified
10 – Concrete washout leakage	Washout area removed; contaminated soils cleaned; no further washout required except final wall construction.	Contractor	Completed – July 28 2025	Verified
11 – Run-on from eastern side	Diversion measures implemented; stormwater directed to protected drains or	Contractor	Completed - August 1 2025	Verified

	infiltration areas.			
12 – Sediment pond not observed	Sediment trap constructed at SE corner; SWPPP updated to reflect location.	Contractor	Completed – July 2025	Verified.
13 – No rain gauge on site	Site uses CoCoRaHS Station Rincon 1.5 N and NOAA data; policy updated to maintain rainfall log.	DYI Environmental Officer	Ongoing – July 2025	Verified through NOAA and CoCoRaHS records.

***See Photographs Included in following pages.


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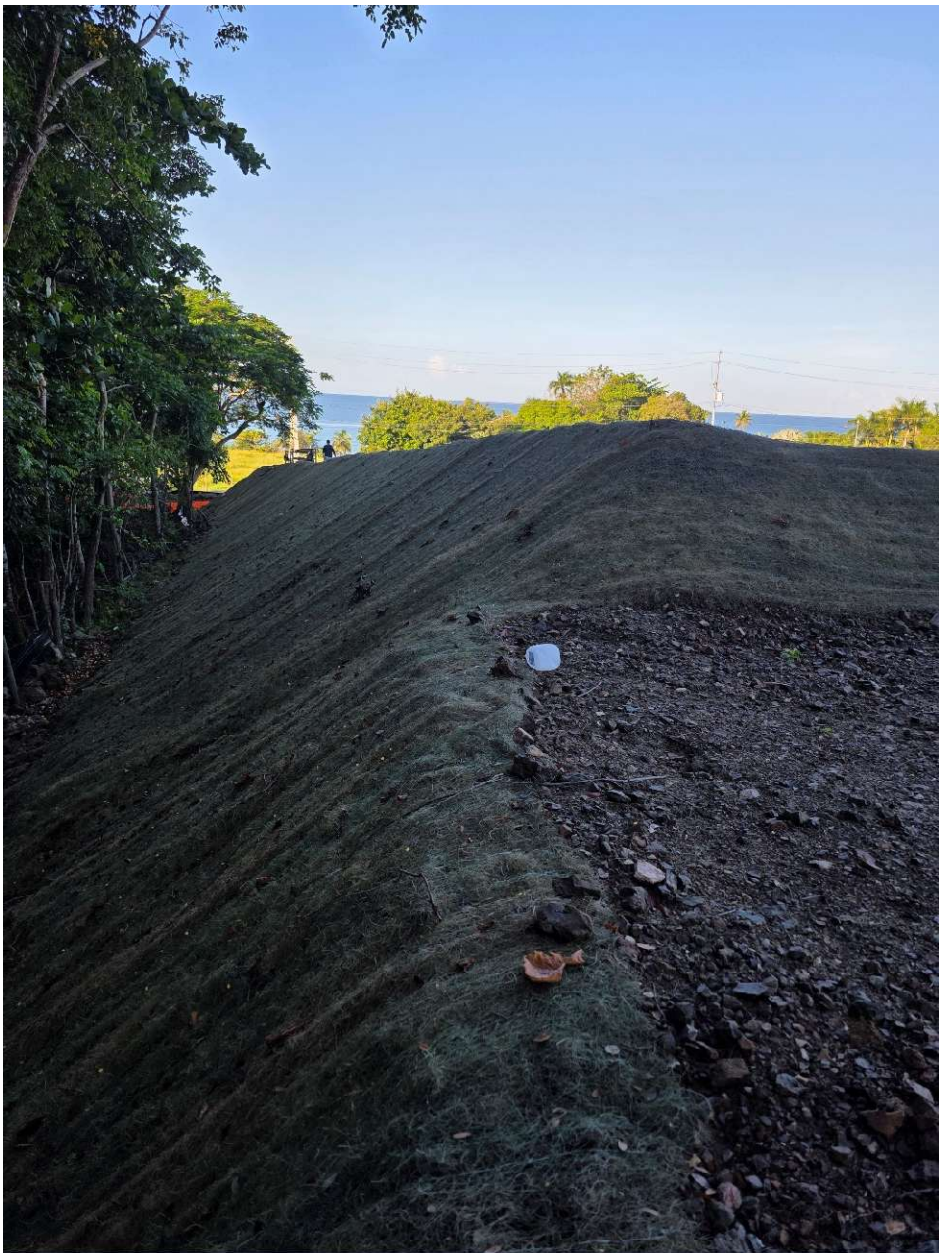

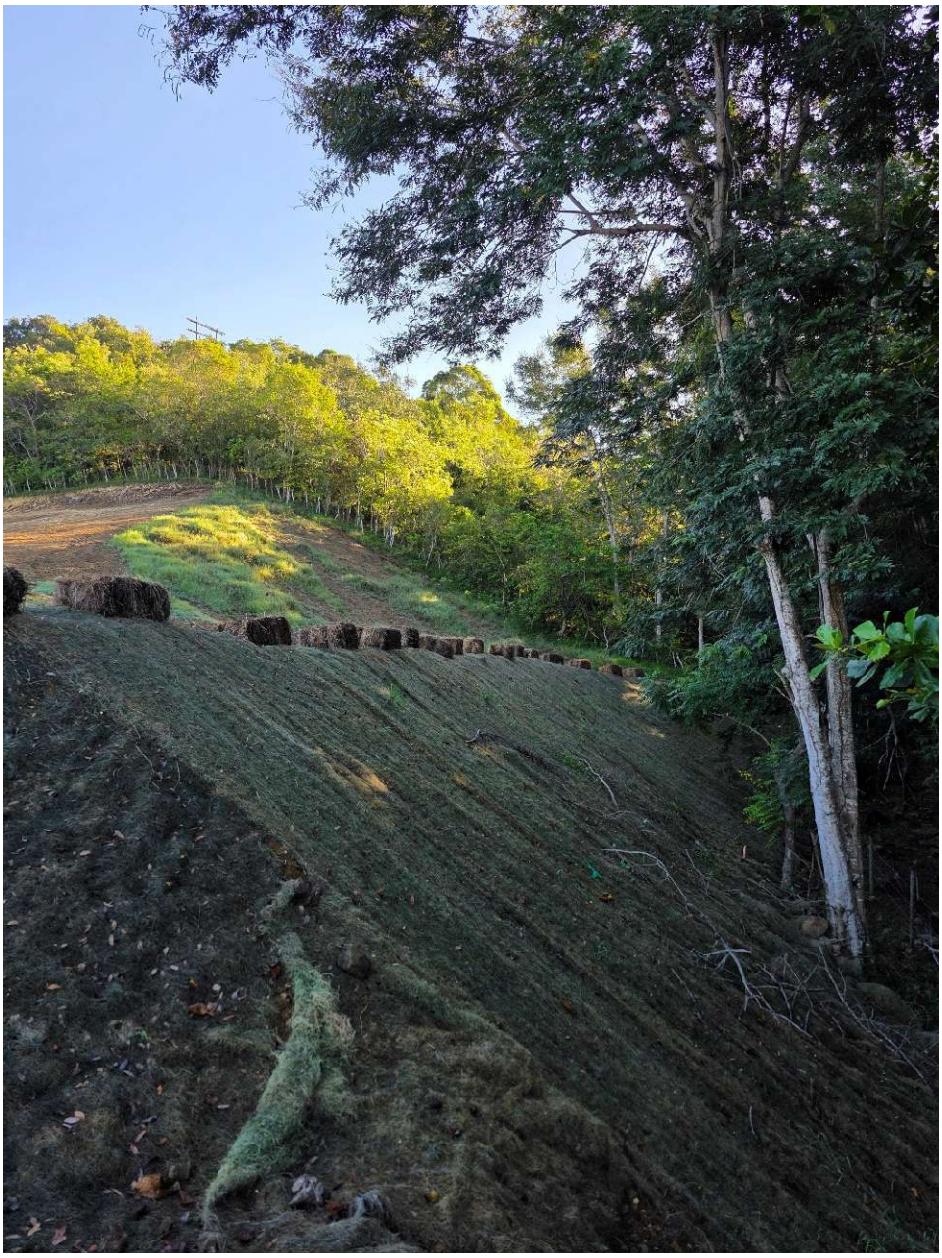

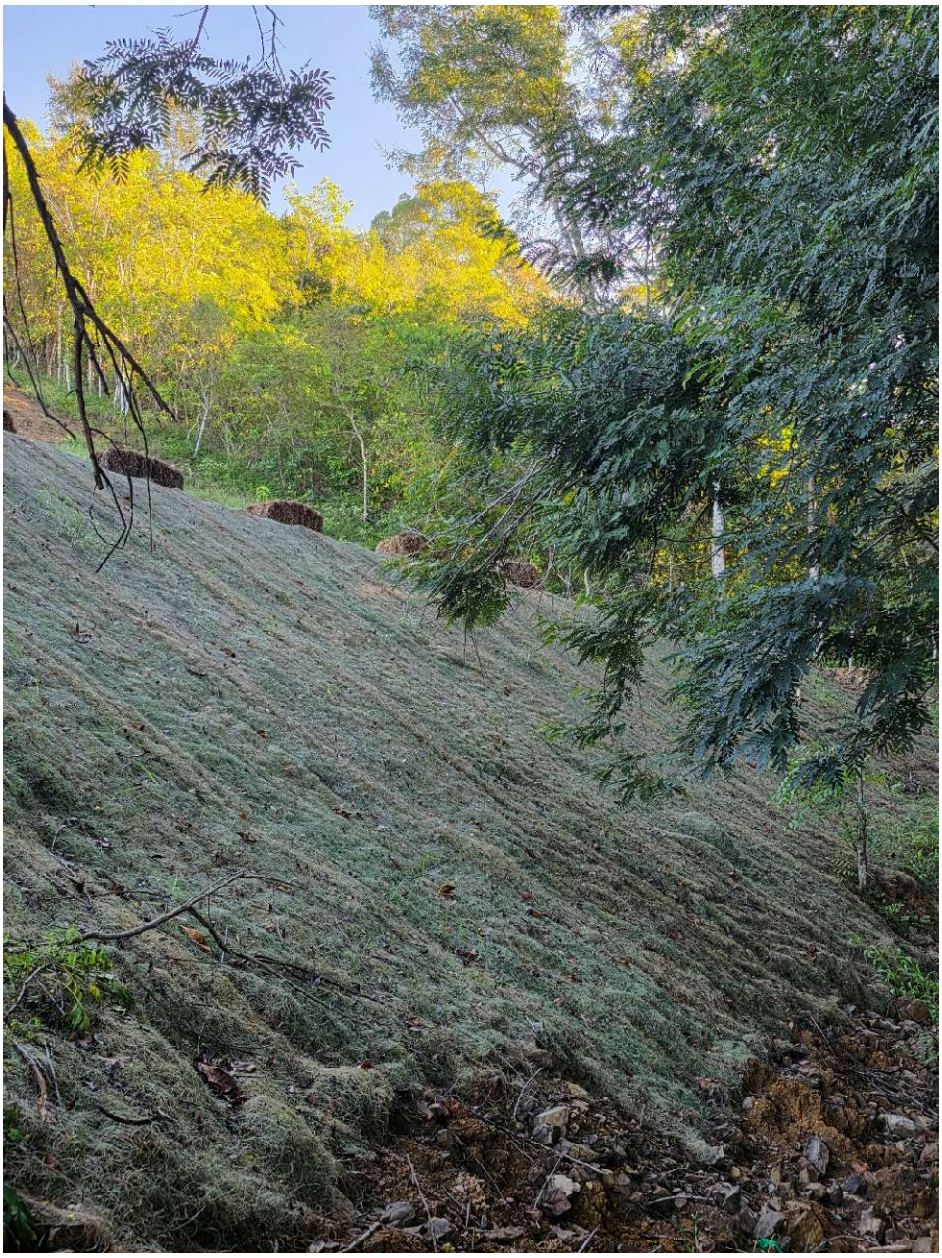

Climatological Data for COLOSO, PR - June 2025

Date	Temperature				HDD	CDD	Precipitation
	Maximum	Minimum	Average	Departure			
2025-06-01	92	74	83.0	3.0	0	18	0.00
2025-06-02	**93**	73	83.0	2.9	0	18	0.00
2025-06-03	**93**	74	83.5	3.4	0	19	0.00
2025-06-04	91	72	81.5	1.3	0	17	0.00
2025-06-05	89	71	80.0	-0.2	0	15	0.73
2025-06-06	88	**70**	79.0	-1.2	0	14	0.88
2025-06-07	88	71	79.5	-0.8	0	15	1.10
2025-06-08	89	**70**	79.5	-0.8	0	15	0.08
2025-06-09	87	72	79.5	-0.8	0	15	1.20
2025-06-10	86	71	78.5	-1.9	0	14	0.30
2025-06-11	88	74	81.0	0.6	0	16	0.33
2025-06-12	90	72	81.0	0.6	0	16	0.36
2025-06-13	90	71	80.5	0.0	0	16	0.00
2025-06-14	89	**70**	79.5	-1.0	0	15	0.00
2025-06-15	87	72	79.5	-1.0	0	15	0.00
2025-06-16	87	73	80.0	-0.5	0	15	0.00
2025-06-17	89	72	80.5	0.0	0	16	0.00
2025-06-18	90	72	81.0	0.4	0	16	0.00
2025-06-19	89	71	80.0	-0.6	0	15	0.00
2025-06-20	89	72	80.5	-0.1	0	16	0.20
2025-06-21	87	71	79.0	-1.6	0	14	0.00
2025-06-22	89	73	81.0	0.4	0	16	0.12
2025-06-23	89	71	80.0	-0.6	0	15	**1.55**
2025-06-24	89	72	80.5	-0.1	0	16	1.33
2025-06-25	92	74	83.0	2.4	0	18	0.07
2025-06-26	89	72	80.5	-0.1	0	16	0.00
2025-06-27	89	72	80.5	-0.1	0	16	0.00
2025-06-28	88	75	81.5	0.8	0	17	0.00
2025-06-29	88	73	80.5	-0.2	0	16	0.00
2025-06-30	89	73	81.0	0.3	0	16	0.00
Sum	2673	2163	-	-	0	476	8.25
Average	89.1	72.1	80.6	0.2	-	-	-
Normal	88.8	72.1	80.4	-	0	464	8.70

Observations for each day cover the 24 hours ending at the time given below (Local Standard Time).
Max Temperature : 8am
Min Temperature : 8am
Precipitation : 8am

Climatological Data for COLOSO, PR - July 2025

Date	Temperature				HDD	CDD	Precipitation
	Maximum	Minimum	Average	Departure			
2025-07-01	91	73	82.0	1.3	0	17	0.00
2025-07-02	89	75	82.0	1.3	0	17	0.00
2025-07-03	90	71	80.5	-0.2	0	16	1.36
2025-07-04	88	72	80.0	-0.7	0	15	0.07
2025-07-05	91	72	81.5	0.8	0	17	0.00
2025-07-06	90	71	80.5	-0.2	0	16	0.61
2025-07-07	89	73	81.0	0.3	0	16	0.00
2025-07-08	88	71	79.5	-1.2	0	15	0.27
2025-07-09	88	73	80.5	-0.2	0	16	0.40
2025-07-10	90	74	82.0	1.3	0	17	0.41
2025-07-11	89	72	80.5	-0.2	0	16	0.11
2025-07-12	88	73	80.5	-0.2	0	16	0.00
2025-07-13	89	72	80.5	-0.2	0	16	0.00
2025-07-14	88	72	80.0	-0.7	0	15	0.00
2025-07-15	88	**70**	79.0	-1.7	0	14	**2.00**
2025-07-16	87	73	80.0	-0.7	0	15	0.45
2025-07-17	88	72	80.0	-0.7	0	15	0.13
2025-07-18	89	71	80.0	-0.7	0	15	0.00
2025-07-19	89	73	81.0	0.3	0	16	0.00
2025-07-20	90	71	80.5	-0.2	0	16	0.41
2025-07-21	90	**70**	80.0	-0.7	0	15	1.26
2025-07-22	90	75	82.5	1.8	0	18	0.57
2025-07-23	89	75	82.0	1.3	0	17	0.12
2025-07-24	89	74	81.5	0.8	0	17	0.00
2025-07-25	89	73	81.0	0.3	0	16	0.00
2025-07-26	90	74	82.0	1.3	0	17	0.00
2025-07-27	91	75	83.0	2.3	0	18	0.00
2025-07-28	90	73	81.5	0.8	0	17	0.00
2025-07-29	90	74	82.0	1.3	0	17	0.00
2025-07-30	**93**	74	83.5	2.7	0	19	0.00
2025-07-31	91	74	82.5	1.7	0	18	0.00
Sum	2771	2255	-	-	0	505	8.17
Average	89.4	72.7	81.1	0.4	-	-	-
Normal	88.8	72.6	80.7	-	0	487	9.14

Observations for each day cover the 24 hours ending at the time given below (Local Standard Time).
Max Temperature : 8am
Min Temperature : 8am
Precipitation : 8am

Climatological Data for COLOSO, PR - August 2025

Date	Temperature				HDD	CDD	Precipitation
	Maximum	Minimum	Average	Departure			
2025-08-01	90	72	81.0	0.2	0	16	0.26
2025-08-02	91	74	82.5	1.7	0	18	1.50
2025-08-03	89	74	81.5	0.7	0	17	0.16
2025-08-04	89	73	81.0	0.2	0	16	0.00
2025-08-05	91	72	81.5	0.7	0	17	0.65
2025-08-06	90	74	82.0	1.2	0	17	0.05
2025-08-07	90	72	81.0	0.2	0	16	0.86
2025-08-08	89	72	80.5	-0.3	0	16	0.64
2025-08-09	90	73	81.5	0.7	0	17	0.00
2025-08-10	91	72	81.5	0.7	0	17	0.43
2025-08-11	87	**71**	79.0	-1.9	0	14	**2.32**
2025-08-12	89	73	81.0	0.1	0	16	0.00
2025-08-13	90	74	82.0	1.1	0	17	0.00
2025-08-14	91	75	83.0	2.1	0	18	0.00
2025-08-15	90	74	82.0	1.1	0	17	0.20
2025-08-16	90	75	82.5	1.6	0	18	0.75
2025-08-17	83	76	79.5	-1.4	0	15	1.03
2025-08-18	86	73	79.5	-1.4	0	15	0.05
2025-08-19	89	74	81.5	0.6	0	17	0.00
2025-08-20	89	74	81.5	0.6	0	17	0.00
2025-08-21	**92**	74	83.0	2.1	0	18	0.00
2025-08-22	91	75	83.0	2.0	0	18	0.00
2025-08-23	90	76	83.0	2.0	0	18	0.00
2025-08-24	**92**	74	83.0	2.0	0	18	0.88
2025-08-25	91	75	83.0	2.0	0	18	0.00
2025-08-26	90	77	83.5	2.5	0	19	0.00
2025-08-27	91	74	82.5	1.5	0	18	1.24
2025-08-28	90	73	81.5	0.5	0	17	1.70
2025-08-29	89	73	81.0	0.0	0	16	0.36
2025-08-30	90	72	81.0	0.0	0	16	0.15
2025-08-31	**92**	74	83.0	2.0	0	18	0.07
Sum	2782	2284	-	-	0	525	13.30
Average	89.7	73.7	81.7	0.8	-	-	-
Normal	89.0	72.8	80.9	-	0	493	10.45

Observations for each day cover the 24 hours ending at the time given below (Local Standard Time). Observation times may have changed during this period.
Max Temperature : 7am, 8am
Min Temperature : 7am, 8am
Precipitation : 7am, 8am