UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF: Municipality of Manatí Calle Quiñones #10 Manatí, Puerto Rico 00674 NPDES Permit No. PRR040042 Respondent	**ADMINISTRATIVE ORDER** **CWA-02-2013-3117**

I, _____, an officer of the Municipality of Manatí with the title of, _____, do hereby acknowledge the receipt of copy of the ORDER, CWA-02-2013-3117.

DATE: _____ SIGNED: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of: **Municipality of Manatí** Quiñones Street #10 Manatí, Puerto Rico 00674 **NPDES Permit Number PRR040042** Proceeding pursuant to Sections 308 and 309(a) of the Clean Water Act, 33 U.S.C. §§ 1318 and 1319(a).	**ADMINISTRATIVE COMPLIANCE ORDER** **DOCKET NUMBER CWA-02-2013-3117**

I. PRELIMINARY STATEMENT

1. This Order is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) pursuant to Sections 308 and 309 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. §§ 1318 and 1319.

2. The Administrator has delegated the authority to take these actions to the Regional Administrator of Region 2, who, in turn, has delegated such authority to the Director of the Caribbean Environmental Protection Division.

II. STATUTORY AND REGULATORY AUTHORITIES

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides in part that "[e]xcept as in compliance with [CWA Section 402], the discharge of any pollutant by any person shall be unlawful."

4. Section 402 of the Act, 33 U.S.C. § 1342, defines the National Pollutant Discharge Elimination System (NPDES) as the national program for, among other things, issuing and enforcing permits.

5. Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1), provides that "the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant upon condition that such discharge will meet such requirements as the Administrator determines are necessary to carry out the provisions of the [Act]."

6. Section 402 of the Act authorizes the Administrator to promulgate regulations for the implementation of the NPDES requirements.

7. Pursuant to the Act, on April 1, 1983, EPA promulgated regulations to implement the NPDES program, under EPA Administered Permit Programs: the NPDES, at 40 C.F.R. Part 122, as amended.

8. Pursuant to the NPDES regulations at 40 C.F.R. § 122.5(b), the NPDES program requires permits for the discharge of any pollutant from any point source into waters of the United States.

9. The Act and its implementing regulations contain the following definitions:

   a. "discharge of a pollutant" as any addition of any pollutant to navigable waters and/or waters of the United States from any point source. Section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2;

   b. "facility," as any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to the regulations of the NPDES program. 40 C.F.R. § 122.2;

   c. "municipality" as, 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;

   d. "municipal separate storm sewer system" (MS4) is defined by 40 C.F.R. §§ 122.2 and 122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

      i. owned or operated by 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. designed or used for collecting or conveying storm water;

iii. which is not a combined sewer; and

iv. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

e. "NPDES" means a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Act, 33 U.S.C. §1342;

f. "navigable waters" as the waters of the United States, including the territorial seas. Section 502(7) of the CWA, 33 U.S.C. § 1362(7); "Waters of the United States" means all waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, among others, and their tributaries. 40 C.F.R. § 122.2;

g. "owner" or "operator" as the owner or operator of any facility or activity subject to regulation under the NPDES program. 40 C.F.R. § 122.2;

h. "person" as an individual, corporation, partnership or association. Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2;

i. "pollutant" as including, among others, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water. Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2;

j. "point source" as 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. Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2; and

k. "small municipal separate storm sewer system" or "Small MS4" means all separate storm sewers, pursuant to 40 C.F.R. § 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 C.F.R. §§ 122.26(b)(4) and (b)(7), or designated under paragraph 40 C.F.R. § 122.26(a)(1)(v); and

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.

10. Section 308(a)(A) of the Act provides that "[w]henever required to carry out the objective of . . . [CWA Section 402] the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as [the Administrator] may reasonably require."

11. Section 309(a)(3) of the Act provides that "[w]henever on the basis of any information available . . . the Administrator finds that any person is in violation of [CWA Sections 301 and 308], or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under [Section 402 of the Act, the Administrator] shall issue an order requiring such person to comply with such section...."

12. Section 309(a)(5)(A) of the Act provides that "[a]ny order issued under [CWA Section 309] shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance . . . taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements."

13. EPA is the agency within the Commonwealth of Puerto Rico with authority to administer the federal NPDES program. EPA maintains enforcement authority for violations of the Act and its implementing regulations.

III. JURISDICTIONAL STATEMENTS

14. The Municipality of Manatí (Respondent) is a municipality created under the laws of the Commonwealth of Puerto Rico.

15. Respondent is a municipality pursuant to Section 502(4) of the CWA, 33 U.S.C. § 1362(4).

16. Respondent owns and operates the municipal separate storm sewer system (the "MS4"). The MS4 is located in an urbanized area of Manatí, Puerto Rico.

17. The MS4 is and was at all relevant times a "point source" within the respective definitions established in Section 502(14) of the Act, 33 U.S.C. §1362(14).

18. Respondent is the owner and/or operator of a sanitary sewer system (the "Facility") located at State Road 2, Km.44.2, intersection with Bucaré Street, Parcelas Marquéz Community, Coto Norte Ward, Manatí, Puerto Rico.

19. The Facility serves the Parcelas Marquéz Community which is comprised of houses and commercial facilities.

20. At all relevant times to this Order, Respondent was the owner and/or operator of the Facility.

21. Respondent discharges sewage (e.g., pollutants) from the Facility into the MS4, which in turn discharges into the Tortugero Lagoon.

22. The Facility is a point source pursuant to Section 502(14) of the Act, 33 U.S.C. § 1362(14) and 40 C.F.R. § 122.2.

23. The Tortugero Lagoon is a water of the United States, pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2.

24. Respondent owns and operates the Facility, a facility as defined in 40 C.F.R. § 122.2. Respondent is subject to the provisions of the Act, 33 U.S.C. § 1251, et seq., and the applicable NPDES permit application regulations found at 40 C.F.R. Part 122. Respondent was required to apply for and obtain NPDES permit coverage for the Facility's discharges of pollutants into waters of the United States pursuant to Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1).

IV. FINDINGS OF VIOLATIONS

25. On April 3, 2013, three EPA authorized enforcement officers performed a Reconnaissance Inspection (RI) of the Facility. The findings of the RI were summarized in an April 4, 2013 inspection report. Attachment 1 of this ORDER includes a copy of the Report.

26. Among other things, the findings of the Inspection revealed the following:

    a. EPA observed a sanitary manhole located at the intersection of State Road #2 and Bucaré Street discharging raw sewage into two storm water drains located at one corner of Bucaré Street;

    b. upon opening the manhole cover, the manhole was observed full of sewage and sewage debris;

    c. EPA observed raw sewage inside the two storm water drains located at one corner of the Bucaré Street (the two storm water drains further discharges into the Tortugero Lagoon);

    d. EPA observed algae growth in front of the storm water drains;

    e. foul odors were coming out of the flowing sewage at the Bucaré Street;

    f. EPA observed another manhole located near the above mentioned overflowed manhole at the same Bucaré Street full of sanitary debris and close to overflow; and

    g. mitigation practices were not observed at the visited areas. No temporary controls were observed.

27. During the Inspection, EPA informed Respondent representatives that it is required to collect and dispose of the sewage properly.

28. During the Inspection, EPA informed Respondent that it is required to mitigate the discharges of sewage to deter any impact to the environment and the health of nearby residents.

29. On April 4, 2013, an EPA official reviewed the EPA NPDES database and the EPA files located at EPA Region 2's Caribbean Environmental Protection Division (the "EPA Review") in order to determine if Respondent had obtained NPDES coverage for the Facility.

30. The EPA Review revealed that as of such date, Respondent had never filed an individual NPDES permit application, as required by 40 C.F.R. §

122.21, seeking coverage under the NPDES, for its discharges of pollutants from the Facility into waters of the United States.

31. By email dated April 4, 2013, EPA requested Respondent to cease and desist the discharges of sewage from the Facility into Waters of the United States and to send EPA a daily certification, whereas Respondent states that the sewage discharges has been stopped and that the sewage is being collected and transported to a permitted facility.

32. On April 4, 2013, Mr. Ramón M. Febles-Rodriguez, the Municipality's Interim Infrastructure Secretary, informed EPA via e-mail that Respondent's Facility's construction has not been completed, and that the community neighbors has been connected to this Facility.

33. On April 5, 2013, Mr. Lemuel de Jesús-Diaz, the Municipality's Project Inspector, informed EPA via e-mail that Respondent started the emptying works of the aforementioned Facility's overflowed manhole. Mr. De Jesús also said that the works will continue on the following week and that the manhole is being monitored continuously.

34. As described in Paragraphs 25 through 33 above, EPA has found Respondent to be in violation of the Act, the applicable NPDES regulations for the storm water discharges for its discharges of pollutants into waters of the United States without NPDES permit coverage.

35. Respondent's violations constitute a violation of Sections 301 of the Act, the applicable NPDES regulations, therefore, Respondent is subject to an enforcement action under Section 309 of the Act.

V. ORDERED PROVISIONS

In consideration of the above FINDINGS and pursuant to the authority of Sections 308 and 309 of the Act, 33 U.S.C. §§ 1318 and 1319, EPA has determined that compliance with the following requirements is reasonable.

IT IS HEREBY ORDERED:

36. **That immediately upon receipt of the originals of this ORDER**, Respondent shall complete the acknowledgment of receipt on one of the originals of the ORDER and return said original to the Chief, Municipal Water Programs Branch, Caribbean Environmental Protection Division, EPA, to the address specified in paragraph 43, below.

37. **That immediately upon receipt of this ORDER**, Respondent shall cease and desist from discharging pollutants (sewage) from the Facility into Municipality of Manatí's MS4 and/or into the Tortugero Lagoon.

38. **That immediately upon receipt of this ORDER**, Respondent shall submit a certification stating that the discharge of pollutants from the Facility into the Municipality of Manatí's MS4 and/or Tortugero Lagoon has ceased as of the date of receipt of this ORDER. The certification shall be submitted to the Chief of the Municipal Water Programs Branch, Caribbean Environmental Protection Division, EPA, by no later than five (5) calendar days from the date of receipt of this ORDER.

39. **That within ten (10) calendar days of receipt of this ORDER**, Respondent shall submit all the manifests since the sewage started to be hauled to the Puerto Rico Aqueduct and Sewer Authority (PRASA)'s Barceloneta Wastewater Treatment Plant (WWTP).

40. **That within fifteen (15) calendar days of receipt of this ORDER**, Respondent shall submit the following information:

    a. indicate the responsible parties (e.g., managers, supervisors, operators) of the construction, operation and maintenance of the Facility since January 2008;

    b. a copy of the sanitary sewer system plan (s) of the Facility;

    c. a copy of all the documents of cleaning and maintenance of the Facility since January 2008;

    d. a certification of how many houses were planned or are planned to be connected to the Facility;

    e. a detailed description of how the sewage is managed and disposed of at present time from the Facility;

    f. a copy of all the letters from Respondent to PRASA or contractor (s) since January 2008 requesting connection of the sanitary sewer system from the Parcelas Marquéz Community to PRASA's sanitary sewer system;

    g. a copy of all the letters sent by PRASA regarding the Facility;

    h. a copy of the contract between Respondent and its Facility construction contractor (s) in which indicates construction agreements of developing the sanitary sewer system;

    i. identify on a current Site Plan the point (s) of collection of sanitary wastewaters from Facility's sanitary sewer system;

    j. indicate how many times per day is the hauling truck filled with sewage and the trips made to the PRASA's Barceloneta WWTP;

k. indicate how many times the hauling truck has been emptied of sewage at Barceloneta WWTP or any other WWTP since January 2008; and

l. a copy of all the manifests of these hauling activities from the Facility to Barceloneta WWTP since January 2008 to present.

41. **That within 45 calendar days of receipt of this ORDER**, Respondent shall submit a compliance plan to EPA that outlines a schedule, to be completed within one hundred and eighty (180) calendar days of receipt of this ORDER, for the elimination of all sewage discharges into the MS4 and Tortugero Lagoon. The plan shall include, as a minimum, the following:

a. an itinerary of sewage hauling from the Facility;

b. implementation of the mitigations measures at the Facility;

c. maintenance of mitigation measures;

d. performance of inspections by qualified personnel;

e. preparation of inspection reports;

f. designation of the authorized representatives;

g. design plans, construction itinerary and contracts; and

h. cost estimates to implement the above measures, and to comply with this ORDER.

42. Any questions concerning this ORDER should be directed to Engineer Carlos R. Villafañe, MEM, PE, Municipal Water Programs Branch, Caribbean Environmental Protection Division at (787) 977-5858.

43. All information required to be submitted under this ORDER shall be sent by registered mail (or its equivalent) to the following addresses:

Director, Water Quality Area
Environmental Quality Board
P.O. Box 11488
San Juan, Puerto Rico 00910;

and

Chief, Municipal Water Programs Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
48 RD. 165 Km. 1.2
Guaynabo, PR 00968-8069
Tel.: 787-977-5804
Fax: 787-289-7982

VI. GENERAL PROVISIONS

44. Any documents to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following 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 qualified personnel properly gathered 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, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

45. The Respondent shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer, regarding the Ordered provisions, with the following designated Agency representative: Engineer Carlos R. Villafañe, Environmental Engineer, Municipal Water Programs Branch, Caribbean Environmental Protection Division at (787) 977-5858 / villafane.carlos@epa.gov. Unless the Agency official issuing the Order decides otherwise, the Ordered provisions shall become effective at the expiration of said period for consultation.

46. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at http://uscode.house.gov/download/pls/05C7.txt, provides the grounds for such review.

47. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be

deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.

48. Notice is hereby given that should EPA commence an action in a United States District Court for a violation of any Ordered Provision of this Order the Municipality of Manatí may be subject to (1) civil penalties up to $37,500 per day for each day of violation, pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), and/or (2) injunctive relief, pursuant to Section 309(b) of the Act, 33 U.S.C. § 1319(b), as imposed by the Court.

49. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.

50. This Order shall become effective upon the date of execution by the Director, Caribbean Environmental Protection Division.

Dated: Apr 12/18 2013 Signed: _____

José C. Font
Director
Caribbean Environmental Protection Division
Environmental Protection Agency, Region 2

Attachment 1 – Inspection Report

EPA	United States Environmental Protection Agency Washington, D.C. 20460 **Water Compliance Inspection Report**	Form Approved. OMB No. 2040-0057 Approval expires 8-31-98

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	PRR040042 11	12 130403 17	18 R	19 R	20 1

Remarks

21 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	B1	QA	Reserved
67 10 69	70	71	72	73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected *(for industrial users discharging to POTW, also include POTW name and NPDES permit number*	Entry Time/Date	Permit Effective Date
Parcelas Marquez Community Sanitary and Storm Sewers Bucare Street, Parcelas Marquez Community, Coto Norte Ward Manatí, Puerto Rico 00674	04/03/13 9:30 AM	October 28, 2008
	Exit Time/Date	Permit Expiration Date
	04/03/13 11:00 AM	November 6, 2011

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
See attached "Supplement to the Water Compliance Inspection Report".	PO Box Manati, Puerto Rico 00674
Name, Address of Responsible Official/Title/Phone and Fax Number(s)	
Juan A. Cruz-Manzano, Mayor, Municipality of Manatí (787) 854-2024	Contacted: [ ] Yes [X] No

Section C: Areas Evaluated During Inspection *(Check only those areas evaluated)*

	Permit		Flow Measurement	X	Operations & Maintenance	X	CSO/SSO (Sewer Overflow)
	Records/Reports		Self-Monitoring Program		Sludge Handling/Disposal		Pollution Prevention
X	Facility Site Review		Compliance Schedules		Pretreatment		Multimedia
	Effluent/Receiving Water		Laboratory	X	Storm Water		Other: Pump Station

Section D: Summary of Findings/Comments *(Attach additional sheets of narrative and checklists as necessary)*

See attached "Supplement to the Water Compliance Inspection Report".

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Carlos R. Villafañe, PE, MEM Environmental Engineer	EPA/CEPD/MPCB (787) 977-5858	4/15/13
Alex Rivera, EIT Environmental Engineer	EPA/CEPD/MPCB (787) 977-5845	4/15/13
Yolianne Maclay, PE Environmental Engineer	EPA/CEPD/MPCB (787) 977-58	4/15/13
Signature of Management Q A Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Jaime Géliga, Chief	EPA/CEPD/MPCB (787) 977-5840	4/19/13

SUPPLEMENT TO WATER COMPLIANCE INSPECTION REPORT FORM (EPA FORM 3560-3 (REV 9-94))

PARCELAS MARQUEZ SANITARY AND STORM SEWER SYSTEM

Reconnaissance Inspection:	Municipality of Manatí Separate Storm Sewer System ("MS4") Permit No. PRR040000
Inspection Date:	April 3, 2013
Inspectors:	Carlos R. Villafañe, MEM, PE, Environmental Engineer, USEPA Region 2, CEPD-MWPB, (787) 977-5858
	Alex Rivera, ME, EIT, Environmental Engineer, USEPA Region 2, CEPD-MWPB (787) 977-5845
	Yolianne Maclay, MS, PE, Environmental Engineer, USEPA Region 2, CEPD-MPCB, (787) 977-5849
Facility's Personnel:	
Municipality of Manatí:	Mr. Victor Gonzalez-Narvaez, Planning Director Mr. Ramon M. Flebes-Rodriguez, Infrast. Secretary Richard Santana Rivera, Sanitation Director Victor J. Santiago, Executive Assistant of the Mayor Carlos Cardona, Sergeant, Environmental Police
Puerto Rico Aqueduct And Sewer Authority Personnel:	Hector Quiñones, Compliance Director Norberto Lugardo, Executive Director Assistant

I. Background:

On April 3, 2013, we performed a Reconnaissance Inspection ("RI") at the Parcelas Marquez Community Sanitary and Storm Sewer Systems, specifically at the area of the intersection of the State Road #2 and Bucare Street, Coto Norte Ward in Manatí, Puerto Rico. The Municipality of Manatí ("MM") operates a municipal separate storm sewer system ("MS4") located in Manatí, Puerto Rico which includes the old urban area, and nine wards within the municipality territorial boundaries. See attached Map No. 1.

II. Inspection Purpose:

The purpose of the RI was to investigate the occurrence of sanitary sewer overflows (SSOs) at the above mentioned location. The sewage (e.g., wastewater) apparently was being discharged from the MS4 into the Tortugero Lagoon.

III. Inspection Findings:

The findings of the RI are included below:

1) There was no rain during the time of the inspection. The temperature at the time of the inspection was 85 °F.

2) The Parcelas Marquez Community Sanitary Collection System (SCS) is owned and operated by the Municipality of Manatí ("MM"). See attached Map No. 1.

3) The Parcelas Marquez Community SCS serves the community of the same name which is located at the Coto Norte Ward in Manatí, Puerto Rico. This SCS collects wastewater from various residences and commerce along the streets of this community.

4) The Parcelas Marquez Community SCS is comprised of sanitary sewer pipes, manholes, among other sanitary collection structures for wastewater collection.

5) The RI findings and comments are based on the walk-through observations and my interviews with the MM representatives: Mr. Victor Gonzalez-Narvaez, Ramon Febles-Rodriguez and Richard Santana-Rivera. The findings were:

   a) The Parcelas Marquez Community SCS has several sanitary manholes along the community streets. Specifically, at the Bucare Street, intersection with the State Road #2, there was a sanitary manhole (Sanitary Manhole #1) overflowing sewage. See attached Map No.2 and Photos No. 1 through No.6.

   b) The overflowed sewage was observed flowing down and entering into two storm sewer catch basins, part of the Manatí Municipality separate storm sewer system (MS4), located at one corner of the Bucare Street. Foul odors were noticed from the overflowed and flowing sewage at the Bucare Street.

   c) According to Mr. Victor Gonzalez, the storm sewer catch basins finally drain into the Tortugero Lagoon. The Tortugero Lagoon drains into the Atlantic Ocean. See attached Photos No. 7 through 9.

   d) The stormwater catch basins were observed containing sewage, sewage debris and sand. Algae growth was observed in front of the overflowed

manhole and in front of the storm water catch basins. See attached Photos No. 7 through 9.

e) Upon opening the manhole cover, it was observed full of sewage, with sewage debris and solids. See attached Photos No. 10 through 14.

f) A second sanitary manhole (Sanitary Manhole # 2) located at the Bucare Street, approximately 300 feet to the south side from the overflowed manhole mentioned above, was inspected. Upon opening the manhole cover, it was observed containing a huge amount of debris and solids of sewage nature. See attached Map No. 2 and Photos No. 15 through 18.

g) A third sanitary manhole (Sanitary Manhole # 3) located at State Road No. 2, approximately 300 feet to the west side of the overflowed manhole mentioned above, was inspected. Upon opening the manhole cover, it was observed containing no sewage flow. See attached Map No. 2 and Photos No. 19 through 21.

h) A fourth sanitary manhole (Sanitary Manhole # 4) located at State Road No. 2, approximately 300 feet to the east side of the overflowed manhole mentioned above, was inspected. Upon opening the manhole cover, it was observed containing no sewage flow. See attached Map No. 2 and Photos No. 23 through 24.

i) A fifth sanitary manhole (Sanitary Manhole # 5) located at State Road No. 2, approximately 500 feet to the north-east side of the overflowed manhole mentioned above, was inspected. Upon opening the manhole cover, it was observed containing no sewage flow. See attached Map No. 2 and Photos No. 25 through 27.

j) The second, third, fourth and fifth sanitary manholes inspected are also part of the Parcelas Marquez Community SCS.

k) According to Mr. Ramon Febles, Municipality of Manatí Infrastructure Secretary, the sanitary collection system that serves the Parcelas Marquez Community has not been completed and connected to the PRASA's sanitary sewer system due to a pipe section missing near a house (Residence #118) located at the Cantera Community. See attached Map No. 2.

l) Mitigation practices were not observed at the visited areas. The overflowed manhole was observed without any temporary mitigation controls.

IV. Conclusions:

1) Sewage (e.g., wastewater) is a pollutant as defined by Section 502(6) of the Act, 33 U.S.C. § 1362.
2) The Tortugero Lagoon and the Atlantic Ocean are waters of the United States as defined by the Act.
3) The Parcelas Marquez Sanitary Collection System and its MS4 are point sources as defined by the Act.
4) The Parcelas Marquez Sanitary Collection System and its MS4 are appurtenances of the Municipality of Manatí and are point sources as defined by the Act.
5) The Parcelas Marquez Sanitary Collection System and its MS4 discharge by gravity, in some areas, storm and wastewater (e.g., illicit discharges) into the Tortugero Lagoon.
6) The Municipality of Manatí unlawfully discharges pollutants (e.g., wastewater) into the Tortugero Lagoon by the use of its MS4.
7) Although the Municipality of Manatí has NPDES Small MS4 General Permit No. PRR040042, it does not have an NPDES permit to discharge the pollutants (e.g., sewage, solids) that were observed into its MS4.

Report Prepared by: Carlos R Villafañe — Dated: April 4, 2013

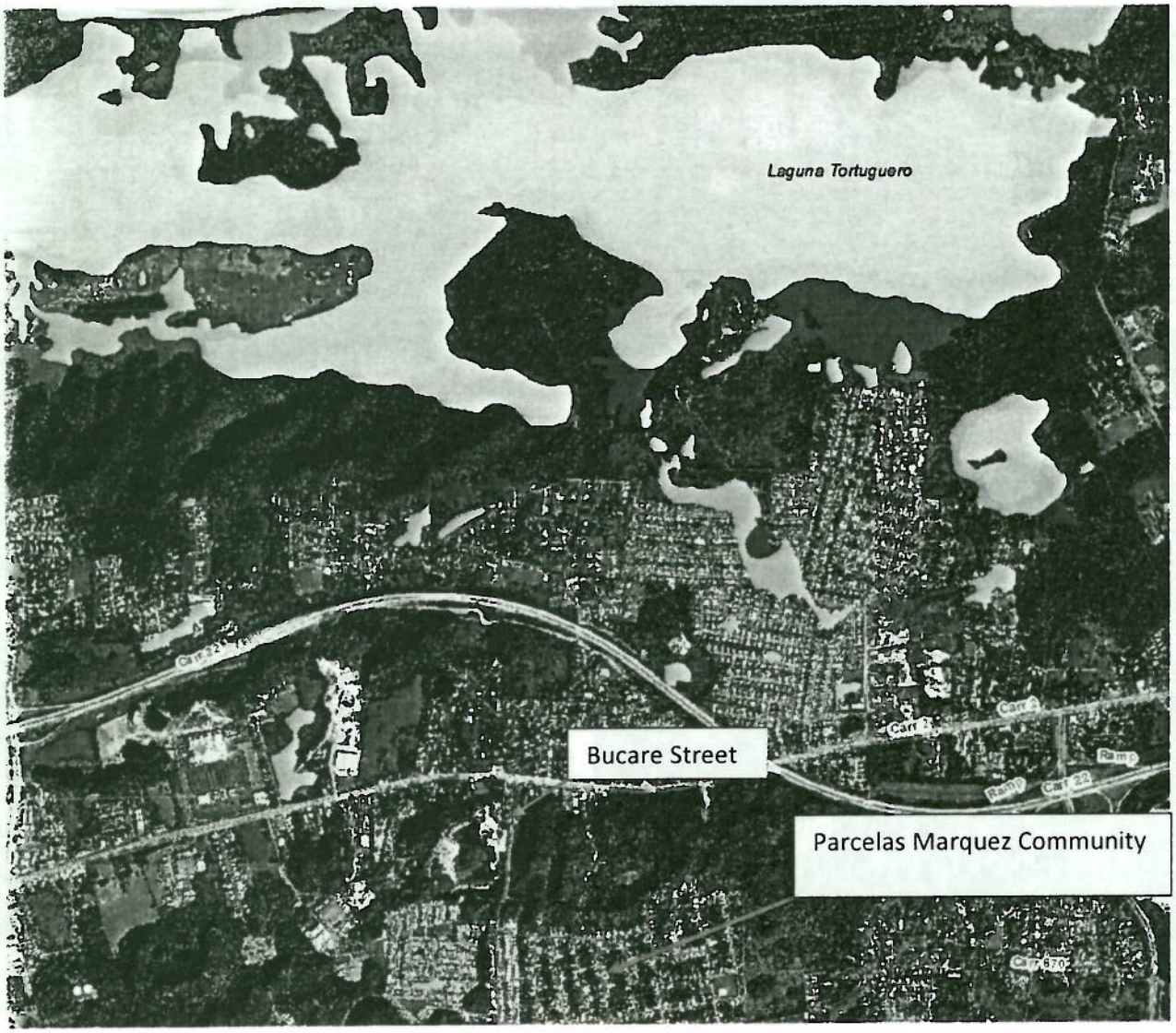
Eng. Carlos R. Villafañe, MEM, P.E.
Environmental Engineer

Attachment I – Parcelas Marquez Sanitary Collection System and its MS4 Location Maps
Attachment II – Inspection Photo Documentation

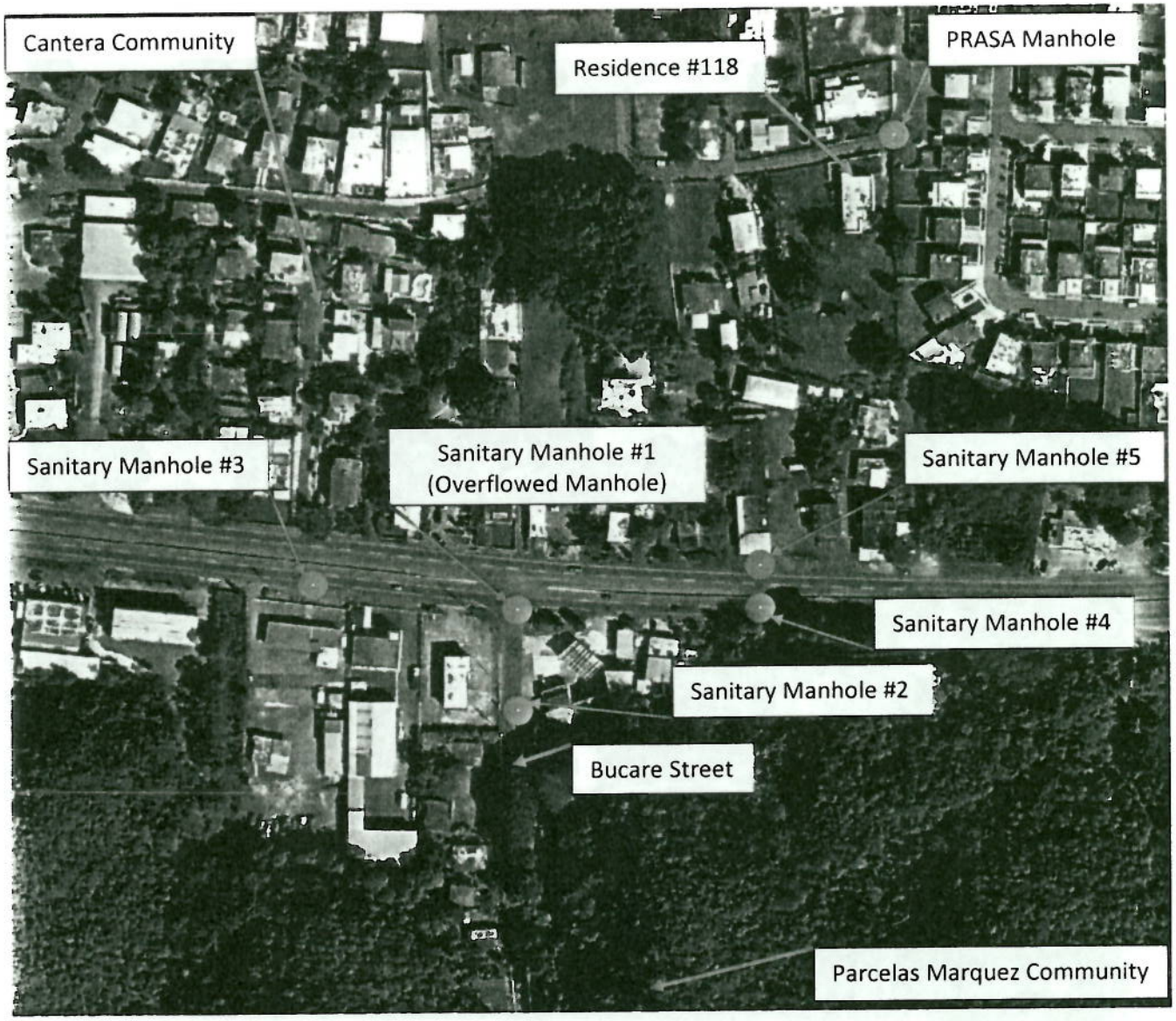
ATTACHMENT I

Parcelas Marquez SCS and MS4 Location Maps

MAP NO. 1


Laguna Tortuguero
Bucare Street
Parcelas Marquez Community

MAP NO. 2


Cantera Community
Residence #118
PRASA Manhole
Sanitary Manhole #3
Sanitary Manhole #1
(Overflowed Manhole)
Sanitary Manhole #5
Sanitary Manhole #4
Sanitary Manhole #2
Bucare Street
Parcelas Marquez Community

ATTACHMENT II

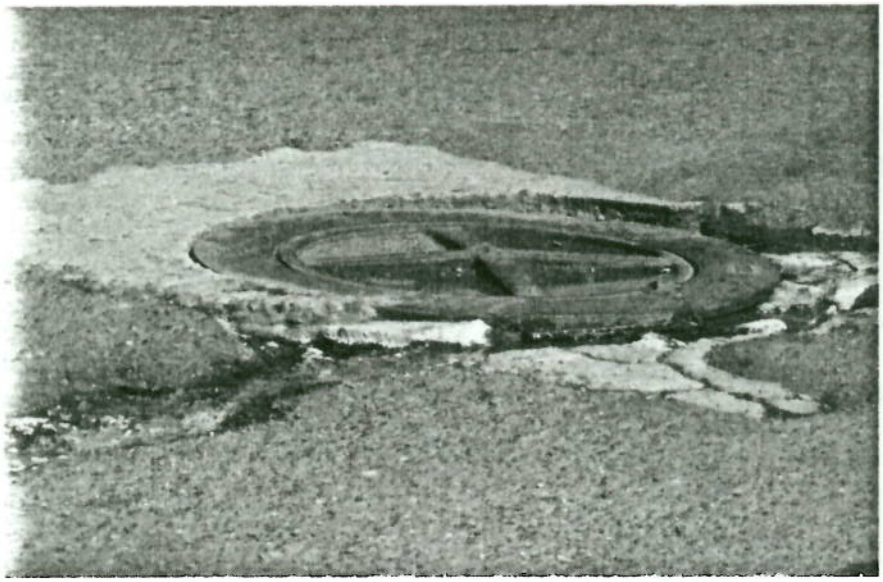
PHOTO-DOCUMENTATION

Picture No. 1. View of the sewage discharge from the overflowed manhole at State Road #2 intersection with the Bucare St.

Picture No. 2. Another view of the overflowed sanitary manhole and sewage discharge at State Road #2 intersection with the Bucare St.

Picture No. 3. Another view of the overflowed sanitary manhole and sewage discharge at State Road #2 intersection with the Bucare St.

Picture No. 4.
Another view of the overflowed manhole and sewage discharge.



Picture No. 5.
Closed view of the overflowed sanitary manhole and sewage discharge.

Picture No. 6.
Another closed view of the overflowed sanitary manhole and sewage discharge. Observe the slime growth near the sanitary manhole cover.

Picture No. 7. View of the sewage discharge entering into the storm drain catch basins at the Bucare Street.

Picture No. 8. Closed view of sewage discharge entering into the storm water catch basin.

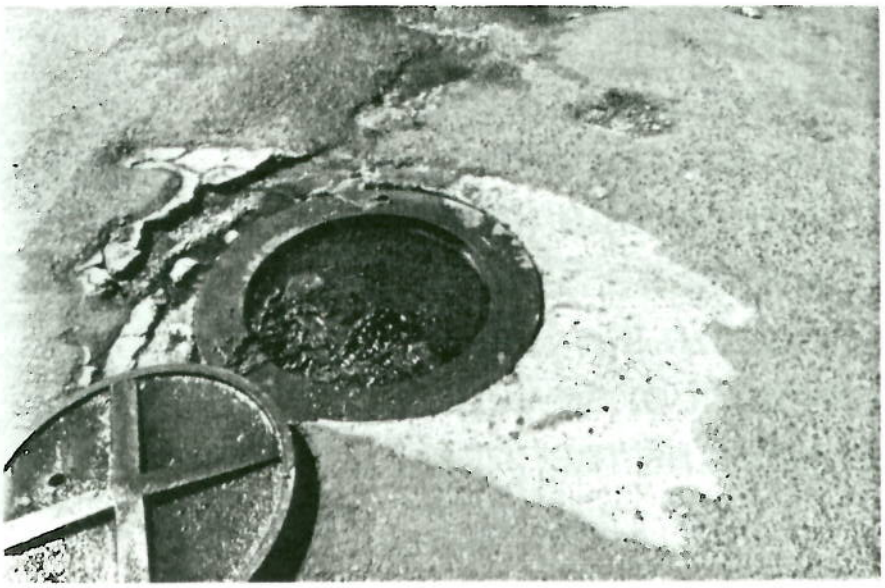
Picture No. 9. Another closed view of sewage discharge entering into the storm water catch basin.

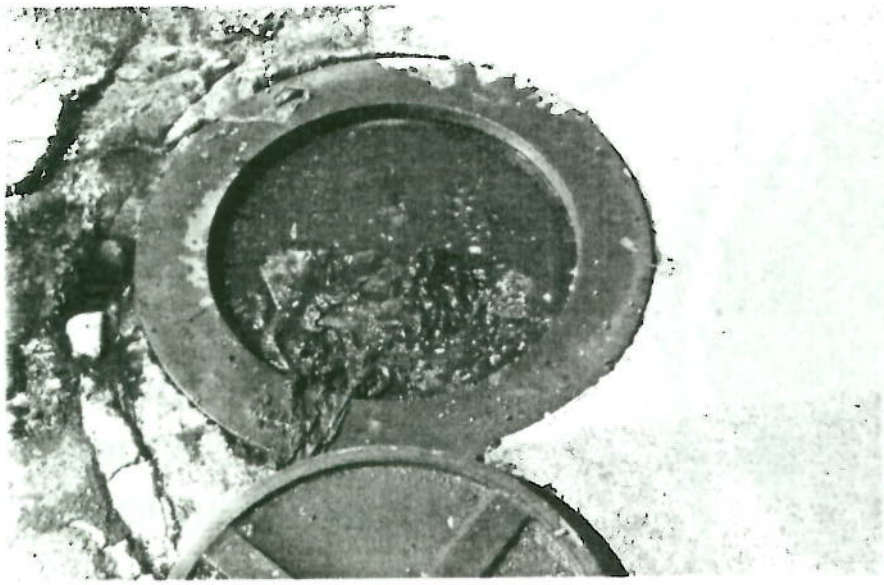
Picture No. 10. View of overflowed manhole at State Road No. 2 intersection with the Bucare Street while it was being opened.

Picture 11. View of the opened overflowed manhole at State Road No. 2, intersection with Bucare Street.

Picture No. 12. Closed view of opened overflowed manhole at State Road No. 2, intersection with Bucare St.

Picture No. 13. View of opened overflowed manhole at State Road No. 2, intersection with Bucare St. Observe the huge amount of solids inside the manhole.





Picture No. 14. Closed view of opened overflowed manhole at State Road No. 2, intersection with Bucare St. Observe the solids inside the manhole.

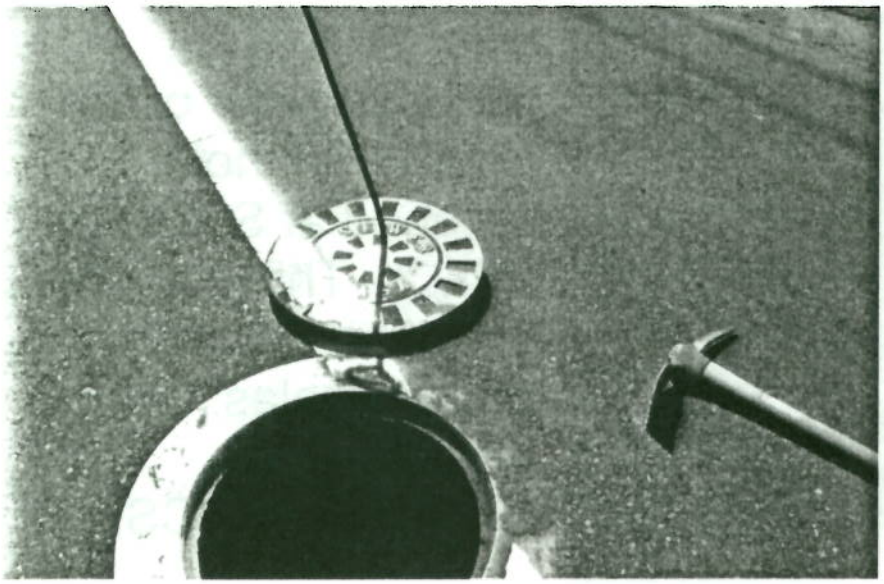
Picture No. 15. View of another sanitary manhole opened at the Bucare St., part of the Parcelas Marquez Sewage Collection System.

Picture No. 16.
Closed view of the opened second manhole interior at the Bucare St.
Observe the huge amount of sewage inside the manhole.

Picture No. 17.
Another closed view of the opened second manhole interior at the Bucare St.
Observe the huge amount of sewage inside the manhole.

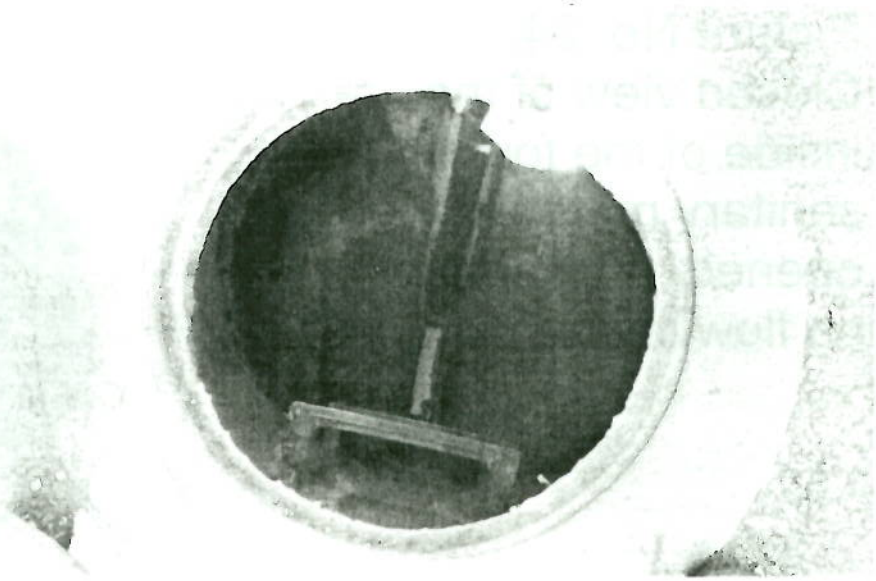
Picture No. 18.
Another closed view of the opened second manhole interior at the Bucare St.
Observe the huge amount of sewage inside the manhole.

Picture No. 19.
View of the third manhole opened located at State Road No. 2. This sanitary manhole is part of the Parcelas Marquez Community SCS.



Picture No. 20.
Closed view of the third manhole opened at State Rd. No. 2.This sanitary manhole is part of the Parcelas Marquez Community SCS.

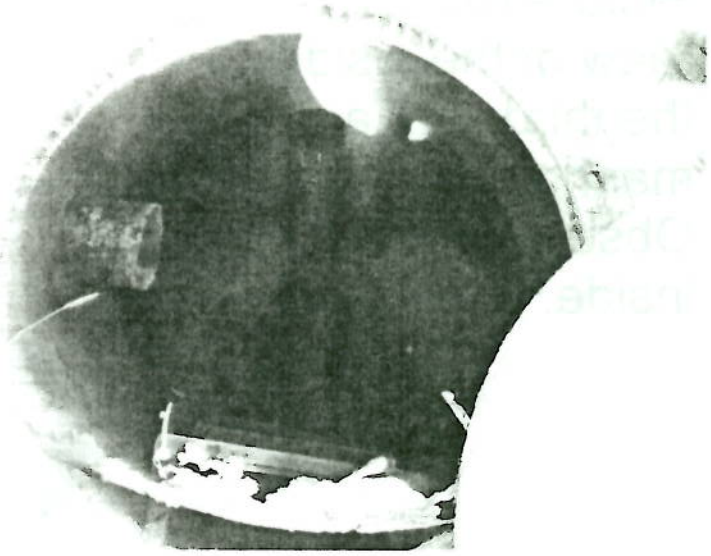
Picture No. 21.
View of the inside of the third sanitary manhole opened. Observe no flow inside.



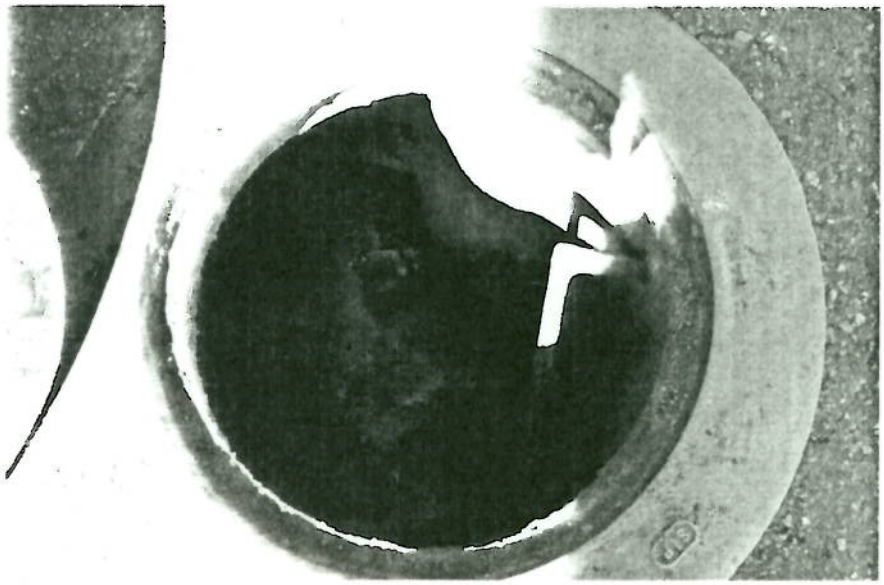
Picture No. 22. View of the fourth sanitary manhole opened at State Road No. 2. This sanitary manhole is part of the Parcelas Marquez Community SCS.

Picture No. 23. Another view of the fourth manhole opened at State Rd. No. 2. This sanitary manhole is part of the Parcelas Marquez Community SCS.

Picture No. 24. Closed view of the inside of the fourth sanitary manhole opened. Observe no flow inside.



Picture No. 25. View of the fifth sanitary manhole opened at State Road No. 2. This manhole is part of the Parcelas Marquez Community SCS.

Picture No. 26. View of the fifth sanitary manhole opened location at State Road No. 2.

Picture No. 27. Closed view of the inside of the fifth sanitary manhole opened. Observe no flow inside.