Municipality of Aguas Buenas

PO Box 128

Aguas Buenas, P.R. 00703

Hon. Luis Arroyo Chiqués

Mayor

National Pollutant Discharge Elimination System (NPDES) Phase II, Regulated Small Municipal Storm Sewer Systems.

General Permit Application

NPDES Permit No PRR040000

US Environmental Protection Agency Region II Caribbean Environmental Protection Division

Centro Europa Building, Suite 417

1492 Ponce de Leon Avenue

San Juan, P.R. 00907-4127

Sondeos, Inc.

Urb Roosevelt 321

Benigno Reyes St.

San Juan, PR 00918

Page

PART I – PERMITTEE GENERAL INFORMATION

The Aguas Buenas MS4 is currently owned and operated by the Municipality under the direction of its Mayor, Hon. Luis Arroyo Chiqués. The Planning Office and the newly created Environmental Office will be responsible for the implementation of the Storm Water Management Program. Mrs. Ingrid Gutierrez, Director of the Planning Office and Mr. Harry Guzman Rivera, Director of the Environmental Office will be the persons responsible for assuring that the program maintains its proposed schedule. The municipal offices of Mrs. Gutierrez and Mr. Guzman are located at the following Physical and mailing addresses:

Physical - Planning Office/Environmental Office
Rafael Lasa St #48
Aguas Buenas City Hall
Aguas Buenas, PR 00703
(787) 732-8621

Mailing - Municipality of Aguas Buenas
Po Box 128
Aguas Buenas, PR 00703

1. Aguas Buenas General Characteristics

The Municipality of Aguas Buenas ("MAB") is a government public entity under the Commonwealth of Puerto Rico, who's institutional mission statement is to work hard to provide their people with excellent services through the efficient use of their economic resources.

The MAB is planned as an urban economic development of cutting edge, focused on its commitment to social harmony and solidarity with the needs of their people. MAB's Municipal Separate Storm Sewer System (MS4) is covered under the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems with Permit Number PRR040028.

2. Operators Name and Address

Municipality of Aguas Buenas
Po Box 128
Aguas Buenas, PR 00703
(787) 732-8621

3. Storm Water Sewer Map

The MAB water sewer system in the urban area in general consist of a series of channel culverts and catch basins, located within the right-of-way of municipal and state roads, interconnected by underground concrete or PVC pipes which normally discharge into Los Muertos Creek and Rio Bairoa. As the MAB implements the proposed Storm Water Management Program a more accurate map will be provided.

4. Description of the Municipal Storm water Sewer System

Three different watersheds have been identified on the MAB. The Urban area is located between two watersheds. The two largest watersheds are located on the North and South part of the municipality, comprising the Bairoa River and Los Muertos Creek.

The MAB is located on the East Central part of Puerto Rico. It is bordered on the North by Guaynabo and San Juan municipalities, by Cidra municipality on the south, Caguas municipality on the east, Bayamón municipality and Comerío Municipality on the West.

MAB has a population of 29,790 inhabitants, according to the 2000 Census. Aguas Buenas is divided into 10 wards: Sumidero, Jagueyes, Bayamoncito, Mulas, Sonadora, Bairoa, Caguitas, Juan Asencio, Mulitas y Pueblo.

MS4 Main Users:

The main users of the MAB MS4 are residential communities, schools, and industries located in the urban region of the town. Approximately 4 schools and 1 hospital have been identified within the delineated urban area of the MAB. As part of our storm water management program an outreach program will be presented to promote the participation of the main users in the clean up activities of our plan.

The primary pollutant sources of the MAB MS4 are overflows in the sanitary sewer system due to sanitary pump system malfunctions.

Hidrology:

The Town of Aguas Buenas is irrigated by the Bairoa River and Los Muertos Creek.

PART II - MINIMUM CONTROL MEASURE 1: PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS

1. Permit Requirement

- "Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff."

The minimum control objective established by the EPA for the Public Education and Outreach Program is to educate the general public on the human activities that contaminates storm water and the impacts of these contaminants in the quality of water.

2. Permit Compliance

The objective of the MAB is to plan and implement public education and outreach activities to educate its citizens on the NPDES Phase II Storm Water Management Program and encourage their participation in support of this effort. The MAB will comply with this minimum control measure by printing and distributing brochures to the general public in Municipal Offices, organizing workshops and other special activities/events and providing information to individuals and groups through written notifications (flyers, letters, advertising, etc.). The implementation of this plan will be the responsibility of the Environmental Office, directed by Mr. Harry Guzmán and the Planning Office, directed by Mrs. Ingrid Gutierrez with phone number (787) 732-8621. These offices will receive support from the Recycling Programs Office, directed by Mr. José Otaño to plan and carry out the public education and public

participation activities. The Municipality will explore federal funding for the environmental education programs presented as part of the Public Outreach Plans.

3. Target Audience

Activities planned under the Public Education and Outreach portion of the Storm Water Management Program (SWMP) will be directed towards general public, schools, restaurants, automotive business, paint shops, junkyards, salvage yards, contractors and developers.

4. Measurable Goals

a. The number of materials created and distributed.

b. The number of organized events.

c. The number of people attending events.

d. The number of educational materials distributed to schools.

5. **Education and Prevention Events**

a. Use of media to disseminate stormwater pollution information to public

The municipality will request the cooperation of the local newspaper "El Oasis" to publish an article at least once a month. Through the media, a campaign can educate a targeted or mass audience about the problems of and solutions to storm water pollution. This effort will increase the exposure of citizens to information related to storm water pollution prevention.

b. Develop education campaign regarding the discharge of detergent waters

The municipality will prepare and distribute educational materials for the general public explaining the impacts of the discharge of wash waters with detergents into the storm sewer and water bodies and with suggestions and measures to eliminate or minimize such discharges.

Measurable Goals

a. The number of articles published.

b. The number of educational materials distributed.

6. School Educational Campaign

Description

The MAB will develop a storm water outreach program for a general age-range target. This includes the development of informational materials and brochures for distribution to the schools. The educational outreach program shall include videos and classrooms presentations with emphasis on pollution prevention. The municipality will request the assistance of local government agencies to offer presentations and provide educational material.

7. BMP's and Schedule

Permit Term	Activity
Year 1	• Gathering of information and development of educational materials. • Coordination for publishing of media campaign articles in Local newspaper. • Development of distribution plan for the different target audiences.
Year 2	• Distribution of educational material to target audiences. • Search for materials for development of stormwater educational workshops. • Offer workshops to identified target audiences. • Coordination for publishing of media campaign articles in Local newspaper.

Year 3	• Revision of educational material and available new information • Offer workshops to identified target audiences. • Distribution of educational material to target audiences.
Year 4	• Revision of educational material and available new information • Distribution of educational material to target audiences.
Year 5	• Revision of educational material and available new information • Distribution of educational material to target audiences.

PART III - MINIMUN CONTROL MEASURE 2: PUBLIC INVOLVEMENT AND PARTICIPATION

1. Permit Requirement

- "At minimum, comply with State and local public notice requirements when implementing a public involvement/participation program."

2. Permit Compliance

This work plan describes the approach to be taken by the Municipality in order to encourage public participation in the Storm Water Management Program development and implementation.

The minimum control objective established by the EPA for the Public Involvement and Participation Program is the involvement of the community in developing, implementing, and reviewing the storm water management program. It also focuses on the effort made by the MAB to reach out and engage all economic and ethnic groups in the program.

3. Target Audience

Activities planned under the Public Involvement and Participation portion of the SWMP will be directed toward all citizens of the community. The SWMP activities under Minimum Control Measure (MCM) 2 will focus on increasing public involvement and participation in reducing the harmful effects of storm water runoff and its potential to affect the water quality. Activities that will reduce or eliminate the impacts of storm water discharges will be developed and implemented to increase the general level of involvement in the SWMP throughout the community.

4. Best Management Practices

In order to meet the permit requirements and objectives established by the EPA, the following best management practices are to be implemented by the MAB:

Annual Cleanup (stream, catch basins, storm drains, outfalls)

The municipality shall promote an annual cleanup that will directly involve citizens in water pollution prevention and make the community aware that most storms drains discharge directly into streams and water bodies.

Tree Planting

The municipality shall promote public involvement through tree planting activities for citizens that may result in the stabilization of deforested areas and prevention of soil erosion and eventual sedimentation of water bodies with stormwater runoff.

5. Measurable Goals

A. The number of creeks or catch basins cleaned.

B. The number of citizens involved in the cleaning initiative.

C. The number of outfalls inspected and cleaned.

D. The number of volunteer tree planters.

E. The number of trees planted.

F. Establish on-going storm water work groups.

G. Participation of citizens in storm water pollution events.

H. Organize and sponsor city volunteer clean up event.

6. BMP's and Schedule

Permit Term	Activity
Year 1	• Annual cleanup and monitoring (streams, catch basins and city areas). • Celebration of tree planting event. • Select candidate sites for reforestation programs.
Year 2	• Annual cleanup and monitoring (selected stormwater outfalls). • Celebration of tree planting event.
Year 3	• Annual cleanup and monitoring (stream and catch basins). • Planting activities
Year 4	• Annual cleanup and monitoring (stream, catch basins and city areas). • Reforestation Program
Year 5	• Annual cleanup and monitoring (stream, catch basins, outfalls).

PART IV - MINIMUM CONTROL MEASURE 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

1. Permit Requirement

- Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR § 122.26(b) in your small MS4.

- Develop a storm sewer system map, showing the locations of all and the names and locations of all waters of the United State that receive discharges from those outfalls.

- Prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions.

- Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping to your system.

- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

2. Program to Detect, Identify, and Eliminate Illegal Dumping

Description

Through the development of Municipal Ordinances to be promulgated by the Municipal Legislature pursuant to the provisions of Act. No. 81 of August 30, 1991, known as "Ley de Municipios Autónomos del Estado Libre Asociado de Puerto Rico ", the municipality will prohibit the disposal of wastes in unpermitted areas or into the storm drain system. The municipality will develop and implement all procedures, programs, and actions required to appropriately promulgate and enforce this ordinance.

3. Measurable Goals

a. The number of penalties enforced upon the participants of illegal dumps.

b. The number of illegal dumps reported by citizens.

c. The number of illegal dump sites cleaned up.

d. The number of flyers, posters, or other public education tools distributed or programs started.

e. Review and revise storm drain maps as needed.

4. Program to Detect, Identify, and Eliminate Illicit Discharges

Description

The plan to detect and address illegal discharges to the system will include four main steps: locate problem areas, find the source, remove or correct illicit connections and document the ensuing course of action.

Possible problem areas will be inspected and screened using appropriate methods. The primary focus of these assessments is to determine if these areas contain illicit connections and to identify the point source of the illicit connection.

Industrial facilities and other commercial facilities have been identified in the MAB urban area. These facilities will be screened to identify any possible unpermitted discharges into the municipality's MS4.

Current state laws prohibit unwarranted connection of a wastewater system to a storm drain system. The municipality will implement all actions required to assist applicable regulatory agencies in appropriately enforcing applicable laws and regulations. Emphasis will be placed on industries and commerce.

According to information provided by the Department of Transportation and Public Works personnel, the Aguas Buenas's MS4 suffer from overflowing conditions, specifically on the Vistas de Jagueyes village at PR-173. The Sanitary pump station in this area is malfunctioning and causes the system to overflow and discharge through the storm drain system.

Additional Measures

Dry Weather Tests – Implementation of control procedures for identification, repair, and remediate sewer blockages, infiltration, inflow, and wet weather overflows from sanitary sewers into the storm drain conveyance system.

Inspection of Sanitary Sewer Connections - The municipality will solicit, from developers and contractors, the letter from the Aqueduct and Sewer Autorithy (AAA) endorsing connection point from the construction project and a certification that the connection was performed as required by AAA and in compliance with state laws. Justification - This certification help to assure connections to sanitary sewer system is adequate and reduce possibility of illegal connections.

Control of Detergent Discharges into the Storm Sewer System – The Municipality will develop the necessary controls to eliminate the discharge of wash waters with detergents from municipal cleaning operations including municipal vehicles cleaning operations. To achieve this, the use of detergents will be eliminated from municipal vehicles cleaning operations or when practicable, detergent waters will be discharged into the sanitary sewer. With regards to the private sector, the MAB will develop an inspection program for car wash operations to identify and eliminate detergent water discharges into the storm sewer.

5. Measurable Goals

a. The number of unwarranted connections reported by citizens and/or business employees.

b. The number of unwarranted connections found.

c. The number of unwarranted connections repaired or replaced.

d. The number of flyers, poster, or other public education tools distributed.

6. BMP's and Schedule

Year	Illicit Discharge Detection and Elimination Goals
1	Conduct a storm drain sump and outfall visual monitoring inspection to document condition and identify required actions.
	Implement updates to the municipal notification system for sewage spills and other non-storm water discharges.
	Conduct training activity to municipal supervisors and staff.
	Update municipal storm drain maps as necessary.
	Evaluation of storm sewer discharges of wash waters with detergents from municipal cleaning operations and/or municipal vehicles cleaning operations.

	Develop program for identification and inspection of private vehicle washing operations or other commercial operations to identify storm sewer discharges of wash waters with detergents.
2	Elimination of storm sewer discharges of wash waters with detergents from municipal cleaning operations and/or municipal vehicles cleaning operations.
	Continue implementation of storm drain sump and outfall visual monitoring program.
	Develop plan for promulgation of Municipal Ordinances to prohibit and enforce illegal discharges/improper disposal.
	The enforcement program will evaluate a plan for assessment of penalties depending on the severity of the act and the number of offenses.
	Train all employees of the hazards associated with illegal discharges/improper disposal.
	Conduct a storm drain assessment to identify potential sources of non-storm water discharges.
	Update municipal storm drain map as necessary to reflect any changes found through the storm drain assessment.
3	Implement an inspection/enforcement program for illegal discharge/improper disposal.
	Evaluate the results of the storm drain assessment and assign risk factors to the potential sources.
	Develop a list of procedural and physical BMPs to be used as measures to control non-storm water discharges.
	Develop an action plan to re-route any illicit connections identified in the assessment. Determine any interim measures necessary to prevent illicit discharges from contaminating storm water.
4	Update municipal storm drain map as necessary to reflect any changes implemented.
	Continue to implement the inspection/enforcement program for illegal discharge/disposal.
	Implement procedural and physical BMPs to reduce risk of illegal discharges and improper disposal to storm drains.
5	Continue to implement the inspection/enforcement program for illegal discharge/disposal.
	Develop a long-term sanitary sewer maintenance/upgrade program.

PART V - MINIMUM CONTROL MEASURE 4: CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

1. Permit Requirements

- Develop, implement and enforce a program to reduce pollutants in any storm water runoff to Aguas Buenas's MS4 from construction activities that result in a land disturbance of greater than

or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is a part of a larger common plan of development or sale that would disturb one acre or more.

The program must include the development and implementation of, at a minimum:

- An ordinance or other regulatory mechanism to require erosion and sediment controls as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- Requirements for construction site operator to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- Procedures for site plan review, which incorporate consideration of potential water quality impacts;
- Procedures for receipt and consideration of information submitted by the public; and,
- Procedures for site inspection and enforcement of control measures.

2. Target Audience

Activities planned under the Construction Site Storm Water Runoff Control portion of the SWMP will be directed toward all construction projects and contractors within the covered MAB area, including municipal and private projects. The SWMP activities under Minimum Control Measure 4 will focus on improving construction project compliance with existing federal and local regulations related to erosion and sedimentation control. Also, the SWMP will focus on development of municipal rules and ordinances to secure compliance with permitting requirements and implementation of BMP's.

3. Permit Compliance

This section of the plan is focused on the understanding by MAB Officials of the existing regulations and permit programs that have been developed, implemented, and enforced by the Puerto Rico Environmental Quality Board ("EQB") and the U.S. Environmental Protection Agency ("EPA") concerning the control of erosion and prevention of sedimentation and the quality of stormwater discharges from construction projects; and the development of mechanisms to ensure that contractors and construction projects comply with those applicable requirements. The pertinent requirements are contained in the EQB "Regulation for the Control of Erosion and Prevention of Sedimentation" (hereinafter, "CEST Plan Regulation"), applicable to all construction projects in Puerto Rico, and the EPA 2008 Construction General Permit (hereinafter, "CGP"), applicable to construction projects disturbing more than one (1) acre.

SWMP Staff Training

Staff will receive training on the federal (EPA Construction General Permit) and local (EQB CEST Plan) storm water requirements and storm water BMP selection, installation, and maintenance. Implementing proper best management practices (BMPs) can greatly reduce the impacts to receiving water bodies including streams, rivers, and oceans.

Construction Projects Greater than One Acre

Construction projects that encompass an area greater than one acre (including Small Linear Underground/Overhead Projects) must comply with the EPA CGP by filing a Notice of Intent ("NOI") and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall conform to the CGP requirements (A Template is available) and shall include appropriate BMP's related to the specific project. At project completion and final stabilization of land disturbance areas,

a Notice of Termination will be submitted to the EPA as per instructions in the CGP. All inspection and monitoring records required by the CGP will be retained for three years.

Construction Projects Less than One Acre

Construction projects that encompass an area less than one acre are not subject to the requirements of the CGP (if the project is not part of a larger common plan of development impacting more than one acre) but may be subject to EQB CEST Plan requirements and shall follow the guidelines for Construction Project Storm Water Pollution Prevention. These guidelines are outlined in Appendix 3 of this document and shall include appropriate BMP's related to the specific project. All inspection and monitoring records obtained during the project timeframe will be retained for three years.

Inspection and Enforcement of Storm Water Requirements at Construction Sites

The municipality will arrange random inspection visits to all private and public construction projects. Until the MAB is able to develop appropriate ordinances to enforce and penalize violations, the finding of any violation will be reported to EQB for proper action. The municipality will follow up on EQB's actions. Construction sites lacking adequate storm water controls can contribute significant amounts of sediment to the receiving water body.

Permit Term	**Activity**
Yearly	• Coordinate with contractors, developers, and state regulatory agencies to assure the project is in compliance with state and federal laws and with any other regulatory agency requirements. • Construction site plan reviews.

Require Electronic copies of Sanitary and Sewer Systems Layouts

The municipality will require contractors to submit an electronic copy of both the sanitary and the storm sewer system on construction projects. This practice will help the municipality in developing a municipal site plan (layout) of all sanitary and sewer lines.

Permit Term	Activity
Yearly	• Review Construction site plans • Construction site inspections • Assure proper sanitary connections on new construction projects • Require electronic copies of sanitary and sewer lines

4. Measurable Goals

- The number of sites inspected.
- The number of inspections performed.
- The number of projects with noncompliance issues.
- The number of enforcement actions taken by regulatory organisms.
- The number of rules and ordinances promulgated by the municipality.

5. BMP's and Schedule

Year	Construction Site Storm water Runoff Control
1	Review and evaluate inclusion of environmental compliance provisions, including sediment and erosion control provisions, in municipal construction contracts.
	Establish contract language that establishes as a contract requirement the compliance with all sediment & erosion control BMP's and State & Federal permit requirements (OGPe/EQB Consolidated General Permit, EPA CGP Notice of Intent ("NOI") and SWPPP, etc.)
	Incorporate environmental compliance clauses where needed in construction contract language.
	Review and evaluate construction site inspection procedures for BMPs.
	Develop training for municipal construction project managers/inspectors.

2	Train municipal project managers and inspectors on the storm water policy and how the procedures will be incorporated into the construction project planning and contract development.
	Develop procedures for discussion with contractors and sub-contractors at pre-construction meetings regarding storm water issues related to the job site and the Storm Water Pollution Prevention Plan (SWPPP) for the construction project.
	Develop construction site inspection procedures.
3	Incorporate pollutant source assessment into pre-construction municipal site plan and BMP review process.
	Implement municipal BMP enforcement procedures and responsibilities.
	Implement construction site inspection procedures.
4	Develop storm water requirements and specifications for smaller municipal projects (less than permit applicability thresholds) including Physical Plant Department projects, and other departments' minor construction activities.
	Continue implementation of construction site inspection procedures.
	Conduct pollutant source assessment during site plan and BMP review.
5	Implement standard procedures to receive and respond to public and/or municipal reporting/incidents regarding storm water runoff impact from construction sites.
	Continue implementation of construction site inspection procedures.

PART VI - MINIMUN CONTROL MEASURE 5: POST-CONSTRUCTION STORM WATER MANAGEMENT in NEW DEVELOPMENT and REDEVELOPMENT

1. Permit Requirements

- Develop, implement, and enforce a program to address discharges of post-construction storm water runoff from new development and redevelopment areas.

- Development and implementation of strategies for appropriate permanent structural and non-structural best management practices (BMPs) (e.g. conservation of natural and permeable areas permeable pavers, rooftop runoff infiltration galleries, and mechanical storm drain filters) that

remain in place after the project is completed and prevent pollution from the new development in the long-run.

- Develop regulatory mechanisms or ordinances to address post-construction runoff from new development to the extent allowable under State or local law

- Ensure long-term operation and maintenance of BMP.

2. Target Audience

Activities planned under the Post-construction Storm Water Management in New Development and Redevelopment portion of the Storm Water Management (SWMP) will be directed toward developers, contractors, construction site operators and inspectors.

3. Justification

The purpose of the post-construction control measures is to establish storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within a jurisdiction of the MAB.

4. BMP's and Schedule

Year	**Post-Construction Storm Water Management in New Development and Redevelopment**
1	Develop training for municipal construction managers and inspectors regarding post-construction BMP's.
	Review and evaluate current activities and projects that may need post construction stormwater management and that may qualify as re-development activities.
	Evaluate procedures for developing structural and non-structural post construction BMPs for both new development and re-development projects.
2	Develop a municipal policy/enforcement program regarding post-construction storm water controls for new development and re-development project sites.

	Develop standard specifications for selected structural and non-structural post construction BMPs.
	Develop procedures to incorporate inspection of new development and redevelopment project facilities into overall municipal storm water inspection program.
3	Incorporate post-construction structural and non-structural BMP requirements into site planning and review process.
	Provide training for municipal construction and inspection staff on post-construction BMP site planning, design, implementation, and inspection/enforcement protocols.
	Develop procedures for a post-construction audit of the effectiveness of structural and nonstructural BMPs.
4	Develop procedures for long-term operation and maintenance of BMPs.
	Develop inspection program for long-term operation and maintenance of BMPs.
	Implement inspection and enforcement program for post-construction structural and nonstructural BMPs.
	Begin post-construction audits of BMP effectiveness and incorporate any findings into the BMP specifications. Provide training for operations and maintenance staff for long-term site BMPs.
5	Implement program for long-term operation and maintenance of BMPs.
	Implement inspection program for long-term operation and maintenance of BMPs.

PART VII - MINIMUM CONTROL MEASURE 6: POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

1. Permit Requirements

- Develop and implement an operation and maintenance program that includes a training component with the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

2. Activities

Pollution Prevention / Good Housekeeping for Facilities Operation and Maintenance

The goal of this minimum control measure is to develop and implement a program to prevent or reduce pollutant runoff from facilities operation and maintenance activities. The program must include training

to relevant staff on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides, etc.).

Develop a program with the ultimate goal of preventing or reducing pollutant runoff from facilities and maintenance operations into the storm sewer system:

- Include employee training on how to incorporate pollution prevention/good housekeeping techniques into facilities operation and maintenance, new construction and land disturbances, and storm water system maintenance. To minimize duplication of efforts and conserve resources, the MS4 operator may use training materials that are available from EPA.
- Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Vehicle Maintenance Program

Municipal activities require the use of various vehicles and equipment, such as public works operation and maintenance vehicles, police cars, fire trucks, and school and public transit buses. Since vehicle maintenance facilities can produce significant loads of hydrocarbons and other pollutants, it is important to address proper operation of these activities. In order to control pollutants and reduce storm water impacts, the MAB has established the following practices at their vehicle maintenance shop:

a. Maintenance work such as fluid changes (oil and lubricants) is performed indoor, inside a roofed area.

b. Used oil is stored properly (250 gallons tank).

c. Used oil and filters are disposed through a private company. Refer to Appendix C.

d. Employees in this area are trained in the proper management and disposal of used fluids.

e. Municipal Vehicles are washed with water only. No chemicals or detergents are used.

The following practices are not currently performed and will be scheduled for implementation:

a. Mechanical Shop drain system will be equipped with a grease trap.

b. Oil and lubricants will be properly stored (drum rack).

c. Absorbent material will be available on site.

Recycling

The MAB is currently engaging in a recycling pick up program for residential and commercial establishments. The municipality has created a schedule to collect recyclables at specific days in 28 residential communities. This measure is related to the municipal stormwater initiatives because the collection of recyclable materials potentially prevents the deposit or disposal of the materials into the municipal stormwater system and adjacent water bodies.

Besides collection of recyclables, MAB has eight (8) permanent drop-off stations with an average annual participation of 14,248.

The non-residential program serves approximately 95 commercial establishments, educational complexes and municipal offices.

The program receives cardboard, paper, newspaper, glass, plastic, cans, and used oil.

The municipality is currently performing this practice.

Used Oil Recycling Program

At the local level, the EQB has set forth a number of regulations for the recycling of used oil under Rule Number 5717, Rule for the Handling of Non-Hazardous Waste. The municipality enforces this ruling at its DTPW facility.

3. Measurable Goals:

Vehicle Maintenance:

a. The number of employees trained in preventing pollution from automobile maintenance activities.

b. The number of trainings offered to municipal employees

c. The number of spills reported

d. The number of educational materials distributed at garages, auto shops, and other automobile related businesses.

Recycling:

a. Amount of recyclable waste generated.

b. The number of establishments served.

c. The number of participants in the recycling program.

d. The number of residential communities participating in the program.

4. **BMP's and Schedule**

Year	Pollution Prevention / Good Housekeeping for Facilities Operation and Maintenance
1	Prepare a rehabilitation plan and schedule of implementation for the municipal storm water system. The plan will include identification of all storm water pipes and their condition. Review and select the Best Management Practices (BMP's) for the municipal facilities and operations.
	Develop pollution prevention and good housekeeping training program for Facilities Management staff.
	Create a maintenance schedule for periodic cleaning of storm water system inlets.
2	Select appropriate BMP's for major municipal operations and use them as the basics to develop a Storm Water Pollution Prevention Plan (SWPPP) for municipal operations and facilities.
	Preparation of a Storm Water Pollution Prevention Plan (SWPPP) for municipal facilities
	Implementation of training program on storm water pollution prevention and good housekeeping practices.
	Develop inspection program for compliance with BMP's.
	Continue inlet cleaning schedule.
4	Continue implementation of SWPPP with selected operational BMP's.
	Implement an inspection program for compliance with BMP's.
	Continue implementation of the storm water training program.
	Continue inlet cleaning schedule.
5	Implementation of SWPPP with selected operational BMP's.
	Continue implementation of the storm water training program.
	Implementation of general MS4 inspection program for compliance with BMPs.

PART VIII – DIRCHARGES TO IMPAIRED WATERS

Pursuant to Parts 1.3.10 and 3.1 of the general permit (Discharges to Water Quality Impaired Waters) the MAB discharges were evaluated to determine whether storm water discharge from any part of the MS4 significantly contributes directly or indirectly to a 303(d) listed (i.e., impaired) water body. Based on the 2010 CWA Section 303(d) list, Río Bairoa, where runoff from parts of the MAB MS4 are discharged, is classified as an impaired water body for Arsenic, Cyanide and Surfactants.

Even though it is the opinion of the MAB that some of the chemicals causing the impairment of the Rio Bairoa are not associated with the MAB operations and/or activities, the Surfactants are typically associated with cleaning activities using detergents and may be present in runoff discharges from the MAB that eventually discharge into the referenced water body. Surfactants may be found in cleaning detergents used in cleaning operations and households. Other possible source would be vehicle cleaning activities in households, commercial carwash operations and municipal vehicles cleaning operations.

According to Part 3.1.2 of the permit (*Water Quality Controls for Discharges to Impaired Waterbodies),* the SWMP, in Part II – Public Education and Outreach, Part IV – Illicit Discharge Detection and Elimination and Part VII – Pollution Prevention/Good Housekeping for Municipal Operations, proposes the development of BMP's to be implemented by the MAB to educate the general public and to detect and minimize/eliminate the discharge of pollutants, including the "Surfactants" parameters of concern, into the Rio Bairoa and other water bodies. The applicable BMPs include:

- The municipality will prepare and distribute educational materials for the general public explaining the impacts of the discharge of wash waters with detergents into the storm sewer and water bodies and with suggestions and measures to eliminate or minimize such discharges.

- The Municipality will develop the necessary controls to eliminate the discharge of wash waters with detergents from municipal cleaning operations including municipal vehicles cleaning operations. To achieve this, the use of detergents will be eliminated from municipal vehicles cleaning operations or when practicable, detergent waters will be discharged into the sanitary sewer. With regards to the private sector, the MAB will develop an inspection program for car wash operations to identify and eventually eliminate detergent water discharges into the storm sewer.

- With regards to Arsenic and Cyanide, the MAB will assess possible sources of these pollutants of concern and identify control measures.

According to Parts 1.3.12 and 3.1.1.2, Rio Bairoa was verified to determine if a Total Maximum Daily Load (TMDL) has been approved for this water body. Based upon the information obtained in the EPA Webpage no TMDL has been established for Rio Bairoa.

PART IX – ENDANGERED SPECIES AND HISTORIC PROPERTIES

The applicant certifies that it has met eligibility criteria for protection of threatened or endangered species, critical habitat, historic properties, and marine fisheries pursuant to Parts 1.3.5 and 1.3.6 of the NPDES General Permit No. PRR040000.

The endangered species impact determination has been made pursuant to Criteria D in Part 1.3.5.3.4 using best judgment and knowledge and based on consultations with the U.S. Fish and Wildlife Service for various municipal projects. The historic properties determination has been made pursuant to Criteria A in Part 1.3.6.1.1 based on consultations with the state Historic Preservation Officer (SHPO) for various municipal projects.

PART X – WORK COMPLETED AND WORK IN PROGRESS

This section explains work that has been completed and work that is being done at UPRM to properly manage storm water.

Actions taken or in process related to Public Education and Outreach on Storm Water Impacts
i. The MAB developed an educational material (flyer) titled "Programa de Manejo de Escorrentías para el Municipio de Aguas Buenas". The MAB is in the process of developing additional educational materials regarding the discharge of detergent waters.
ii. The MAB coordinated for the publication of the material "Programa de Manejo de Escorrentías para el Municipio de Aguas Buenas" in the local newspaper Oasis during the month of May 2011 and is coordinating the publication of additional materials during the upcoming months.
iii. The MAB developed the following distribution plan for educational flyer "Programa de Manejo de Escorrentías para el Municipio de Aguas Buenas":

• Distribution of 100 flyers to commercial establishments and residences within the MAB Urban Area. • Distribution of 100 flyers to vehicles driving around the MAB Plaza. • Distribution of 150 flyers in 4 schools located within the MAB Urban Area.
iv. The MAB scheduled the first round of distribution of educational material pursuant to the distribution plan for May and June 2011.
v. The MAB held a recycling activity of electronic devices. This prevents the improper disposal of electronic equipment, preventing that heavy metals reach rivers and the Caribbean Sea.
vi. UPRM has a recycling program (paper, leaves, grass, etc.) to educate and create conscience among the community (students, faculty and employees). This also prevents debris and litter from going to the inlets of the storm water system.

Actions taken or in process related to Public Involvement / Participation
i. The MAB held a tree planting activity .....
ii. The MAB in planning to conduct a stormwater inlet cleanup activity in the urban area on May 2011.

Actions taken or in process related to Illicit Discharge Detection and Elimination
i. During May 2011, the MAP will conduct a storm drain sump and outfall visual monitoring inspection to document condition and identify required actions.
ii. The MAB will make a photo inventory of stormwater inlets and identifiable outfalls to document condition and plan cleanup efforts.

Actions taken or in process related to Construction Site Storm Water Runoff Control
i. On April 2011, the Environmental Office of MAB evaluated the inclusion of environmental compliance provisions, including sediment and erosion control provisions, in municipal construction contracts and developed the appropriate contract clauses to include as a contract requirement the compliance with all sediment & erosion control BMP's and State & Federal permit requirements (OGPe/EQB Consolidated General Permit, EPA CGP Notice of Intent ("NOI") and SWPPP, etc.).
ii. As soon as practicable, the Environmental Office will discuss the contract clauses with the Legal Division to incorporate the clauses into the construction contracts. The Environmental

Office goal is to have environmental compliance clauses in contracts for projects for which contract will be issued in the near future.
iii. The MAB is in the process of budgeting and planning training sessions for Environmental Office and municipal construction managers on the subject of erosion control regulatory requirements and BMP's for construction activities.

Actions taken or in process related to Post Construction Storm Water and Redevelopment
i. The MAB is evaluating the development of training activities for municipal construction managers and inspectors regarding post-construction BMP's.
ii. The MAB will assess the number of new projects and redevelopment projects requiring post construction controls to establish priorities.

Actions taken or in process related to Pollution Prevention / Good Housekeeping
i. The MAB will assess the condition of the municipal stormwater system in order to plan and develop a rehabilitation program.
ii. The Environmental Office in coordination with the Public Works Office will develop and implement a program for the periodic cleaning of streets and inlets to remove potential stormwater pollutants.

CONCLUSION

The MAB has developed BMP's and measurable goals for the six minimum control measures required by the EPA MS4 permit as they have been presented in this SWMP. The SWMP establishes a course of action to be Implemented by the MAB to control and reduce stormwater pollution . The plan has been established as an outline of the activities the municipality should plan for and budget for the duration of the permit term in order to control and reduce pollution on the urban area storm water runoff.

Storm Water Management Program Certification
Municipality of Aguas Buenas, Puerto Rico

I certify under penalty of law that this document and all attachment were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Rafael E. Mejias Ortiz

Mayor
Municipality of Aguas Buenas

April 29, 2011
Date

Storm Water Management Program Certification
Municipality of Aguas Buenas, Puerto Rico

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 gather and evaluate 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 fines and imprisonment for knowing violations.

Rafael E. Méjias Ortiz
Mayor
Municipality of Aguas Buenas

April 29, 2011
Date

Signature Page
Municipality of Aguas Buenas, Puerto Rico

In accordance with Part 6.7.2 of the Small MS4s General Permit this report is signed by the following duly authorized representative of the Municipality of Aguas Buenas:

Rafael E. Mejías Ortiz

Mayor
Municipality of Aguas Buenas

April 29, 2011
Date

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

Table of Contents

1 Coverage Under this Permit

1.1 Permit Area

Area of Coverage: Small municipal separate sewer systems (MS4s) located within:
A. Commonwealth of Puerto Rico (PRR040000);
B. Federal Facilities within Commonwealth of Puerto Rico (PRR04000F)

1.2 Eligibility Criteria

1.2.1 This permit authorizes discharges of storm water from small municipal separate storm sewer systems (MS4s), as defined in 40 CFR §122.26(b)(16). This includes small MS4s designated under 40 CFR §122.32(a)(1) and 40 CFR §122.32(a)(2). The permittee is authorized to discharge under the terms and conditions of this general permit if:

1.2.1.1 The permittee is the operator of a small MS4 within the permit area described in Section 1.1;

1.2.1.2 The permittee is not a "large" or "medium" MS4 as defined in 40 CFR §122.26(b)(4) or (7), and

1.2.1.3 The permittee submits a Notice of Intent (NOI) in accordance with Part 2 of this permit, and

1.2.1.4 The municipality is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census.

Small municipal separate storm sewer system means all separate storm sewers that are:

(a) 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 and 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.

(b) not defined as large or medium municipal separate storm sewer systems pursuant to 40 CFR §122.26(b)(4) and (b)(7) or designated under 40 CFR §122.26(a)(1)(v).

(c) This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

1.3 Limitations on Coverage

The following storm water discharges are not authorize by this permit:

1.3.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:

- In compliance with a separate NPDES permit, or
- Determined not to be a substantial contributor of pollutants to waters of the U.S.

1.3.2 Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).

1.3.3 Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).

1.3.4 Storm water discharges currently covered under another permit, including discharges covered under other regionally issued general permits.

1.3.5 Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA

1.3.5.1 Coverage under this permit is available only if storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that are listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed NOI will be deemed to also constitute a certification of eligibility.

1.3.5.2 "Discharge-related activities" include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

1.3.5.3 In order to demonstrate eligibility, the permittee must use the most recent Endangered and Threatened Species County-Species List available from EPA and the process in **Addendum A** (ESA Screening Process) to determine their eligibility ***prior*** to submittal of their NOI. The most current list is available at: http://www.epa.gov/npdes/. The permittee must meet one or more of the criteria in 1.3.5.3.1 through 1.3.5.3.5 below for the entire term of coverage under the permit. The permittee must include a certification of eligibility and supporting documentation on the eligibility determination as part of their Storm Water Management Program.

1.3.5.3.1 Criteria A: No endangered or threatened species or critical habitat are in proximity to the MS4 or the point where authorized discharges reach the receiving water; or

1.3.5.3.2 Criteria B: In the course of a separate federal action involving the MS4, formal or informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service (the "Services") under Section 7 of the Endangered Species Act (ESA) has been concluded and that consultation:

- Addressed the effects of your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat and
- The consultation resulted in either a no jeopardy opinion or a written concurrence by the Service on a finding that your storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to adversely affect listed species or critical habitat; or

1.3.5.3.3 Criteria C: The activities are authorized under Section 10 of the ESA and that authorization addresses the effects of your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat; or

1.3.5.3.4 Criteria D: Using best judgement and knowledge, the effects of your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed endangered or threatened species and critical habitat have been evaluated. Based on those evaluation a determination is made by the permittee that there is no reason to believe 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.

1.3.5.3.5 Criteria E: The storm water discharges, allowable non-storm water discharges, and discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.3.5.3.1 through 1.3.5.3.4 which includes the

MS4 activities. If certification is under this criteria, the permittee agrees to comply with any measures or controls upon which the other operator's certification was based.

1.3.5.4 The permitting authority may require any permittee or applicant to provide documentation of the determination of eligibility for this permit using the procedures in Addendum A where the EPA or the Fish and Wildlife Services (FWS) and/or National Marine Fisheries Services (NMFS) determine that there is a potential impact on listed species or critical habitat.

1.3.5.5 A discharge is not authorized if the discharges or discharge-related activities cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the Endangered Species Act.

1.3.5.6 Discharges are not authorized where the discharges or discharge-related activities are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.

1.3.6 Discharges and discharge-related activities with unconsidered adverse effects on historic properties.

1.3.6.1 Determining eligibility: In order to be eligible for coverage under this permit, the permittee must be in compliance with the National Historic Preservation Act. Your discharges may be authorized under this permit only if:

1.3.6.1.1 Criteria A: your storm water discharges, allowable non-storm water discharges, and discharge-related activities do not 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; or

1.3.6.1.2 Criteria B: the permittee has obtained and is in compliance with a written agreement with the state Historic Preservation Officer (SHPO) that outlines all measures you will undertake to mitigate or prevent adverse effect to the historic property.

1.3.6.2 Addendum B of this permit provides guidance and references to assist the permittee with determining your permit eligibility concerning this provision.

1.3.7 Discharges to territorial seas, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M.

1.3.8 Discharges that would cause or contribute to instream exceedances of water quality standards. Your storm water management program must include a description of the BMPs that the permittee will be using to ensure that this will not occur. EPA may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards.

1.3.9 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA unless your discharge is consistent with that TMDL. This eligibility condition applies at the time the permittee submit a Notice of Intent for coverage. If conditions change after the permittee has permit coverage, the permittee may remain covered by the permit provided the permittee comply with the applicable requirements of Part 3. The permittee must incorporate any limitations, conditions and requirements applicable to your discharges, including monitoring frequency and reporting required, into your Storm Water Management Program in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, the permittee must apply for and receive an individual or other applicable general NPDES permit prior to discharging.

1.3.10 Discharges prohibited under 40 CFR Part 122.4. This includes discharges that do not comply with your state's anti-degradation policy for water quality standards. State anti-degradation policies can be obtained from the appropriate state environmental office or their Internet sites.

1.3.11 Discharges to Water Quality Impaired Waters

A. The permittee must determine whether storm water discharges from any part of the MS4 contribute, either directly or indirectly, to a 303(d) listed water body.

B. The storm water management program must include a section describing how the program will control the discharge of the pollutants of concern and ensure that the discharges will not cause or contribute to instream exceedance of the water quality standards. This discussion must specifically identify control measures and BMPs that will collectively control the discharge of the pollutant(s) of concern. Pollutant(s) of concern refer to the pollutant identified as causing the impairment.

1.3.12 Total Maximum Daily Load Allocations

If a TMDL has been approved for any water body into which the MS4 discharges, the permittee must:

A. Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the MS4.

B. If the MS4 is required to implement storm water waste load allocation provisions of the TMDL, the permittee must assess whether the WLA is being met through implementation of existing storm water control measures or if additional control measures are necessary. The permittee's assessment of whether the WLA is being met is expected to focus on the adequacy of the permittee's storm water controls (implementation and maintenance), not on the response of the receiving water.

C. Highlight in the storm water management program and annual reports all control measures currently being implemented or planned to be implemented to control pollutants of concern identified in approved TMDLs. Also include a schedule of implementation for all planned controls. Document the assessment which demonstrates that the WLA will be met including any calculations, maintenance log books, or other appropriate controls.

1.4 Allowable Non-Storm Water Discharges

The following non-storm water discharges are authorized provided it has been determined by the permittee that they are not significant contributors of pollutants to the MS4.

1. water line flushing
2. landscape irrigation,
3. diverted stream flows
4. rising ground waters,
5. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
6. uncontaminated pumped ground water,
7. discharge from potable water sources,
8. foundation drains,
9. air conditioning condensation,
10. irrigation water, springs,
11. water from crawl space pumps,
12. footing drains,
13. lawn watering,
14. individual resident car washing,
15. flows from riparian habitats and wetlands,
16. dechlorinated swimming pool discharges,

17. street wash water, and
18. Residential building wash waters, without detergents

Discharges or flows from fire fighting activities occur during emergency situations. The permittee is not expected to evaluate fire fighting discharges with regard to pollutant contributions. Therefore these discharges are excluded from the list of allowable non-storm water discharges.

1.5 Obtaining Authorization

1.5.1 To be authorized to discharge storm water from small MS4s, the permittee must submit a notice of intent (NOI) and a description of their storm water management program in accordance with the deadlines presented in Section 2.1 of this permit.

1.5.2 The permittee must submit the information required in section 2.2 on the latest version of the NOI form (or photocopy thereof) contained in Addendum C. Your NOI document must be signed and dated in accordance with section 6.7 of this permit.

1.5.3 Unless notified by EPA to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from small MS4s under the terms and conditions of this permit thirty (30) days after the date that the NOI is postmarked. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (see Section 6.16).

1.5.4 Where the operator changes, or where a new operator is added after submittal of an NOI under Part 2, a new NOI must be submitted in accordance with Part 2 prior to the change or addition.

2 Notice of Intent Requirements

2.1 Deadlines for Notification

2.1.1 If the permittee is automatically designated under 40 CFR §122.32(a)(1) or designated by the permitting authority in this permit, then the permittee is required to submit an NOI and a description of your storm water management program or apply for an individual permit by **February 5, 2007**.

2.1.2 *Additional designations after the date of permit issuance.* If the permittee is designated by the permitting authority after the date of permit issuance, then the

permittee is required to submit an NOI and the storm water management program, including an electronic copy, to the permitting authority within 180 days of notice.

2.1.3 *Submitting a Late NOI.* The permittee is not prohibited from submitting an NOI after the dates provided in 2.1. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. The permitting authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.2 Contents of the Notice of Intent

The Notice of Intent document requirements are specified in Appendix C of the permit, the NOI must be signed in accordance with Part 6.7 of this permit and must include information as:

2.2.1 *Information on the Permittee*:

2.2.1.1 The name of your municipal entity/name of person responsible for overall coordination/state agency/federal agency, mailing address, and telephone number;

2.2.1.2 An indication of whether the permittee is a Federal, State, private, or other public entity;

2.2.2 *Information on the Municipal Separate Storm Sewer System:*

2.2.2.1 The Urbanized Area or Core Municipality (if the permittee is not located in an Urbanized Area) where your system is located; the name of your organization, county(ies) or parish(es) where your MS4 is located, and the latitude and longitude of an approximate center of your MS4;

2.2.2.2. The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Management Program complies with the requirements of Part 3.1;

2.2.1.3 If the permittee is relying on another governmental entity regulated under the storm water regulations (40 CFR 122.26 & 122.32) to satisfy one or more of your permit obligations (see Part 4.4), the identity of that entity(ies) and the element(s) they will be implementing.

2.2.1.4 Information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this permit,

your time frame for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your Storm Water Management Program.

2.2.1.5 Certification of whether you have met eligibility criteria for protection of threatened or endangered species, critical habitat, historic properties, and marine fisheries.

2.3 Where to Submit

You are to submit your NOI, signed in accordance with the signatory requirements of Section 6.7 of this permit, to EPA at the following address:

United States Environmental Protection Agency
Multi-Media Permits and Compliance Branch
Centro Europa Building, Suite 417
1492 Ponce de Leon Ave.
San Juan, PR 00907

2.4 Co-Permittees Under a Single NOI

The permittee may partner with other MS4s to develop and implement your storm water management program. The permittee may also jointly submit an NOI with one or more MS4s. Each MS4 must fill out the NOI form in Addendum C. The description of your storm water management program must clearly describe which permittees are responsible for implementing each of the control measures.

3 Special Conditions

3.1 Discharges to Water Quality Impaired Waters

3.1.1 *Applicability*: The permittee must:

3.1.1.1 Determine whether storm water discharge from any part of the MS4 significantly contributes directly or indirectly to a 303(d) listed (i.e., impaired) waterbody. If the permittee has discharges meeting this criteria, the permittee must comply with Part 3.1.2; if the permittee does not, Part 3.1 does not apply to the permittee.

3.1.1.2 If the permittee has "303(d)" discharges described above, the permittee must also determine whether a TMDL has been developed and approved by EPA for the listed waterbody. If there is a TMDL, the permittee must comply with both Parts 3.1.2 and 3.1.3; if no TMDL has been approved, Part 3.1.3 does not apply until a TMDL has been approved.

3.1.2 *Water Quality Controls for Discharges to Impaired Waterbodies.* Your storm water management program (SWMP) must include a section describing how your program will control the discharge of the pollutants of concern and ensure your discharges will not cause or contribute to instream exceedances of the water quality standards. This discussion must specifically identify measures and BMPs that will collectively control the discharge of the pollutants of concern.

3.1.3 *Consistency with Total Maximum Daily Load (TMDL) Allocations.* If a TMDL has been approved for any waterbody into which the permittee discharges, the permittee must:

3.1.3.1 Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from your MS4.

3.1.3.2 Determine whether the TMDL includes a pollutant wasteload allocation (WLA) or other performance requirements specifically for storm water discharge from your MS4.

3.1.3.3 Determine whether the TMDL address a flow regime likely to occur during periods of storm water discharge.

3.1.3.4 After the determinations above have been made and if it is found that your MS4 must implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.

3.1.3.5 Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.

3.1.3.6 Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.

3.1.3.7 If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions. Continue Parts 3.1.3.4-7 until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

4 Storm Water Management Program (SWMP)

4.1 Requirements

4.1.1 The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The storm water management program should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the permitting authority determines appropriate for the control of such pollutants. The permittee storm water management program must include the following information for each of the six minimum control measures described in Section 4.2 of this permit:

4.1.1.1 The best management practices (BMPs) that the permittee or another entity will implement for each of the storm water minimum control measures;

4.1.1.2 The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action; and

4.1.1.3 The person or persons responsible for implementing or coordinating the BMPs for the permittee storm water management program.

4.1.2 In addition to the requirements listed above, the permittee must provide a rationale for how and why the permittee selected each of the BMPs and measurable goals for the permittee storm water management program. The information required for such a rationale is given in Section 4.2 for each minimum measure. The permittee must develop and fully implement your program by [insert date five years from permit issuance].

4.1.2.1 The permittee must submit to EPA a hard and electronic copy of the SWMP by **August 6, 2007**. The storm sewer system map(s) are not required electronically.

4.1.2.2 *Additional designations after the date of permit issuance.* If the permittee is designated by the permitting authority after the date of permit issuance, then the permittee is required to submit an NOI and the storm water management program, including an electronic copy, to the permitting authority within 180 days of notice.

4.1.3 The following EPA websites may be used in the development of BMPs and measurable goals,

EPA's BMP menu found at:
http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm, and

EPA's guidance on measurable goals, found at:
http://www.epa.gov/npdes/stormwater/measurablegoals/index.htm, may be used in the development of the storm water management program.

4.2 Minimum Control Measures

The six minimum control measures that must be included in the permittee storm water management program are:

4.2.1 Public Education and Outreach on Storm Water Impacts

4.2.1.1 *Permit requirement.* The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

4.2.1.2 *Decision process.* The permittee must document the decision process for the development of a storm water public education and outreach program. The rationale statement must address both the permittee overall public education program and the individual BMPs, measurable goals and responsible persons for the program. The rationale statement must include the following information, at a minimum:

4.2.1.2.1 How the permittee plan to inform individuals and households about the steps they can take to reduce storm water pollution.

4.2.1.2.2 How the permittee plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities).

4.2.1.2.3 Who are the target audiences for the permittee's education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.

4.2.1.2.4 What are the target pollutant sources the permittee public education program is designed to address.

4.2.1.2.5 What is the permittee outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) the permittee will use to reach your target audiences , and how many people does the permittee expect to reach by the outreach strategy over the permit term.

4.2.1.2.6 Who is responsible for overall management and implementation of the permittee storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.1.2.7 How will the permittee evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.2 Public Involvement/Participation

4.2.2.1 *Permit requirement.* The permittee must at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

4.2.2.2 *Decision process.* The permittee must document the decision process for the development of a storm water public involvement/participation program. The rationale statement must address both the permittee overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for the program. The rational statement must include the following information, at a minimum:

4.2.2.2.1 How the permittee has involved the public in the development and submittal of your NOI and storm water management program.

4.2.2.2.2 What is the permittee's plan to actively involve the public in the development and implementation of the program.

4.2.2.2.3 Who are the target audiences for the permittee's public involvement program, including a description of the types of ethnic and economic groups engaged. The permittee is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.

4.2.2.2.4 What are the types of public involvement activities included in the program. Where appropriate, consider the following types of pubic involvement activities:

4.2.2.2.4.1 Citizen representatives on a storm water management panel

4.2.2.2.4.2 Public hearings

4.2.2.2.4.3 Working with citizen volunteers willing to educate others about the program

4.2.2.2.4.4 Volunteer monitoring or stream/beach clean-up activities

4.2.2.2.5 Who is responsible for the overall management and implementation of the storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.2.2.6 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.3 Illicit Discharge Detection and Elimination

4.2.3.1 *Permit requirement.* The permittee must:

4.2.3.1.1 Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR §122.26(b)(2)) into the permittee small MS4;

4.2.3.1.2 Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;

4.2.3.1.3 To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the permittee storm sewer system and implement appropriate enforcement procedures and actions;

4.2.3.1.4 Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the permittees' system;

4.2.3.1.5 Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and

4.2.3.1.6 Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if the permittee identify them as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing

drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

4.2.3.1.7 The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the permitted MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The permittee must document in their SWMP any local controls or conditions placed on the discharges. The permittee must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to their MS4.

4.2.3.2 *Decision process.* The permittee must document the decision process for the development of a storm water illicit discharge detection and elimination program. The rationale statement must address both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for their program. The rational statement must include the following information, at a minimum:

4.2.3.2.1 How the permittee will develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information the permittee used for the maps, and how the permittee plan to verify the outfall locations with field surveys. If already completed, describe how the permittee developed this map. Also, describe how the map will be regularly updated.

4.2.3.2.2 The mechanism (ordinance or other regulatory mechanism) the permittee will use to effectively prohibit illicit discharges into the MS4 and why the permittee choose that mechanism. If the permittee need to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.

4.2.3.2.3 The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented.

4.2.3.2.4 The plan to detect and address illicit discharges to the system, including discharges from illegal dumping and spills. The plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. The plan must also address on-site sewage disposal systems that flow into your storm drainage system. The description must address the following, at a minimum:

4.2.3.2.4.1 Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.

4.2.3.2.4.2 Procedures for tracing the source of an illicit discharge, including the specific techniques the permittee will use to detect the location of the source.

4.2.3.2.4.3 Procedures for removing the source of the illicit discharge

4.2.3.2.4.4 Procedures for program evaluation and assessment.

4.2.3.2.5 How the permittee plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the description how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.

4.2.3.2.6 Who is responsible for overall management and implementation of the permittee's storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.3.2.7 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.4 Construction Site Storm Water Runoff Control

4.2.4.1 *Permit requirement.* The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to their small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), the permittee is not required to develop, implement,

and/or enforce a program to reduce pollutant discharges from such sites. The program must include the development and implementation of, at a minimum:

4.2.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;

4.2.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

4.2.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

4.2.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;

4.2.4.1.5 Procedures for receipt and consideration of information submitted by the public; and

4.2.4.1.6 Procedures for site inspection and enforcement of control measures.

4.2.4.2 *Decision process.* The permittee must document the decision process for the development of a construction site storm water control program. The rationale statement must address both the overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement must include the following information, at a minimum:

4.2.4.2.1 The mechanism (ordinance or other regulatory mechanism) the permittee will use to require erosion and sediment controls at construction sites and why the permittee choose that mechanism. If the permittee needs to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.

4.2.4.2.2 The plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms the permittee will use to ensure compliance. Describe the procedures for when the permittee will use certain sanctions. Possible sanctions include non-monetary penalties (such a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.

4.2.4.2.3 The requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.

4.2.4.2.4 The procedures for site plan review, including the review of pre-construction site plans, which incorporate consider of potential water quality impacts. Describe the procedures and the rationale for how the permittee will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of site that will have pre-construction site plans reviewed.

4.2.4.2.5 The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the public education program.

4.2.4.2.6 The procedures for site inspection and enforcement of control measures, including how the permittee will prioritize sites for inspection.

4.2.4.2.7 Who is responsible for overall management and implementation of the construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.4.2.8 Describe how the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.5 Post-Construction Storm Water Management in New Development and Redevelopment

4.2.5.1 *Permit requirement.* The permittee must:

4.2.5.1.1 Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permittee small MS4. The permittee's program must ensure that controls are in place that would prevent or minimize water quality impacts;

4.2.5.1.2 Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the permittee's community; and

4.2.5.1.3 Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and

4.2.5.1.4 Ensure adequate long-term operation and maintenance of BMPs.

4.2.5.2 *Decision process.* The permittee must document their decision process for the development of a post-construction storm water management program. Their rationale statement must address both their overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for their program. The rational statement must include the following information, at a minimum:

4.2.5.2.1 Their program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.

4.2.5.2.2 How their program will be specifically tailored for their local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.

4.2.5.2.3 Any non-structural BMPs in your program, including, as appropriate:

4.2.5.2.3.1 Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;

4.2.5.2.3.2 Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;

4.2.5.2.3.3 Education programs for developers and the public about project designs that minimize water quality impacts; and

4.2.5.2.3.4 Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

4.2.5.2.4 Any structural BMPs in your program, including, as appropriate:

4.2.5.2.4.1 Storage practices such as wet ponds and extended-detention outlet structures;

4.2.5.2.4.2 Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and

4.2.5.2.4.3 Infiltration practices such as infiltration basins and infiltration trenches.

4.2.5.2.5 What are the mechanisms (ordinance or other regulatory mechanisms) the permittee will use to address post-construction runoff from new developments and redevelopments and why did the permittee choose that mechanism. If the permittee need to develop a mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

4.2.5.2.6 How the permittee will ensure the long-term operation and maintenance (O&M) of their selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the permittee and another party such as the post-development landowners or regional authorities.

4.2.5.2.7 Who is responsible for overall management and implementation of the post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.5.2.8 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.6 Pollution Prevention/Good Housekeeping for Municipal Operations

4.2.6.1 *Permit requirement.* The permittee must:

4.2.6.1.1 Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and

4.2.6.1.2 Using training materials that are available from EPA, the State or other organizations, the program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

4.2.6.2 *Decision process.* The permittee must document their decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The rationale statement must address both their overall pollution prevention/good housekeeping program and the individual BMPs, measurable

goals, and responsible persons for their program. The rationale statement must include the following information, at a minimum:

4.2.6.2.1 The operation and maintenance program to prevent or reduce pollutant runoff from the municipal operations. The program must specifically list the municipal operations that are impacted by this operation and maintenance program. The permittee must also include a list of industrial facilities the permittee own or operate that are subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to their MS4. Include the EPA permit number or a copy of the Industrial NOI form for each facility.

4.2.6.2.2 Any government employee training program the permittee will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials the permittee plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

4.2.6.2.3 The program description must specifically address the following areas:

4.2.6.2.3.1 Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4.

4.2.6.2.3.2 Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the permittee operate.

4.2.6.2.3.3 Procedures for the proper disposal of waste removed from the MS4 and their municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.

4.2.6.2.3.4 Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

4.2.6.2.4 Who is responsible for overall management and implementation of the pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.6.2.5 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.3 Sharing Responsibility

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. The permittee may rely on another entity only if:

4.3.1 The other entity, in fact, implements the control measure;

4.3.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.

4.3.3 The other entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of the permittee storm water management program. If the other entity agrees to report on the minimum measure, the permittee must supply the other entity with the reporting requirements contained in Section 5.3 of this permit. If the other entity fails to implement the control measure on your behalf, then the permittee remain liable for any discharges due to that failure to implement.

4.4 Reviewing and Updating Storm Water Management Programs

4.4.1 *Storm Water Management Program Review:* The permittee must do an annual review of their Storm Water Management Program in conjunction with preparation of the annual report required under Part 5.3

4.4.2 *Storm Water Management Program Update:* The permittee may change their Storm Water Management Program during the life of the permit in accordance with the following procedures:

4.4.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time upon written notification to the Permitting Authority.

4.4.2.2 Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Permitting Authority, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the permitting Authority will send the

permittee a written response giving a reason for the decision. Your modification requests must include the following:

4.4.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),

4.4.2.2.2 Expectations on the effectiveness of the replacement BMP, and

4.4.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

4.4.2.3 Change requests or notifications must be made in writing and signed in accordance with Part 6.7.

4.4.3 *Storm Water Management Program Updates Required by the Permitting Authority*: The Permitting Authority may require changes to the Storm Water Management Program as needed to:

4.4.3.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;

4.4.3.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or

4.4.3.3 Include such other conditions deemed necessary by the Permitting Authority to comply with the goals and requirements of the Clean Water Act.

4.4.3.4 Changes requested by the Permitting Authority must be made in writing, set forth the time schedule for the permittee to develop the changes, and offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permitting Authority will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

4.4.4 *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee must implement the Storm Water Management Program on all new areas added to their portion of the municipal separate storm sewer system (or for which the permittee became responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

4.4.4.1 Within 90 days of a transfer of ownership, operational authority, or responsibility for storm water management program implementation, the permittee must have a plan for implementing your Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program must be included in the annual report.

4.4.4.2 Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR Part 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit.

4.5 SWMP Availability

You must retain a copy of the current SWMP required by this permit, and it must be immediately available to EPA; a State or local agency approving storm water management plans; and representatives of the U.S. Fish and Wildlife Services (USFWS) or the National Marine Fisheries Service (NMFS) at the time or upon request. Also, in the interest of the public's right-to-know, you must allow to view a copy or provide a copy of the SWMP to anyone who makes such a request in writing. Confidential Business Information (CBI) may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWMP not justifiably considered CBI, must be provided to the public.

5 Monitoring, Recordkeeping, and Reporting

5.1 Monitoring

5.1.1 The permittee must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If the permittee discharge to a water for which a TMDL has been approved, the permittee will have additional monitoring requirements under Part 3.1.3.6.

5.1.2 When the permittee conduct monitoring at their permitted small MS4, the permittee is required to comply with the following:

5.1.2.1 *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

5.1.2.2 *Test Procedures.* Monitoring results must be conducted according to test procedures approved under 40 CFR part 136

5.1.3 Records of monitoring information shall include:

5.1.3.1 The date, exact place, and time of sampling or measurements;

5.1.3.2 The names(s) of the individual(s) who performed the sampling or measurements;

5.1.3.3 The date(s) analyses were performed;

5.1.3.4 The names of the individuals who performed the analyses;

5.1.3.5 The analytical techniques or methods used; and

5.1.3.6 The results of such analyses.

5.1.4 *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR)

5.2 Record keeping

5.2.1 The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

5.2.2 The permittee must submit their records to the permitting authority only when specifically asked to do so. The permittee must retain a description of the Storm Water Management Program required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make their records, including the notice of intent (NOI) and the description of the storm water management program, available to the public if requested to do so in writing.

5.3 Reporting

Nov. 6

The permittee must submit annual reports to the Director by [insert date] of each year of the permit term. The report must include:

5.3.1 The status of permittee's compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;

5.3.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

5.3.3 A summary of the storm water activities the permittee plan to undertake during the next reporting cycle (including an implementation schedule);

5.3.4 Proposed changes to your storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements; and

5.3.5 Notice that the permittee is relying on another government entity to satisfy some of your permit obligations (if applicable).

6 Standard Permit Conditions

6.1 Duty to Comply

6.1.1 The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

6.1.2 *Penalties for Violations of Permit Conditions.*

The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as

necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

6.1.2.1 *Criminal Violations.*

6.1.2.1.1 *Negligent Violations.* The CWA provides that any person who *negligently* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both. In the case of a second, or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both.

6.1.2.1.2 *Knowing Violations.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second, or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or by imprisonment of not more than six (6) years, or both.

6.1.2.1.3 *Knowing Endangerment.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction be subject to a fine not more than $250,000 or by imprisonment for not more than 15 years, or both. In the case of a second, or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than $500,000 per day of violation, or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA shall, upon conviction of violating the

imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

6.1.2.1.4 *False Statement.* The CWA provides that nay person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309(c)(4) of the Clean Water Act).

6.1.2.2 *Civil Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to a civil penalty not to exceed $32,500 per day for each violation.

6.1.2.3 *Administrative Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to an administrative penalty as follows:

6.1.2.3.1 *Class I penalty.* Not to exceed $11,000 per violation nor shall the maximum amount exceed $32,500.

6.1.2.3.2 *Class II penalty.* Not to exceed $11,000 per day for each day during which violation continues nor shall the maximum amount exceed $157,500.

6.2 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to

the expiration date will automatically remain covered by the continued permit until the earlier of:

6.2.1 Reissuance or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or

6.3.2 Issuance of an individual permit for your discharges; or

6.3.3 A formal permit decision by the permitting authority not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

6.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6.4 Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.5 Duty to Provide Information

The permittee must furnish to the permitting authority any information that is requested to determine compliance with this permit or other information.

6.6 Other Information

If the permittee becomes aware that they have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the permitting authority, the permittee must promptly submit such facts or information.

6.7 Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by the permittee shall be signed and certified as follows:

6.7.1 *Notices of Intent.* All Notices of Intent shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

6.7.2 *Reports and other information.* All reports required by the permit and other information requested by the permitting authority or authorized representative of the permitting authority shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.7.2.1 *Signed authorization.* The authorization is made in writing by a person described above and submitted to the permitting authority.

6.7.2.2 *Authorization with specified responsibility.* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.

6.7.3 *Changes to authorization.* If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of (6.7.2.2) above must be submitted to the permitting authority prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.

6.7.4 *Certification.* Any person (as defined above in (6.7.2.1 and 6.7.2.2)) signing documents under section 6.7 shall make 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 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."

6.8 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

6.9 Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your storm water management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

6.10 Inspection and Entry

The permittee must allow the permitting authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

6.10.1 Enter the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

6.10.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

6.10.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and

6.10.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

6.11 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination,

or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6.12 Permit Transfers

This permit is not transferable to any person except after notice to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

6.13 Anticipated Noncompliance

The permittee must give advance notice to the permitting authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

6.14 State/Tribal Environmental Laws

6.14.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by section 510 of the Act.

6.14.2 No condition of this permit releases you from any responsibility or requirements under other environmental statutes or regulations.

6.15 Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

6.16 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

6.17 Requiring an Individual Permit or an Alternative General Permit

6.17.1 *Request by permitting authority.* The permitting authority may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires you to apply for an individual NPDES permit, the permitting authority will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to the appropriate Regional Office (see Part 2.3). The permitting authority may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by the permitting authority for application submittal.

6.17.2 *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR 122.33(b)(2), with reasons supporting the request, to the permitting authority at the address for the appropriate Regional Office (see Part 2.3). The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee is adequate to support the request.

6.17.3 *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

7 Permit Conditions Applicable to Specific State or Territory

No additional requirements.

8 Reopener Clause

8.1 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

8.2 Timing of Permit Modification

EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, that may be promulgated in the course of the current permit cycle.

9 Definitions

All definition contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the even of a conflict, the definition found in the Statute or Regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR 122.2.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except

discharges authorised under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Houston MS4 includes MS4s operated by the city of Houston, the Texas Department of Transportation, the Harris County Flood Control District, Harris County, and others).

Municipal Separate Storm Sewer is defined at 40 CFR 122.26(b)(8) and 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): (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 CFR 122.2.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

Permitting Authority means the EPA Regional Administrator or an authorized representative.

Small Municipal Separate Storm Sewer System is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are 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, but is not defined as "large"' or "medium" municipal separate storm sewer system. 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.

Storm Water is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

SWMP is an acronym for "Storm Water Management Program."

Urbanized Area comprises a place and the adjacent densely settled surrounding territory that together have a minimum population of 50, 000 people. The "densely settled surrounding territory" adjacent to the place consists of:

1. Territory made up of one or more contiguous census blocks having a population density of at least 1,000 people per square mile that it is:

   a. Contiguous with and directly connected by road to other qualifying territory, or

   b. Noncontiguous with other qualifying territory, and:
      (1) Within 1 ½ road miles of the main body of the urbanized area and connected to it by one or more nonqualifying census blocks that [a] are adjacent to the connecting road and [b] together with the outlying qualifying territory have a total population density of at least 500 people per square mile, or

      (2) Separated by water or other undevelopable territory from the main body of the urbanized area, but within 5 road miles of the main body of the urbanized area, as long as the 5 miles include no more than 1 ½ miles of otherwise nonqualifying developable territory.

2. A place containing territory qualifying on the basis of criterion 1 [above] will be included in the urbanized area in its entirety (or partially, if the place is an extended city) if that qualifying territory includes at least 50 percent of the population of the place. If the place does not contain any territory qualifying on the basis of the

above criterion, or if that qualifying territory includes less than 50 percent of the place's population, the place is excluded in its entirety.

3. Other territory with a population density of less than 1,000 persons per square mile, provided that it:
   a. Eliminates an enclave of no more than 5 square miles in the territory otherwise qualifying for the urbanized area when the surrounding territory qualifies on the basis of population density, or

   b. Closes an indentation in the boundary of the territory otherwise qualifying for the urbanized area when the contiguous territory qualifies on the basis of population density, provided that the indentation is no more than 1 mile across the open end, has a depth at least two times greater than the distance across the open end, and encompasses no more than 5 square miles.

Appendix A
Eligibility and screening procedures relating to species listed and critical habitat designated under the Endangered Species Act

Appendix A. Eligibility and screening procedures relating to species listed and critical habitat designated under the Endangered Species Act.

You must meet one or more of the following six criteria (A-F) to be eligible for coverage under the permit:

Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are in proximity to your facility as defined in Addendum G; or

Criterion B. Consultation between a Federal agency and the Fish and Wildlife Service and/or the National Marine Fisheries Service (together, the "Services") under section 7 of the ESA has been concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit, the issuance of a wetlands dredge and fill permit, or as a result of a NEPA review).

The consultation must have addressed the effects of the facility's stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and resulted in either:

i. a biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or

ii. written concurrence from the Service(s) with a finding that the facility's stormwater discharges associated with industrial activity and allowable non-stormwater discharges are not likely to adversely affect federally-listed species or federally-designated critical habitat; or

Criterion C. The industrial activities are authorized through the issuance of a permit under section 10 of the ESA, and that authorization addresses the effects of the stormwater discharges associated with industrial activity and allowable non-stormwater discharges on federally-listed species and federally-designated critical habitat; or

Criterion D. Coordination between the operator and the Fish and Wildlife Service and/or the National Marine Fisheries Service has been concluded. The coordination must have addressed the effects of the facility's storm water discharges associated with industrial activity and allowable non-storm water discharges on federally-listed threatened or endangered species and federally-designated critical habitat. The result of the coordination must be a written statement from the Services that there are not likely to be any adverse affects to federally-listed species or federally-designated critical habitat. Any conditions or prerequisites deemed necessary to achieve no adverse effects become eligibility conditions for Small MS4 General Permit coverage; or

Criterion E. Stormwater discharges associated with industrial activity and allowable non-stormwater discharges are not likely to adversely affect any federally-listed endangered and threatened ("listed") species or designated critical habitat ("critical habitat"); or

Criterion F. The facility's stormwater discharges associated with industrial activity and allowable non-stormwater discharges were already addressed in another operator's valid certification of eligibility under Criteria A-E which included the industrial activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in proximity to the facility. To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. Such terms and conditions must be documented and incorporated into your Stormwater Management Program (SWMP).

Assessing Your Facility Discharges

You must follow the procedures in this addendum to assess the potential effects of stormwater discharges and stormwater discharge-related activities on listed species and their critical habitat. When evaluating these potential effects, you must evaluate your entire facility. For purposes of this Addendum, the term "facility" is inclusive of the term "Action Area." Action area is defined in 50 CFR §402.02 as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the facility that may be affected by stormwater discharges and stormwater discharge related activities. "Facility" is defined in Appendix A. Note that dischargers who are eligible and able to certify eligibility under Criterion B, C, D, or F because of a previously issued ESA section 10 permit, a previously completed ESA section 7 consultation, or because their activities were already addressed in another discharger's certification of eligibility may proceed directly to Step Four.

Step One: *Determine if Listed Threatened or Endangered Species and Critical Habitat are Present On or Near Your Facility.*

You must first determine whether federally-listed species commonly reside in your area. Federally-listed threatened and endangered species are usually found in county-specific or sometimes township-specific listings. The local offices of the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and State or Tribal Heritage Centers often maintain such lists on their internet sites. The types of species that may be present determine which Service office you should contact (in general, NMFS has jurisdiction over marine, estuaries, and anadromous species). Visit www.epa.gov/npdes/stormwater/cgp to find the appropriate site

for your state or check with your local office. If there are listed species in your county or township, you must then determine, as best you are able, whether any of the species are located on or near your property (use the Services or Heritage Centers, as necessary).

You must also check to see if critical habitat has been designated and whether such areas overlap or are near your facility by contacting your local FWS, NMFS, or State or Tribal Heritage Center. Critical habitat areas may be designated independently from the listed species for your county, so even if there are no listed species in your county or township, you must still contact one of the agencies mentioned above to determine if there are any critical habitat areas on or near your project area. You can also find critical habitat designations and associated requirements at 50 CFR Parts 17 and 226 http://www.access.gpo.gov.

If there are no listed species in your county or township, no critical habitat areas on or near your project area, or if your local FWS, NMFS, or State or Tribal Heritage Center indicates that listed species are not a concern in your part of the county or township, you have satisfied your eligibility obligations under Criterion A (check box A on the Notice of Intent Form). If there are listed species and if your local FWS, NMFS, or State or Tribal Heritage Center indicates that these species could exist on or near your project area, you will need to do one or more of the following:

- Conduct visual inspections. This method may be particularly suitable for facilities that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for facilities that discharge directly into municipal separate storm sewer systems.

- Conduct a formal biological survey (typically performed by environmental consulting firms). In some cases, particularly for larger facilities with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located on or near the project area and whether there are likely adverse effects to such species. A biological survey may in some cases be useful in conjunction with Steps Two, Three or Four of these instructions.

- Conduct an environmental assessment under the National Environmental Policy Act (NEPA). Such reviews may indicate if listed species are in proximity to the facility. Coverage under this Small MS4 General Permit may trigger such a review for new sources (that is, dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act). Other facilities might require review under NEPA for other reasons, such as federal funding or other federal involvement in the facility. If listed threatened or endangered species or critical habitat are present in the project area, you must look at impacts to species and/or habitat when following Steps Two through Four. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this Small MS4 General Permit may require measures to protect critical habitat that are separate from those to protect listed species.

Step Two: *Determine if your facility's Stormwater Discharge Associated With Industrial Activity or Allowable Non-Stormwater Discharges Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat*

To receive Small MS4 General Permit coverage, you must assess whether your stormwater discharges associated with industrial activity or allowable non-stormwater discharges are likely to adversely affect listed threatened or endangered species or designated critical habitat that are present on or near your facility. Potential adverse effects from stormwater discharges associated with industrial activity include:

- **Hydrological.** Stormwater discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Industrial activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.

- **Habitat.** Site development, grading or other surface disturbances from industrial activities, including storage of materials and the installation or placement of stormwater BMPs, may adversely affect listed species or their habitat. Stormwater may drain or inundate listed species habitat.

- **Toxicity.** In some cases pollutants in stormwater may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your facility is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS, NMFS or Natural Heritage Center for assistance. If adverse effects are not likely, you have satisfied your eligibility obligations under Criterion E (check box E on the NOI form) and can apply for coverage under the Small MS4 General Permit. If your stormwater discharge may adversely affect listed species or critical habitat, you must follow Step Three.

Step Three: *Determine if Measures Can Be Implemented to Avoid Adverse Effects*

If you make a preliminary determination that adverse effects to listed species and/or critical habitat are likely to occur, you can still receive coverage under Criterion E if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for Small MS4 General Permit coverage. These measures may be relatively simple, e.g., re-routing a stormwater discharge to bypass an area where species are located, relocating BMPs, or changing the "footprint" of the industrial activity. If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must follow Step Four (iii).

Step Four: *Determine if the Eligibility Requirements of Criterion B, C, D or F Can Be Met*

Where adverse effects are likely and you are uncertain about how to avoid or eliminate the likelihood of adverse effects, you must contact the FWS and/or NMFS (see subpart iii below). However, you may still be eligible for Small MS4 General Permit coverage if any likely adverse effects can be addressed through meeting Criterion B, C, D, or F as follows:

i. A consultation under ESA Section 7 has been performed for your industrial activity (see Criterion B).

ii. An incidental taking permit under Section 10 of the ESA has been issued for your activity (see Criterion C). Stormwater discharges from your industrial facility may be authorized by this Small MS4 General Permit if some activity is authorized through the issuance of a permit under section 10 of the ESA and that authorization addressed the effects of your stormwater discharges on federally-listed species and designated critical habitat. You must follow FWS and/or NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR §17.22(b)(1) for FWS and §222.22 for NMFS). Application instructions for section 10 permits for FWS and NMFS can be obtained by accessing the FWS and NMFS websites (http://www.fws.gov and http://www.nmfs.noaa.gov) or by contacting the appropriate FWS and NMFS regional office.

iii. You have coordinated your activities with the appropriate Service office (see Criterion D). In the absence of any other conditions set forth in Step Four, you may still be able to qualify for coverage under this Small MS4 General Permit if you coordinate with the FWS or NMFS and the Service provides a letter or memorandum concluding that the direct and indirect effects of permitting your stormwater discharges will be unlikely to adversely affect listed species or to adversely modify designated critical habitat. If you adopt measures to avoid or eliminate adverse effects, per the Service's requirements or recommendations, you must abide by those measures for the duration of your coverage under the Small MS4 General Permit. Any such measures must be described in the Storm Water Management Program (SWMP) and are enforceable Small MS4 General Permit conditions and/or conditions for meeting the eligibility criteria in Subpart 1.3.5.3.

iv. You are covered under the eligibility certification of another operator for the project area (see Criterion F). Your stormwater discharges were already addressed in another discharger's certification of eligibility under Criteria A through E, which also included your facility and determined that federally listed endangered or threatened species or designated critical habitat would not be jeopardized. To certify eligibility under this criterion there must be no lapse of coverage in the other operator's certification. By certifying eligibility under Criterion F, you agree to comply with any measures or controls upon which the other discharge certification under Criterion B, C, or D was based.

Certification under Criterion F is discussed in more detail in the Fact Sheet that accompanies this permit.

You must comply with any terms and conditions imposed under the eligibility requirements of Criterion A through F to ensure that your stormwater discharges are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project's Stormwater Management Program (SWMP). If the eligibility requirements cannot be met, then you are not eligible for coverage under this small MS4 general permit. In these instances, you may consider applying to EPA for an individual permit.

Appendix B
Eligibility and screening procedures relating to historic properties and the National Historic Preservation Act

Appendix B – Eligibility and screening procedures relating to historic properties and the National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings" on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. The term Federal "undertaking" is defined in the NHPA regulations to include a project, activity, or program of a Federal agency including those carried out by or on behalf of a Federal agency, those carried out with Federal financial assistance, and those requiring a Federal permit, license or approval. See 36 CFR 800.16(y). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. See 36 CFR 800.16(1).

EPA's issuance of the Small Municipal Separate Storm Sewer System (MS4) General Permit is a Federal undertaking within the meaning of the NHPA regulations. To address any issues relating to historic properties in connection with issuance of the permit, EPA has included criteria for certifications by applicants that potential impacts of their covered activities on historic properties have been appropriately considered and addressed. Although individual applications for coverage under the general permit do not constitute separate Federal undertakings, the screening criteria and certifications provide an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of the permit. Applicants seeking coverage under the Small MS4 General Permit are thus required to make certain certifications regarding the potential effects of their stormwater discharge, allowable non-stormwater discharge, and discharge-related activities on properties listed or eligible for listing on the National Register of Historic Places.

You must meet one or more of the following four criteria (A- D) to be eligible for coverage under this permit:

Criterion A. Your stormwater discharges and allowable non-stormwater discharges do not have the potential to have an effect on historic properties and you are not constructing or installing stormwater BMPs – or, for existing facilities seeking renewal of previous permit coverage, new BMPs – on your site that cause less than 1 acre of subsurface disturbance; or

Criterion B. Your discharge-related activities (i.e., construction and/or installation of stormwater best management practices that involve subsurface disturbance) will not affect historic properties; or

Criterion C. Your stormwater discharges, allowable non-stormwater discharges, and discharge-related activities have the potential to have an effect on historic properties, and you have obtained and are in compliance with a written agreement with the State Historic

Preservation Officer (SHPO) that outlines all measures you will carry out to mitigate or prevent any adverse effects on historic properties; or

Criterion D. You have contacted the State Historic Preservation Officer in writing regarding your potential to have an effect on historic properties, and you did not receive a response within 30 days.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to have an effect on historic properties fulfills an agency's obligations under the NHPA. EPA has reason to believe that the vast majority of activities authorized under the Small MS4 General Permit have no potential to have effects on historic properties. The purpose of this permit is to control pollutants that may be transported in stormwater runoff from industrial facilities. EPA does not anticipate effects on historic properties from the pollutants in the stormwater and allowable non-stormwater discharges from municipal separate storm sewer systems. Thus, to the extent EPA's issuance of this general permit authorizes discharges of such constituents, confined to existing stormwater channels or natural drainage areas, the permitting action does not have the potential to cause effects on historic properties.

In addition, EPA is not aware of any impacts on historic properties under other storm water general permits (i.e., Construction and Multi-Sector General Permits) that provide coverage to the regulated community of Puerto Rico.

Activities with Potential to Have an Effect on Historic Properties

EPA believes this permit may have some potential to have an effect on historic properties where the Small MS4 General Permit authorizes the construction and/or installation of stormwater best management practices (BMPs) that involve subsurface disturbance and impact less than 1 acre of land. (Ground disturbances of 1 acre or more require coverage under a different permit, the Construction General Permit.) Where you have to disturb the land through the construction and/or installation of BMPs, there is a possibility that underground artifacts, records, or remains associated with historic properties could be impacted. Therefore, if you are establishing new or altering existing BMPs to manage your stormwater that will involve subsurface ground disturbance of less than 1 acre, you will need to ensure that historic properties will not be impacted by your activities or that you are in compliance with a written agreement with the SHPO that outlines all measures you will carry out to mitigate or prevent any adverse effects on historic properties.

Examples of BMPs Which Involve Subsurface Disturbance

EPA reviewed all BMPs currently employed to determine which practices involve some level of earth disturbance. The following is a non-inclusive list of BMPs that are presumptively expected to cause subsurface ground disturbance:

Dikes	Berms	Catch Basins
Ponds	Ditch	Trench
Culvert	Land manipulation: contouring, sloping, and grading	Channels
Perimeter Drain	Swales	Other

EPA cautions dischargers that this list is non-inclusive. Any installation and/or construction of BMPs that involve earth disturbing activities that are not on this list will need to be further examined for the potential to affect historic properties.

Historic Property Screening Process

You should follow the following screening process in order to certify your compliance with historic property eligibility requirements under this permit (see Section 1.3.6.1). The following three steps describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

Step 1: Are You Constructing or Installing Any Stormwater BMPs That Require Subsurface Disturbance of Less Than 1 acre?

If, as part of your coverage under this permit, you are not building or installing BMPs on your site that cause less than 1 acre of subsurface disturbance, then your discharge-related activities do not have the potential to have an effect on historic properties. You have no further obligations relating to historic properties. You have met eligibility Criterion A of the Small MS4 General Permit.

If the answer to the Step 1 question is yes, then you should proceed to Step 2.

Step 2: Have Prior Earth Disturbances Determined That Historic Properties Do Not Exist, or Have Prior Disturbances Precluded the Existence of Historic Properties?

If previous construction either revealed the absence of historic properties or prior disturbances preclude the existence of historic properties, then you have no further obligations relating to historic properties. You have met eligibility Criterion B of the Small MS4 General Permit.

If the answer to the Step 2 question is no, then you should proceed to Step 3.

Step 3: Contact the Appropriate Historic Property Authorities

Where you are building and/or installing BMPs affecting less than 1 acre of land to control stormwater or allowable non-stormwater discharges associated with this permit, and the answer to Step 3 is no, then you should contact the relevant SHPO to determine the likelihood that subsurface artifacts, records, or remains are potentially present on your site. This may involve examining local records to determine if historic artifacts have been found in nearby areas, as well as limited subsurface examination carried out by qualified professionals.

If through this process it is determined that such historic properties potentially exist and may be impacted by your construction or installation of BMPs, you should contact the relevant SHPO in writing and request to discuss mitigation or prevention of any adverse effects. The letter should describe your facility, the nature and location of subsurface disturbance activities that are contemplated, any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should also indicate that if the SHPO does not respond within 30 days of receiving the letter, you may start your subsurface activities. EPA encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property. By entering into, and complying with, a written agreement with the SHPO regarding how to address any adverse impacts on historic properties, you have met eligibility Criterion C. In situations where an agreement cannot be reached between you and the SHPO you should contact the Environmental Protection Agency (Caribbean Environmental Protection Division, Centro Europa Building, 1492 Ponce de León Avenue, San Juan, PR 00907-4127).

If you have contacted the SHPO in writing regarding your potential have an effect on historic properties and did not receive a response within 30 days, you have met eligibility Criterion D.

Addresses for State Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (http://www.achp.gov/programs.html). For Puerto Rico you may write or call to:

State Historic Preservation Office
P.O. Box 9066581
San Juan, Puerto Rico 00906-6581
Telephone: 787-721-3737
Fax: 787-722-3622

You are reminded that you must comply with applicable State and local laws concerning protection of historic properties and include documentation supporting your determination of permit eligibility with regard to Part 1.3.6.1(Historic Places) within your implementation of BMPs. If ground disturbances are of 1 acre or more, this requires coverage under the

Construction General Permit (CGP) and documentation regarding historic properties must be included in your Stormwater Pollution Prevention Plan (SWPPP) required by the CGP.

(*Suggestion:* A map of the storm sewer system(s), showing the location of all outfalls and names and location of all waters of the United States that receive discharges from those outfalls, is most appropriate for fulfilling this requirement. If a map of such detail is not available by March 2003, please include any reasonably available version of such a map and a schedule of when such a map will be available. [See 40 CFR 122.34(b)(3)(ii)(A) for a description of the mapping requirement.])

7) A brief description of the nature of the business.

(*Suggestion:* In the context of the MS4 permitting program, briefly describe the MS4 in terms of its general characteristics, such as: capacity, general operation, or other relevant information.)

The following additional information is required as part of an NPDES application from regulated small MS4(s) according to 40 CFR 122.33(b)(2)(i) and 40 CFR 122.34(d)(1):

8) An estimate of the square mileage served by the MS4(s);

9) Descriptions of the best management practices to be implemented by the applicant or another entity for each of the six storm water minimum control measures described in 40 CFR 122.34(b)(1) through (b)(6);

10) Descriptions of the measurable goals for each BMP, including (as appropriate) the months and years in which the action will be taken, including interim milestones and the frequency of the action; and

11) The person(s) responsible for implementing or coordinating the applicant's storm water management program.

(*Suggestion:* Your description of the storm water management program should identify those measures that are already in place or are underway, as well as measures that remain to be developed or implemented. As the operator of the MS4, you have the flexibility to determine the BMPs and measurable goals, for each minimum control measure, that are most appropriate for the system. It is not required that all BMPs be fully implemented and in place at the time of application. As stated in 40 CFR 122.34(a), EPA will require full implementation of the applicant's storm water management program no later than the end of the first permit term (NPDES permits are typically issued for a 5 year period). The application package should fully summarize the storm water management plan that is anticipated for the area, and should acknowledge those BMPs that remain to be developed, including time lines and milestones for implementation.)

Questions about the information contained in this document can be directed to Sergio Bosques, EPA Region 2 Storm Water Program Coordinator, at (787) 977-5838.

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."

What Information Must be Included in the Application?

The following basic information must be included in all NPDES permit applications, as required by 40 CFR 122.21(f). Where appropriate, suggestions for addressing the requested item are included:

1) Activities by the applicant that require obtaining an NPDES permit.

(*Suggestion:* This item can be addressed by a statement such as : "The *Applicant Name* operates a municipal separate storm sewer system located in _____.")

2) Name, mailing address, and location of the facility for which the application is submitted.

(*Suggestion:* In the context of the MS4 permitting program, this item should list the name(s), title(s), affiliation(s), mailing address(es), and telephone number(s) of the operator(s) of the MS4(s).)

3) Standard Industrial Classification (SIC) Code that reflect the service provided by the facility.

(*Suggestion:* Generally speaking, the SIC code established by the federal Office of Management and Budget for public administration/general federal, state or local government activities is **9199**. For additional information on SIC codes, check the Occupational Safety and Health Administration's website at: http://www.osha.gov/cgi-bin/sic/sicser5)

4) The operator name(s), address(es), telephone number(s), ownership status, and status as a federal, state, local, Tribal or other public entity.

(*Suggestion:* This item should identify the names and titles of the primary administrative and/or technical staff contacts for the municipal operator(s), if different from item #2.)

5) A listing of any permits or construction approvals received or applied for under any of the following programs: Resource Conservation or Recovery Act; Underground Injection Control under the Safe Drinking Water Act; NPDES program under the Clean Water Act; Prevention of Significant Deterioration program under the Clean Air Act; Nonattainment program under the Clean Air Act; the National Emission Standards for Hazardous Air Pollutants preconstruction approval under the Clean Air Act, Ocean Dumping Permits under the Marine Protection Research and Sanctuaries Act; Dredge or fill permits under section 404 of the Clean Water Act; or other relevant environmental permits, including state permits.

6) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

Who Must Apply for Permit Coverage?

All "regulated small MS4s" defined at 40 CFR 122.32(a) must apply for NPDES permit coverage for their storm water discharges. The basic term "small municipal separate storm sewer system" is defined at 40 CFR 122.26(b)(16). A "regulated small MS4" is an MS4 located within an urbanized area defined by the latest Census, or an MS4 that has been specifically designated by EPA Region 2.

Can Multiple MS4 Operators Submit a Joint Permit Application?

Yes. EPA Region 2 allows multiple regulated entities to create a storm water management plan and jointly apply as co-permittees. The joint application must identify the persons or persons within each organization responsible for implementing/coordinating the storm water management program and must be signed by the responsible official of each organization. See 40 CFR 122.33, 122.34, and 122.35 for more information.

Where Should Applications be Sent?

All application packages should be mailed to the following address:

U.S. EPA Region 2
Caribbean Environmental Protection Division
Centro Europa Building, Suite 417
1492 Ponce de Leon Avenue
San Juan, Puerto Rico 00907-4127

When Must Applications be Submitted?

Operators of regulated small MS4s located within Census Bureau-defined Urbanized Areas must apply for NPDES permit coverage by March 10, 2003.

Operators of MS4s located outside of a Urbanized Area that are otherwise designated by EPA under 40 CFR 122.32(a)(2) will be required to apply for permit coverage by a date specified by EPA-Region 2 at the time of designation. See 40 CFR 122.33(c).

Who Must Sign the Application?

NPDES regulations at 40 CFR 122.22 specify that all permit applications from a municipality, state, federal or other public agency must be signed by either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes: 1) the chief executive officer of the agency, or 2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

For joint applications, representatives of each co-applicant must sign the application as described above.

All applications must be signed using 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 gather and evaluate the information submitted. Based on my inquiry of

United States Environmental Protection Agency

EPA Region 2
NPDES Permit Applications Form
Regulated Small Municipal Separate Storm Sewer Systems (MS4s) in EPA's Jurisdiction within Puerto Rico

February 2003

Introduction

The U.S. Environmental Protection Agency - Region 2 (EPA) is providing this "Question & Answer" document outlining permit application requirements to assist the operators of small municipal separate storm sewer systems (MS4s) required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges.

This document is intended for use only by MS4 operators in the area of Puerto Rico where EPA is the NPDES permitting authority.

EPA published the "Phase II" regulations addressing small municipal storm sewer systems on December 8, 1999.[1] This "Question & Answer" document addresses the Phase II application requirements for MS4 operators seeking NPDES permit coverage for storm water management plans to be implemented under 40 CFR 122.34 (i.e., a storm water management plan based on the "six minimum measures").[2]

EPA Region 2 has not yet issued a general NPDES permit for storm water discharges from regulated small MS4s, but does intend to issue such a permit. Until EPA issues the general permit, small MS4s must apply for individual permits as required by 40 CFR 122.33; this document outlines the individual permit application procedures described at 40 CFR 122.33(b)(2)(i). Any application information provided by MS4 operators by the deadlines outlined below will fulfill upcoming general permit application requirements.

All regulatory citations referencing the Phase II MS4 application requirements are underlined and included as an appendix starting on page 5.

Please note: there are no application forms for the Phase II MS4 permit program at this time. A permit application can be substantively completed by following the applicable regulations and by using the guideline suggestions included in this document. Other EPA-published guidance material may provide additional clarification of these requirements, and are listed at the end of this document.

---

[1] 64 FR 68721.

[2] MS4 operators who seek a permit to discharge under an individual permit, either: 1) through implementing a program different from the "six minimum measures" program under 40 CFR 122.34, or 2) by participating in an existing "Phase I" NPDES municipal permit program as a limited co-permittee, must comply with the application requirements for "Phase I" municipalities contained in 40 CFR 122.26(d). These requirements are not addressed by this EPA Region 10 Q&A document. Please contact EPA Region 2 directly for more information about the "Phase I" MS4 application process.

meetings@erg.com, subject line: Observational Studies. If you need technical information about the planned document, please contact Roy Fortmann, National Exposure Research Laboratory (NERL); telephone: 919–541–1021; facsimile: 919–541–0905; e-mail *Fortmann.roy@epa.gov*.

SUPPLEMENTARY INFORMATION:

Information About the Workshop and Planned Document

Observational exposure measurement studies are performed by researchers both within and outside of EPA to measure people's contact with chemicals in their everyday environments during their normal daily activities. These studies involve measurements of chemicals in environmental media (*e.g.*, air, water, food, soil, and dust); collection of information about the voluntary study participants, their homes, their work environments, and their activities; and analysis of voluntary human samples such as blood or urine to determine the amounts of contact. These observational studies do not involve any additional contact with the chemicals being studied by the people who volunteer to participate in the studies. EPA's observational studies generally collect information that is critical to meeting the goal of improving public health. In these studies, EPA identifies the chemicals that people are coming in contact with; the concentrations of those chemicals; the most important sources of chemicals in people's lives; and when, where, how often, and why people come into contact with chemicals in the environment. The information collected in observational studies can be used to better understand potential risks and health effects from chemicals in the environment and to develop risk mitigation strategies and methods.

EPA strives to follow the most up-to-date approaches in designing and performing observational studies. These approaches are developed by experts in both academia and various Federal agencies. The approaches evolve over time to meet changing and more stringent ethical standards and study requirements. EPA wants to ensure that the observational studies conducted by the Agency for measuring people's contact with environmental chemicals continue to be based on the most up-to-date sound science and the highest ethical standards. Therefore, there is a need to evaluate the latest approaches and ensure that EPA is using the state-of-the-science approaches. In this project, EPA intends to review and evaluate the latest methods, techniques, ethical standards, and approaches for design and implementation of observational exposure measurement studies and compile a set of state-of-the-science approaches in a single document. Examples of study elements for which state-of-the-science approaches will be evaluated and compiled in the document include identification of community groups and interactions with communities during the scoping and planning of studies, participant recruitment methods, informed consent procedures, identification and reporting unanticipated results, communication of study results, etc. EPA expects that the final document will be used by EPA researchers and others in the scientific community to design and perform observational exposure measurement studies.

Researchers in NERL intend to work with the public and experts from outside of the Agency to evaluate and compile the state-of-the-science approaches. The Workshop announced in this Notice is expected to bring together experts in the areas of human exposure science, community research, ethics, children's health, and other relevant disciplines to discuss and compile information that EPA can use to develop a draft document. EPA has asked the Panel to provide recommendations on the content of the document, sources of information for the document, and an evaluation of the state-of-the-science for approaches for specific elements of the design and implementation of observational exposure measurement studies. Using information gathered at the Workshop, EPA plans to develop a draft document, tentatively titled "State-of-the-Science Approaches for Observational Exposure Measurement Studies." When completed, EPA expects to release the draft document as an external review document for public comment. EPA also expects to hire a contractor to conduct an independent external scientific peer review of the draft document. Availability of the document for public comment and the schedule and location of the independent external peer review will be announced in the **Federal Register**.

Dated: October 31, 2006.

Lawrence W. Reiter,

Director, National Exposure Research Laboratory.

[FR Doc. E6–18655 Filed 11–3–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8235–3]

Notice of Availability of Final NPDES General Permit for Small Municipal Separate Storm Sewer Systems in the Commonwealth of Puerto Rico and Federal Facilities in the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final NPDES General Permits—PRR040000 and PRR04000F.

SUMMARY: The Director of the Caribbean Environmental Protection Division (CEPD), Environmental Protection Agency-Region 2, is issuing notice for a final National Pollutant Discharge Elimination System (NPDES) general permit and accompanying response to comments for discharges from small municipal separate storm sewer systems (Small MS4) within urbanized areas to waters of the Commonwealth of Puerto Rico. This NPDES general permit establishes Notice of Intent (NOI) requirements, standards, prohibitions and management practices for discharges of storm water from municipal separate storm sewer systems within urbanized areas owned by the Commonwealth of Puerto Rico, or political subdivisions of the Commonwealth of Puerto Rico (including "municipios"), as well as the United States, and other systems located within an urbanized area that fall within the definition of an MS4. These include, for example, State departments of transportation (DOTs), public universities, penitentiaries, military installations and similar institutions with separate storm sewers drainage area. Owners and/or operators of small MS4s that discharge storm water will be required to submit a NOI to EPA–CEPD to be covered by the general permit and will receive a written notification from EPA–CEPD of permit coverage and authorization to discharge under the general permit. The eligibility requirements are discussed in the permit. The municipality must meet the eligibility requirements of the permit prior to submission of the NOI. This general permit does not cover new sources as defined under 40 CFR 122.2. Publication of this final general permit and response to comments complies with the requirements of 40 Code of Federal Regulations (CFR) 124.10.

DATES: The effective date of this permit is November 6, 2006. The permit will expire on November 7, 2011.

Public Meeting Information: EPA—Region 2 has participated in several

conference meetings to provide information about the Storm Water Phase II program and its requirements. On September 28, 2006, CEPD offered a full day workshop on Small MS4 requirements and conditions from today's general permit. The workshop included a overview presentation on the storm water program, the conditions of the general permit under Phase 2, the six minimum requirement that the Small MS4 must meet, tools/resources and a question and answer session.

Notification Requirements: General permits for storm water discharges associated with Small MS4s within an urbanized area require the submittal of a Notices of Intent (NOI) prior to the authorization of such discharges. Today's general permit establishes NOI requirements to be covered under this permit and must be sent to EPA-Region 2, Caribbean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce de Leon Avenue, San Juan, Puerto Rico 00907–4127; Attn: Sergio Bosques. Municipios, including State departments of transportation (DOTs), public universities, penitentiaries, military installations and similar institutions, must submit an NOI and other required information by February 5, 2007. A discharger is not precluded from submitting an NOI at a later date. However, EPA may bring appropriate enforcement actions. The NOI is found in Appendix C of today's general permit and contains the following information:

(1) Activities by the applicant that require obtaining an NPDES permit.

(*Suggestion:* This item can be addressed by a statement such as: "The Applicant Name operates a municipal separate storm sewer system located in (city name)".)

(2) Name, mailing address, and location of the facility for which the application is submitted.

(*Suggestion:* In the context of the MS4 permitting program, this item should list the name(s), title(s), affiliation(s), mailing address(es), and telephone number(s) of the operator(s) of the MS4(s).)

(3) Standard Industrial Classification (SIC) Code that reflects the service provided by the facility.

(*Suggestion:* Generally speaking, the SIC code established by the Federal Office of Management and Budget for public administration/general Federal, State or local government activities is 9199. For additional information on SIC codes, check the Occupational Safety and Health Administration's Web site at: *http://www.osha.gov/cgi-bin/sic/sicser5.*)

(4) The operator name(s), address(es), telephone number(s), ownership status, and status as a Federal, State, local, tribal or other public entity.

(*Suggestion:* This item should identify the names and titles of the primary administrative and/or technical staff contacts for the municipal operator(s), if different from item #2.)

(5) A listing of any permits or construction approvals received or applied for under any of the following programs: Resource Conservation or Recovery Act; Underground Injection Control under the Safe Drinking Water Act; NPDES program under the Clean Water Act; Prevention of Significant Deterioration program under the Clean Air Act; Nonattainment program under the Clean Air Act; the National Emission Standards for Hazardous Air Pollutants preconstruction approval under the Clean Air Act, Ocean Dumping Permits under the Marine Protection Research and Sanctuaries Act; Dredge or fill permits under section 404 of the Clean Water Act; or other relevant environmental permits, including State permits.

(6) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

(*Suggestion:* A map of the storm sewer system(s), showing the location of all outfalls and names and location of all waters of the United States that receive discharges from those outfalls, is most appropriate for fulfilling this requirement. If a map of such detail is not available, please include any reasonably available version of such a map and a schedule of when such a map will be available. (See *40 CFR 122.34(b)(3)(ii)(A)* for a description of the mapping requirement.))

(7) A brief description of the nature of the business.

(*Suggestion:* In the context of the MS4 permitting program, briefly describe the MS4 in terms of its general characteristics, such as: capacity, general operation, or other relevant information.)

The following additional information is required as part of an NPDES application from regulated small MS4(s) according to *40 CFR 122.33(b)(2)(i) and 40 CFR 122.34(d)(1):*

(8) An estimate of the square mileage served by the MS4(s);

(9) Descriptions of the best management practices (BMPs) to be implemented by the applicant or another entity for each of the six storm water minimum control measures described in *40 CFR 122.34(b)(1) through (b)(6);*

(10) Descriptions of the measurable goals for each BMPs, including (as appropriate) the months and years in which the action will be taken, including interim milestones and the frequency of the action; and

(11) The person(s) responsible for implementing or coordinating the applicant's storm water management program (SWMP).

(*Suggestion:* Your description of the SWMP should identify those measures that are already in place or are underway, as well as measures that remain to be developed or implemented. As the operator of the MS4, you have the flexibility to determine the BMPs and measurable goals, for each minimum control measure, that are most appropriate for the system. It is not required that all BMPs be fully implemented and in place at the time of application. As stated in *40 CFR 122.34(a),* EPA will require full implementation of the applicant's SWMP no later than the end of the first permit term (NPDES permits are typically issued for a 5 year period). The application package should fully summarize the SWMP that is anticipated for the area, and should acknowledge those BMPs that remain to be developed, including time lines and milestones for implementation.)

Today's final general permit requires all regulated small MS4s to develop and implement a SWMP. Program components include, at a minimum, 6 minimum measures to address: public education and outreach; public involvement; illicit discharge detection and elimination; construction site runoff control; post-construction storm water management in new development and redevelopment; and pollution prevention and good housekeeping of municipal operations. A regulated small MS4 is required to submit to CEPD the SWMP, and an electronic copy, including the BMPs to be implemented and the measurable goals for each of the minimum control measures listed above. After submitting the required NOI within February 5, 2007, the SWMP, including the electronic version must be submitted within August 3, 2007 to CEPD to the above address.

After February 5, 2007, all notified Small MS4s will have 180 days of their notification to submit an NOI and

SWMP, including an electronic version of the information. This shall be also submitted to the address specified above.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the permit may be obtained between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, from: Sergio Bosques, Caribbean Environmental Protection Division, Environmental Protection Agency, Region 2, Centro Europa Building, Suite 417, 1492 Ponce de Leon Avenue, San Juan, Puerto Rico 00907-4127; telephone: 787-977-5838; e-mail: *bosques.sergio@epa.gov*.

SUPPLEMENTARY INFORMATION:

A. Statutory and Regulatory History

Section 405 of the Water Quality Act of 1987 (WQA) added section 402(p) of the Clean Water Act (CWA), which directed EPA to develop a phased approach to regulate storm water discharges under the NPDES program. EPA published a final regulation on the second phase of this program on December 9, 1999, in the **Federal Register**, establishing permit application requirements for "storm water discharges associated with municipal separate storm sewer systems in urbanized areas".

EPA believes that this Phase 2 rule provides consistency in terms of program coverage and requirements for existing and newly designated sources. For example, the rule includes most of the municipal donut holes, those MS4s located in incorporated places, townships or towns with a population under 100,000 that are within Phase I counties. These MS4s were not addressed by the NPDES storm water program until the Phase 2 rule while MS4s in the surrounding county are addressed. In addition, the minimum control measures required in the Phase 2 rule for regulated small MS4s are very similar to a number of the permit requirements for medium and large MS4s under the storm water program. Following the Phase 2 rule, permit requirements for all regulated MS4s will require implementation of BMPs.

Organization of Today's Permit

Today's permit covers storm water discharges from a wide variety of conveyances and/or systems within urbanized areas in Puerto Rico. Because the conditions which affect the presence of pollutants in storm water discharges vary among urbanized areas and watersheds, today's general permit provides broad discretion to the permittee to develop and implement a storm water management program and meet permit conditions. EPA believes that the flexibility provided in today's general permit facilitates watershed planning and compliance. Today's permit requires storm sewer system map, regulatory mechanism to prevent illicit discharges, plan to detect and address non-storm water discharges, education and measurable goals.

B. Executive Order 12866

EPA has determined that this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

C. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities resulting from the final construction general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of this proposed permit are similar to other Regional general permits which were previously approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned OMB control numbers. However, information collection requirements of this proposed small municipal separate storm sewer system general permit will be submitted to OMB for review and approval and will be published in a **Federal Register** notice.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. The permit issued today, however, is not a "rule" subject to the requirements of 5 U.S.C. 553(b) and is therefore not subject to the Regulatory Flexibility Act.

E. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" (defined to be the same as "rules" subject to the RFA) on State and local governments and the private sector. The permit issued today, however, is not a "rule" subject to the RFA and is therefore not subject to the requirements of UMRA.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: September 21, 2006.

Carl-Axel P. Soderberg,

Director, Caribbean Environmental Protection Division, Region 2.

[FR Doc. E6-18643 Filed 11-3-06; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting Notice

DATE & TIME: Thursday, November 9, 2006 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2006-30: ActBlue, by Jonathan Zucker, Senior Strategist and Counsel.

Management and Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 06-9105 Filed 11-2-06; 2:29 pm]

BILLING CODE 6715-01-M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice; Announcing an Open Meeting of the Board of Directors

TIME AND DATE: The open meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, November 8, 2006.

PLACE: Board Room, First Floor, Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006.

STATUS: The meeting will be open to the public.

MATTER TO BE CONSIDERED AT THE OPEN PORTION: *Federal Home Loan Bank of Chicago Request to Redeem Excess Stock.*

CONTACT PERSON FOR MORE INFORMATION: Shelia Willis, Paralegal Specialist, Office of General Counsel, at 202-408-2876 or *williss@fhfb.gov*.

Dated: November 8, 2006.

By the Federal Housing Finance Board.

John P. Kennedy,

General Counsel.

[FR Doc. 06-9098 Filed 11-2-06; 10:58 am]

BILLING CODE 6725-01-P

Appendix B: Notice of Intent

Hon. Luis Arroyo Chiqués

May 12, 2008

Chief Tere Rodriguez
Caribbean Environmental Protection Division
Multi-Media Permits and Compliance Branch
Centro Europa Building – Suite 417
1492 Ponce de Leon Avenue
Santurce, Puerto Rico 00907

ATT: ENG. SERGIO BORGES

RE: NOTICE OF INTENT PUERTO RICO NPED MS4 PERMIT

1. The Municipality of Aguas Buenas operates a municipal separate storm sewer system located in the traditional urban area of Aguas Buenas, Puerto Rico. Aguas Buenas is located in the central region of Puerto Rico and is defined by EPA as an urbanized area based on the 2000 census. See EPA's urbanized areas reference maps on Attachment I.

2. The operator's general information is as follows:

Name: Municipality of Aguas Buenas
Representative: Hon. Luis Arroyo-Chiqués, Mayor
Mailing Addresss: PO Box 128, Aguas Buenas, PR 00703
Location of representative's office: City hall located in the town square in the intersection of Road #156 and Rafael Lazas Street.
Telephone number: 787-732-8622
Bordering Municipalities: Caguas to the east, Bayamon, Guaynabo, and San Juan to the north, Comerio to the west, and Cidra to the south.

The Municipality handles its urban center as a single MS4. No large complexes or areas of the urban system require their own individual MS4. The urban center's array of roads, piping, and water canals are treated as a single MS4. The Municipality has established the limits of its urban center in coordination with Law 212 of August 29, 2002. This system is located in the urban center, which is defined by the limits established in the maps on Attachment II.

3. The Standard Industrial Classification (SIC) Code that reflects the service provided is **9199**, for "General Government, Not Elsewhere Classified".

4. Municipality of Aguas Buenas is a government entity. The contacts for the Municipality in regards to its MS4s are the following:

Luis O. Gallardo-Rivera (Primary Contact)
Director of Federal Affairs and Urban Development
Phone: 787-732-0015
Fax: 787-732-1370
E-mail: luisogallardo@gmail.com
Address: PO Box 128
Aguas Buenas, PR 00703

Jose Otaño
Project Manager for the Municipality
Phone: 787-732-8622 ext. 437
Fax: 787-732-2344
Address: PO Box 128
Aguas Buenas, PR 00703

Harry Guzman
Director of Emergency Management/Storm Response
Phone: 787-732-4701
Fax: 787-732-6231
E-mail: aguasbuenas@aemead.gobierno.pr
Address: PO Box 128
Aguas Buenas, PR 00703

5. The Municipality 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 potable water plant; has no NPDS Permit.

6. Attachment III of this Notice of Intent of Application includes a map of the municipality extending at least 1 mile beyond the property boundaries. A topographic map was not available. This map includes the location of the water movement, intake and discharge structures, surface water bodies, and other items associated with our MS4. As stated previously, the Municipality does not generate, treat, or dispose hazardous waste. It also has no public records of any known drinking wells. Surface bodies have been identified on the attached maps.

Hon. Luis Arroyo Chiqués

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, 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."

Hon. Luis Arroyo Chiqués
Mayor

5/13/08
Date

This report has been reviewed and approved by the Director of Federal Affairs, Housing, and Urban Development:

Luis O. Gallardo-Rivera
Director

5/13/08
Date

Estado Libre Asociado de Puerto Rico
Gobierno Municipal de Aguas Buenas

Tel. 787-732-0269 Fax: 787-732-2344
Apartado 128, Aguas Buenas, Puerto Rico 00703

alcalde@aguasbuenas.pr.gov

Attachment IV

Description of the Best Management Practices

The Municipality of Aguas Buenas 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 300 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 NPES 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.

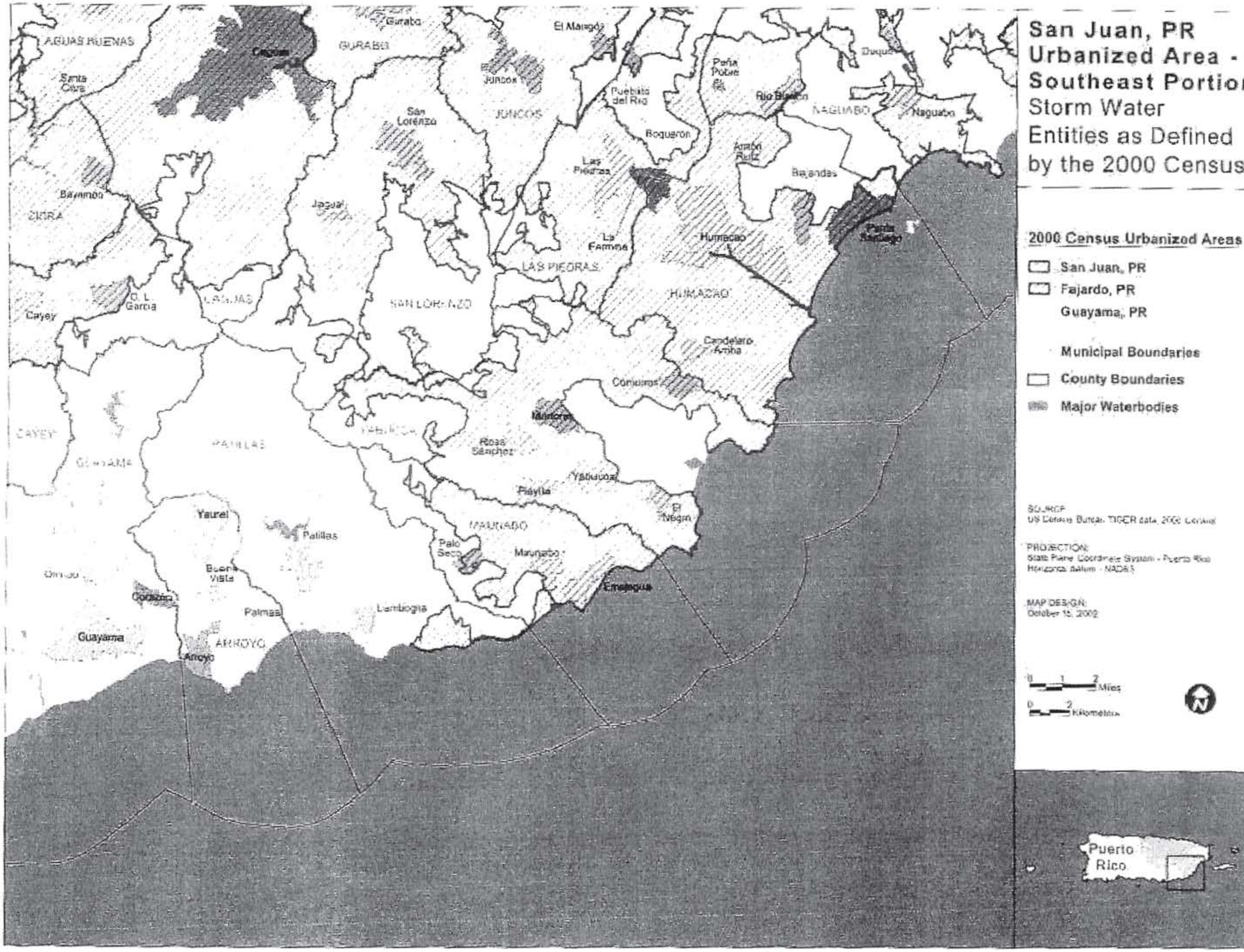
3) Illicit Discharge and Elimination:
Objectives: Develop a comprehensive map of the storm water drain system, establish and carry out procedures to identify and remove illicit discharges, establish legal authority for enforcement, and encourage public involvement.

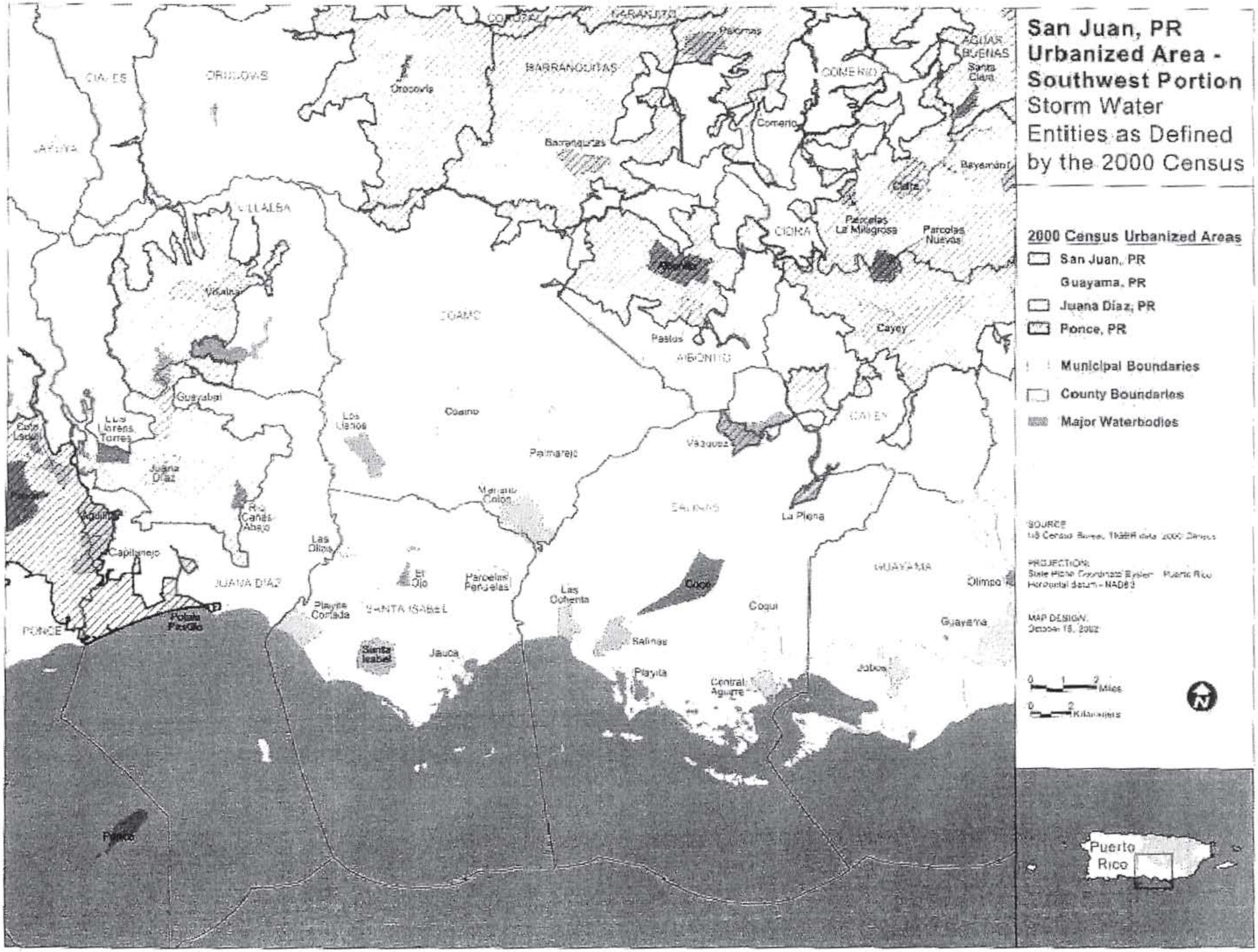
a. Storm drain system map
Goal: Develop a storm drain system map. This will aid the municipality in targeting outfalls and dry weather flows.

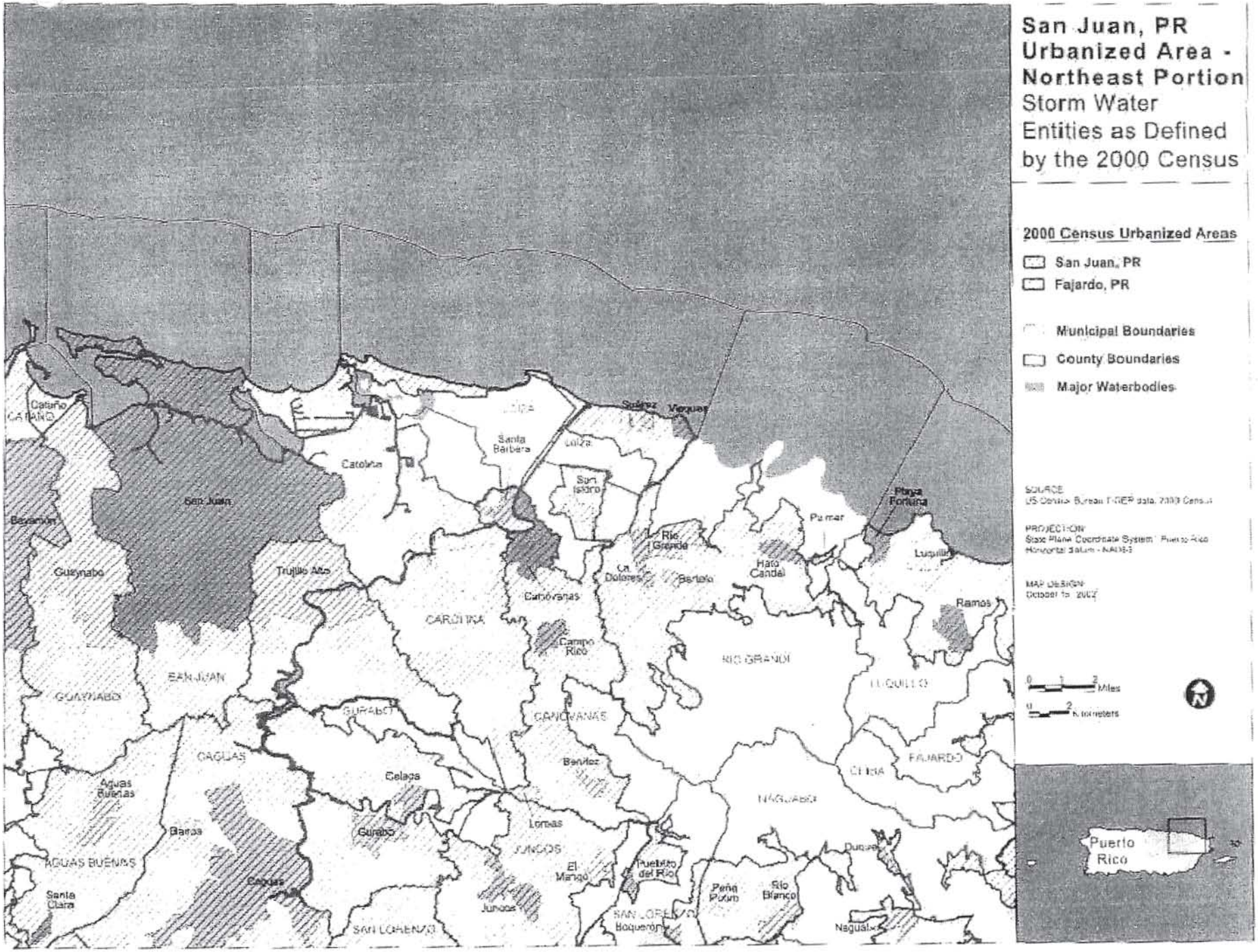
b. Identify illicit connections through dry water screening
Goal: A survey during dry weather of the storm drain system will be conducted to identify non-storm water flows. Areas with suspicious activity will be further inspected.

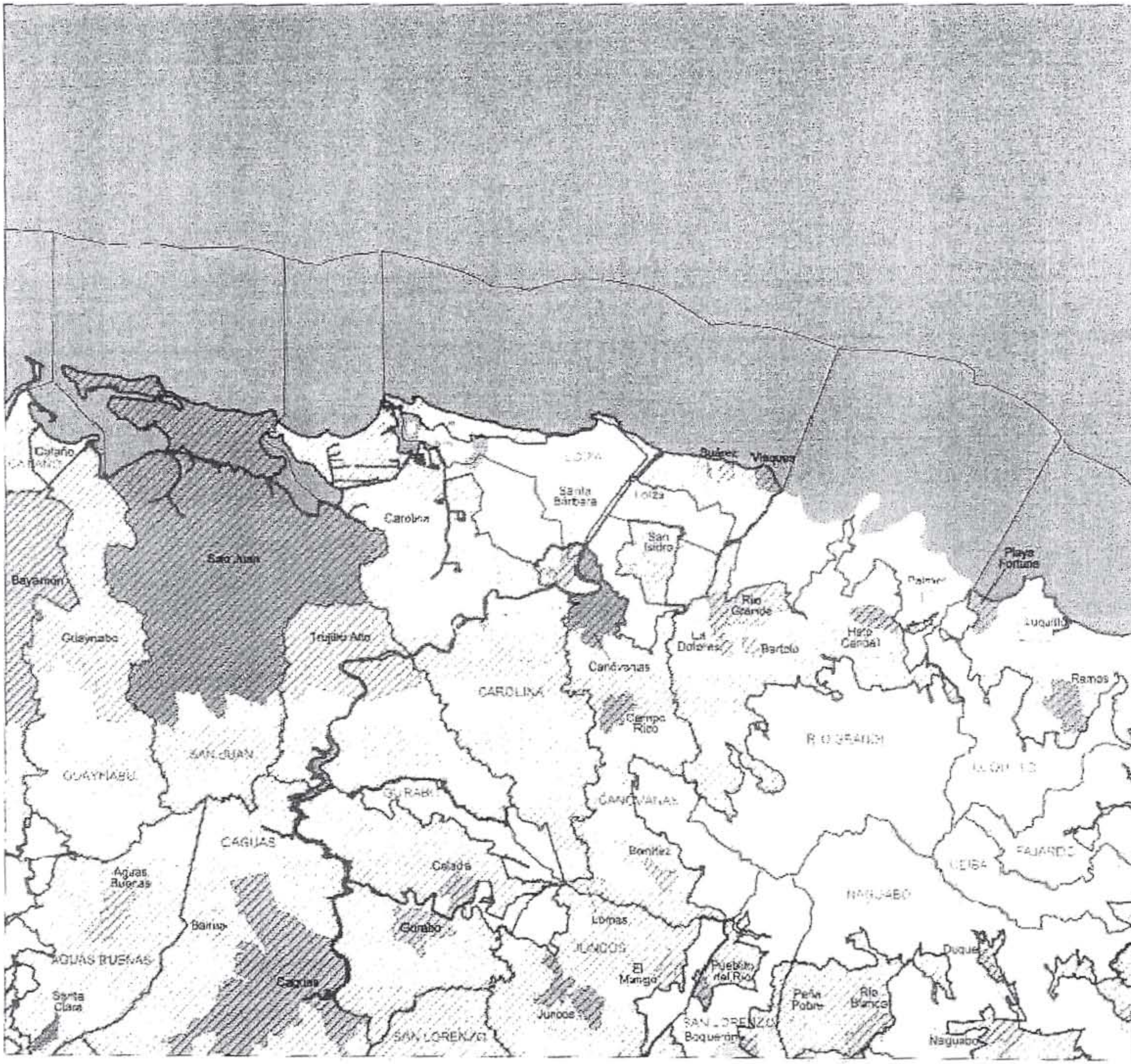
c. Illicit discharge/illegal dumping hotline
Goal: A number and extension will be assigned to the Municipal government's phone network to provide a hotline for citizens interested in reporting illegal discharges.

4) Prepare a program to reduce pollutants in any storm water runoff to our Storm Sewer System from construction activities:


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
Miles
Kilometers
Puerto
Rico
AGUAS BUENAS
Santa
Clara
Caguas
Gurabo
GURABO
El Mangó
Juncos
JUNCOS
San
Lorenzo
SAN LORENZO
Pueblito
del Río
Boquerón
Peña
Pobre
Río Blanco
NAGUABO
Naguabo
Duque
Las
Piedras
LAS PIEDRAS
La
Fermina
Humacao
HUMACAO
Candelero
Arriba
Punta
Santiago
Bajandas
Antón
Ruiz
Jagual
Bayamón
CIDRA
G. L.
García
Cayey
CAYEY
GUAYAMA
PATILLAS
Patillas
Yaurel
Buena
Vista
Palmas
Lamboglia
ARROYO
Arroyo
Guayama
Coquí
Coamo
Rosa
Sánchez
Playita
Yabucoa
Coronas
El
Negro
MAUNABO
Maunabo
Palo
Seco
Emajagua


San Juan, PR
Urbanized Area -
Southwest Portion
Storm Water
Entities as Defined
by the 2000 Census
2000 Census Urbanized Areas
San Juan, PR
Guayama, PR
Juana Diaz, PR
Ponce, PR
Municipal Boundaries
County Boundaries
Major Waterbodies
SOURCE
PROJECTION
MAP DESIGN
Miles
Kilometers
Puerto Rico
BARRANQUITAS
Barranquitas
Orocovis
Comerio
COMERIO
AGUAS BUENAS
Bayamon
CIDRA
Parcelas La Milagrosa
Parcelas Nuevas
VILLALBA
Villalba
COAMO
Coamo
Cayey
Pastos
AIBONITO
CAYEY
Guayabal
Los Llanos
Vazquez
Palmarejo
Juana Diaz
Rio Canas Abajo
Las Ollas
Capitanejo
JUANA DIAZ
Playita Cortada
SANTA ISABEL
Santa Isabel
Parcelas Peñuelas
El Ojo
Las Ochenta
Coco
Coqui
La Plena
GUAYAMA
Guayama
Olimpo
Salinas
Playita
Central Aguirre
Jobos
Jauca
PONCE
Ponce
Playa Ponce


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
Miles
kilometers
Puerto
Rico
Cataño
CATAÑO
Bayamón
Guaynabo
San Juan
Trujillo Alto
Carolina
Canóvanas
Loíza
Río
Grande
Luquillo
Fajardo
Ceiba
Ramos
Río Grande
Luquillo
Canóvanas
Fajardo
Ceiba
Naguabo
Juncos
Las
Piedras
Gurabo
Caguas
Aguas
Buenas
Aguas Buenas
Cidra
Aguada
Aguadilla
Isabela
Quebradillas
Camuy
Hatillo
Arecibo
Barceloneta
Manatí
Vega
Baja
Vega
Alta
Dorado
Toa
Baja
Toa
Alta
Bayamón
Cataño
Guaynabo
San Juan
Trujillo Alto
Carolina
Canóvanas
Loíza
Río
Grande
Luquillo
Fajardo
Ceiba
Ramos
Río Grande
Luquillo
Canóvanas
Fajardo
Ceiba
Naguabo
Juncos
Las
Piedras
Gurabo
Caguas
Aguas
Buenas
Aguas Buenas
Cidra
Aguada
Aguadilla
Isabela
Quebradillas
Camuy
Hatillo
Arecibo
Barceloneta
Manatí
Vega
Baja
Vega
Alta
Dorado
Toa
Baja
Toa
Alta


Cataño
Bayamón
Guaynabo
GUAYNABO
San Juan
SAN JUAN
Trujillo Alto
Carolina
CAROLINA
Santa Bárbara
Loíza
San Isidro
Vieques
Río Grande
La Dolores
Bartolo
Hato Candal
Palmer
Playa Fortuna
Luquillo
Ramos
Canóvanas
CANÓVANAS
Campo Rico
GURABO
Celada
Gurabo
CAGUAS
Caguas
Aguas Buenas
AGUAS BUENAS
Bairoa
Santa Clara
Bonilla
Lomas
JUNCOS
Juncos
El Mango
SAN LORENZO
Pueblito del Río
Boquerón
Peña Pobre
Río Blanco
NAGUABO
Naguabo
Duque
CEIBA
FAJARDO
Puerto Rico

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

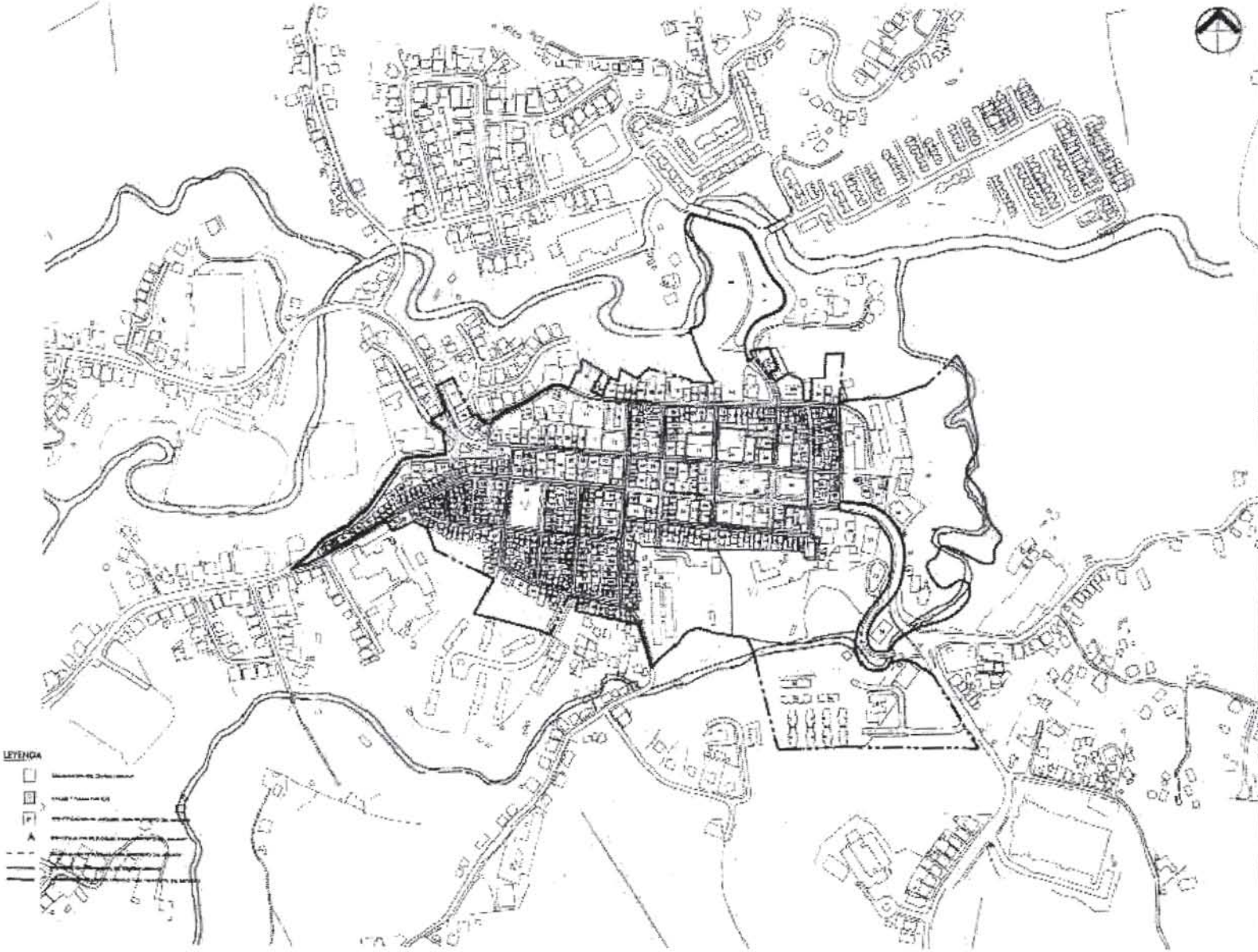
- **County Boundaries**
- **Major Waterbodies**

SOURCE:
US Census Bureau, TIGER data, 2000 Census

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

MAP DESIGN:
October 15, 2002

Miles
Kilometers



Guillermo
Norma ilia

PLAN DELIMITACION
PROVISIONAL
AGUAS BUENAS, PR

REVISIONES

MAPA B:
DELIMITACION PROPUESTA
LIMITES Y SECTORES VECINALES

Legend

- Water
- Outfalls
- Surface Drainage
- Underground Pipes

Storm Sewer System
Municipality of Aguas Buenas

Sheet 1

N

0 Meters 1,000

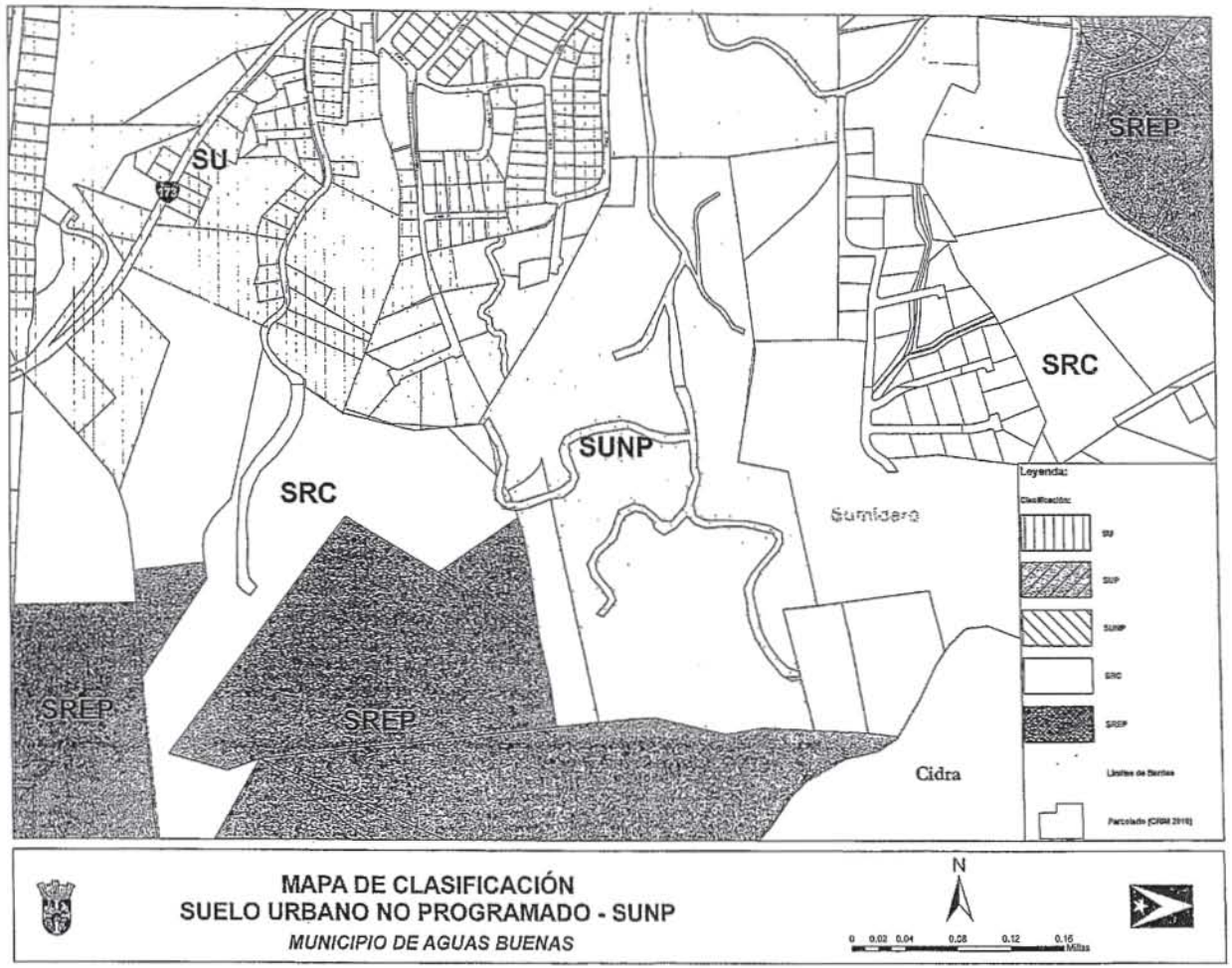
Appendix C: Urban Map


Image U.S. Geological Survey
© 2010 Europa Technologies
© 2010 Google
©2009 Google
imagery Date: Oct 31, 2006
18°15'15.68" N 66°06'14.50" W elev 780 ft
Eye alt 2492 ft


Aguas Buenas, Puerto Rico
Aguas Buenas
Image U.S. Geological Survey
© 2010 Europa Technologies
© 2010 Google
©2009 Google
Imagery Date: Oct 31, 2005
18°15'24.54" N 66°06'14.62" W elev 847 ft
Eye alt 2572 ft


N
Image U.S. Geological Survey
© 2010 Europa Technologies
© 2010 Google
©2009 Google
Imagery Date: Oct 31, 2008
18°15'24.90" N 66°06'29.56" W elev 811 ft
Eye alt 2482 ft

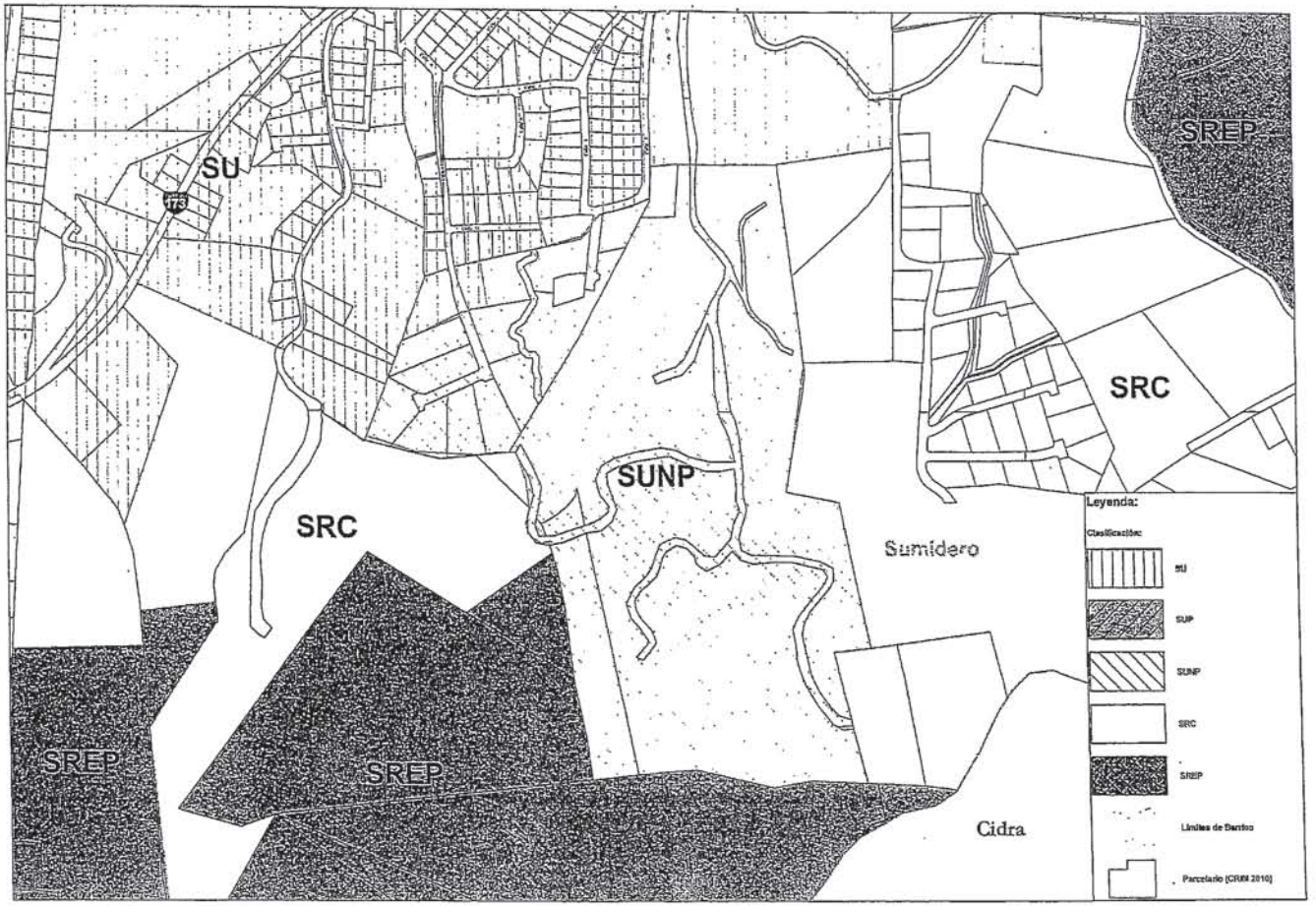
Appendix D: Maps



MAPA DE CLASIFICACIÓN
SUELO URBANO NO PROGRAMADO - SUNP
MUNICIPIO DE AGUAS BUENAS

N

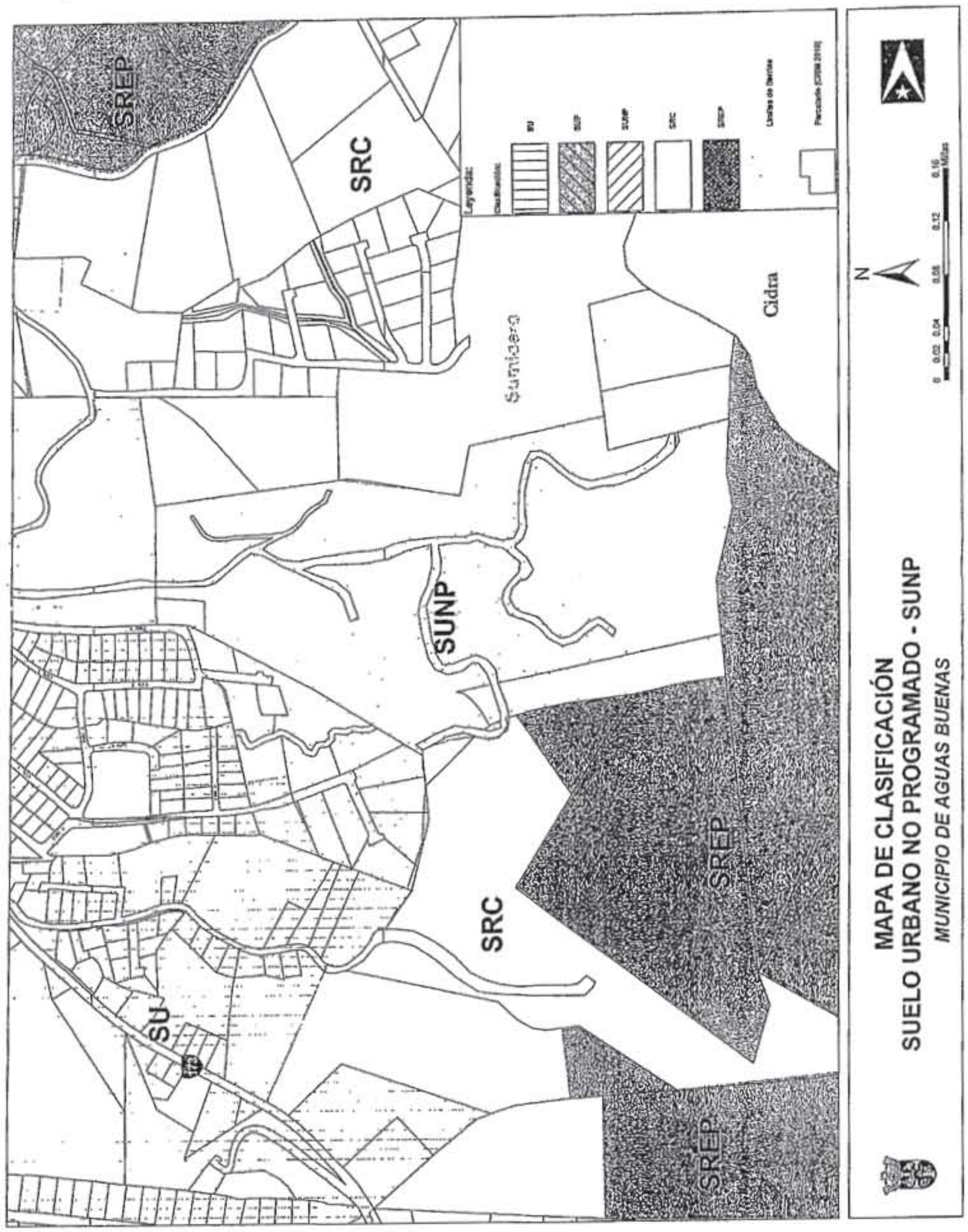
0 0.02 0.04 0.08 0.12 0.16 Millas

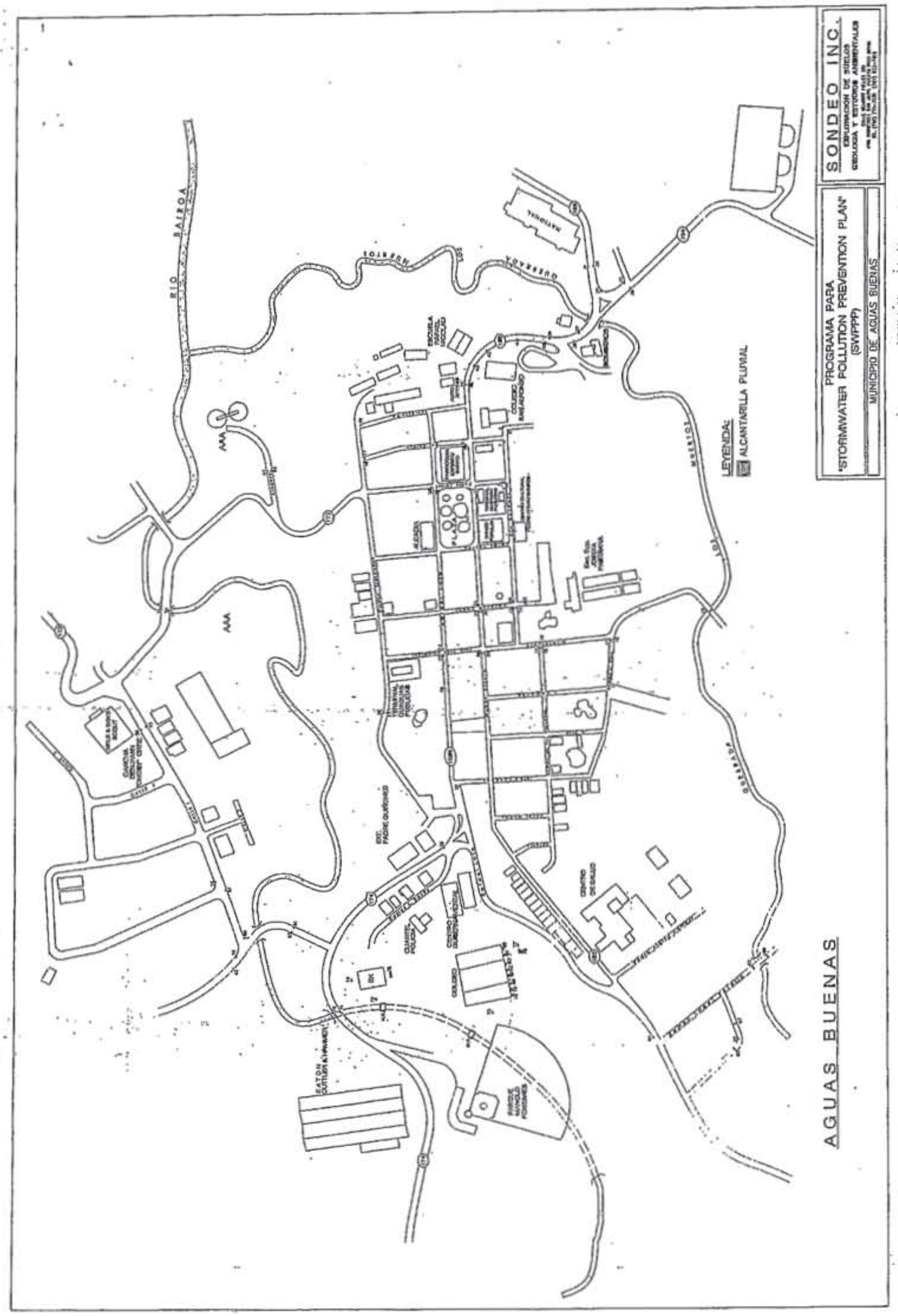


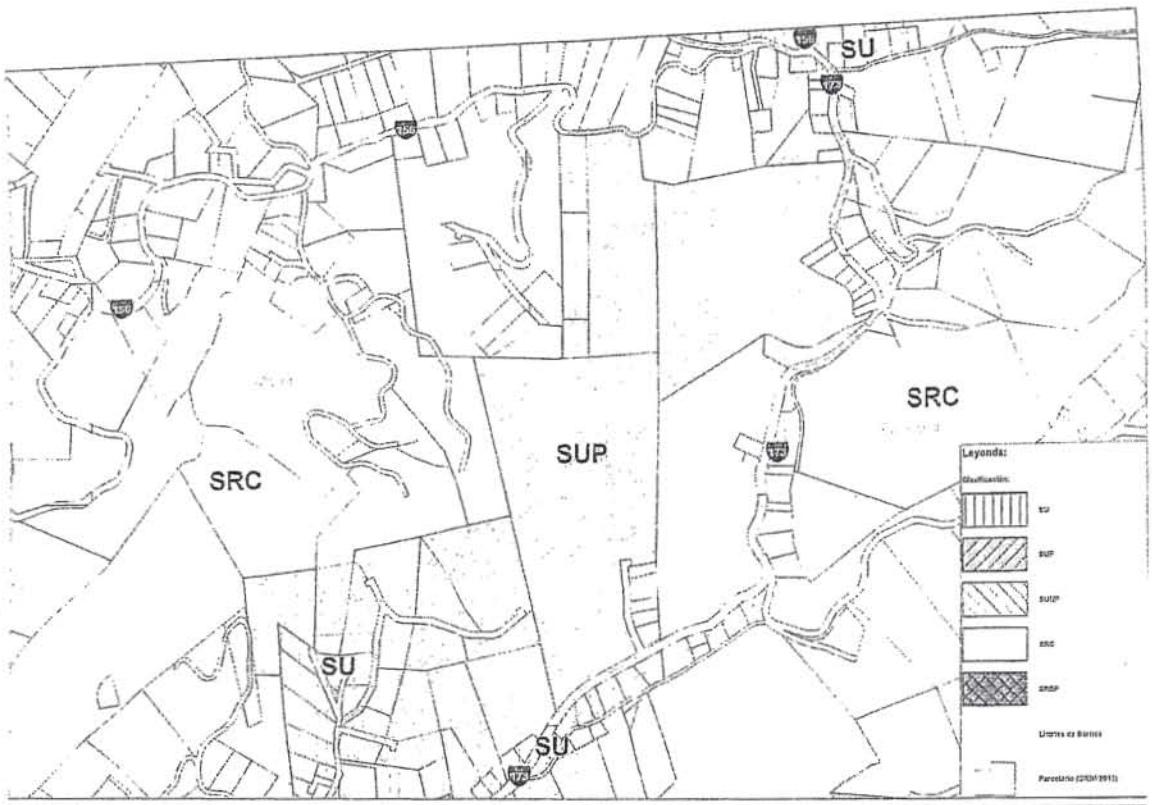
MAPA DE CLASIFICACIÓN
SUELO URBANO NO PROGRAMADO - SUNP
MUNICIPIO DE AGUAS BUENAS

N

0 0.02 0.04 0.08 0.12 0.16 Millas


MAPA DE CLASIFICACIÓN
SUELO URBANO NO PROGRAMADO - SUNP
MUNICIPIO DE AGUAS BUENAS
SREP
SRC
SUNP
SU
SRC
SREP
SREP
Sumidero
Cidra
Leyenda:
N
SU
SUP
SUNP
SRC
SREP


SONDEO INC.
PROGRAMA PARA
"STORMWATER POLLUTION PREVENTION PLAN"
(SWPPP)
MUNICIPIO DE AGUAS BUENAS
LEYENDA:
ALCANTARILLA PLUVIAL
AGUAS BUENAS



MAPA DE CLASIFICACIÓN
SUELO URBANO PROGRAMADO - SUP CENTRO
MUNICIPIO DE AGUAS BUENAS

N

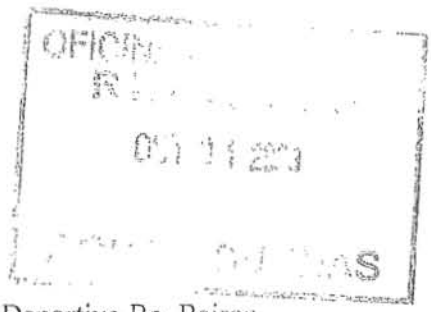
Appendix E: Endangered Species and Historic Properties

Sr. David Ruiz

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Boqueron Field Office
Carr. 301, KM 5.1, Bo. Corozo
P.O. Box 491
Boqueron, PR 00622

SEP 28 2009



Honorable Luis Arroyo Chiqués
Mayor
Gobierno Municipal de Aguas Buenas
PO Box 128
Aguas Buenas PR 00703

Re: Complejo Deportivo Bo. Bairoa
Aguas Buenas, PR

Dear Mr. Arroyo:

Thank you for your letter of August 26, 2009, requesting comments for the above-mentioned project. Our comments are provided as technical assistance under the Endangered Species Act (ESA)(87 Stat. 884, as amended; 16 United States Code 1531 et seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). Our office has assigned an identification number for this project; please refer to identification number 72007-081, in future correspondence.

The proposed project consists of the development of a sport complex within the Bairoa Ward in Aguas Buenas, Puerto Rico. The project will include a baseball field, a walking track and a basketball court. The area to be developed falls within the range of the endangered Puerto Rican boa (*Epicrates inornatus*). However, based on a review of the information provided, the nature of the project, and the site characteristics, we believe that the proposed project is not likely to adversely affect threatened and endangered species.

We are concerned about the proximity of the project site to the Bairoa River. Forested rivers are important in providing habitat and corridors for wildlife. Also they provide for flood control and storm damage prevention, and are responsible in maintaining water quality and recharge the groundwater and public water supply. The Service recommends the establishment of at least 15 meters of forested buffer zone between the project and the Bairoa River as an appropriate conservation measure to minimize possible effects to fish and wildlife resources. The vegetation along the stream should be maintained and the area enhanced by planting native tree species. Additional protective measures should be developed, implemented and maintained to minimize impacts by sediment runoff during project development. Please be adviced that impacts to stream, creeks, wetlands or aquatic resources may need a federal permit from the US Army

Corps of Engineers (Corps) if fill material would be discharged into the water body. The Corps, under Section 404 of the Clean Water Act, regulates any mechanized land clearing activities and deposition of fill material in jurisdictional wetlands.

It is our mission to work with others, to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of our people. If you have any additional question regarding this issue, please do not hesitate to contact Omar A. Monsegur Rivera from our staff at 787-851-7297 extension 222. You may also visit our website http://www.fws.gov/caribbean for additional information on threatened and endangered species under jurisdiction and the programs to conserve them.

Sincerely yours,

for Edwin E. Muñiz
Field Supervisor
Caribbean Field Office

omr

cc:
DNER, San Juan
COE, San Juan

Endangered Species Act Certification

In compliance with Endangered Species Act of 1973, as amended, and the Fish and Wildlife Coordination Act for federally funded projects, the Fish and Wildlife Service, Caribbean Field Office at Boquerón, Puerto Rico, decided that the following minor actions and projects may be conducted thin a blanket clearance, dated September 30, 2011, without adversely affecting the recovery and survival of listed species:

The Municipality of Aguas Buenas Puerto Rico, certifies that the following project " Repavimentación de Calles Severamente Deterioradas en Áreas de Personas de Ingresos Bajos y Moderados. Primera y Única Fase (FC 2010) compiles with:

(Check one or more below and place in the Environmental Review Record):

X 1. Street resurfacing, sidewalk reconstruction, home and emergency repairs of existing community building.

__ 2. Rehabilitation of existing occupied single safely homes and community buildings, provides that equipment storage or staging areas are not located on vacant property harboring a wetland and / or forested vegetation and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.

__ 3. Demolition of dilapidated single family home or community buildings, provided that the demolition debris is disposed of in certified receiving facilities; equipment storage or staging areas not located on vacant property harboring a wetland and / or forested vegetation; and appropriate best management practices (BMPs) are implemented.

__ 4. Rebuilding of demolished single family homes or community buildings, provided that the new construction is within the existing footprint of the previous structure and / or within the pre-existing grassed or paved areas, and that the lighting associated the facilities are not visible directly or indirectly from a beach.

__ 5. Activities within existing Right of Ways (ROWs) of roads and highways, when limited to actions that to not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to drainages, wetland, or aquatic systems. These activities include the installation of potable water and sanitary pipelines.

__ 6. Improvement to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from a beach.

7. Construction of electric underground system in existing towns and communities, provided that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from a beach.

8. Construction of facilities on vacant properties covered with grasses in urban , area provided that the lighting associated to new the facilities are not visible directly or indirectly from a beach.

Luis Arroyo Chiqués

24/Sept/2010
Date

cf: Marelisa Rivera Fax 1-787-851-7440
Fish and Wildlife
PO Box 491
Boqueron PR 00622

marelisa_rivera@fws.gov

Sr. David Ortiz

October 20, 2009

Hon. Luis Arroyo Chiqués
Mayor
Municipality of Aguas Buenas
PO Box 128
Aguas Buenas, Puerto Rico 00703

SHPO: 09-25-09-04 CONSTRUCCION DE COMPLEJO DEPORTIVO EN EL BARRIO BAIROA, ZONA DE PERSONAS DE INGRESOS BAJOS Y MODERADOS, PRIMERA Y UNICA FASE, AGUAS BUENAS, PUERTO RICO

Honorable Mayor Arroyo Chiqués:

Our Office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966,* as amended, and 36 CFR Part 800: *Protection of Historic Properties* from the Advisory Council on Historic Preservation. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies and other responsible entities when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce the project's effects.

Our records support your finding of **no historic properties affected** within the project's area of potential effects.

Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions, please contact Miguel Bonini at (787) 721-3737 or mbonini@prshpo.gobierno.pr.

Sincerely,

Carlos A. Rubio Cancela, Architect
State Historic Preservation Officer

CARC/BRS/MB/jvr

OFICINA DEL ALCALDE
RECIBIDO
OCT 23 2009
AGUAS BUENAS

P.O. Box 9066581
San Juan, PR 00906-6581
Tel. (787) 721-3737
Fax. (787) 722-3622

Sr. David Pérez)

OFICINA ESTATAL DE
CONSERVACIÓN HISTÓRICA
OFICINA DEL GOBERNADOR

STATE HISTORIC
PRESERVATION OFFICE
OFFICE OF THE GOVERNOR

SHPO
OECH

October 25, 2010

Hon. Luis Arroyo Chiqués
Mayor
Municipality of Aguas Buenas
P.O. Box 128
Aguas Buenas, P.R. 00703

SHPO: 10-01-10-15 REPAVMIENTACIÓN CALLES SEVERAMENTE DETERIORADAS EN ÁREAS DE PERSONAS DE INGRESOS BAJOS Y MODERADOS AGUAS BUENAS, PUERTO RICO/10-FC-04-001

Dear Mayor Arroyo:

Our Office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and 36 CFR Part 800: *Protection of Historic Properties* from the Advisory Council on Historic Preservation. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies and other responsible entities when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce the project's effects.

Our records support your finding of **no historic properties affected** within the project's area of potential effects.

Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions, please contact Miguel Bonini at (787) 721-3737 or mbonini@prshpo.gobierno.pr.

Sincerely,

Carlos A. Rubio Cancela, Architect
State Historic Preservation Officer

CAR/BRS/MB/img

OFICINA DEL ALCALDE
RECIBIDO
2010 OCT 27 PM 2:45

WWW.OECH.GOBIERNO.PR

P.O. Box 9023935
San Juan, PR 00902-3935

Teléfono/Phone | 787.721-3737
Fax | 787.721-3773

Recibido 27/10/10

Sr. David Perez

OFICINA ESTATAL DE
CONSERVACIÓN HISTÓRICA
OFICINA DEL GOBERNADOR

STATE HISTORIC
PRESERVATION OFFICE
OFFICE OF THE GOVERNOR

SHPO
OECH

October 25, 2010

Hon. Luis Arroyo Chiqués
Mayor
Municipality of Aguas Buenas
P.O. Box 128
Aguas Buenas, P.R. 00703

SHPO: 10-01-10-14 REPAVMIENTACIÓN CALLES SEVERAMENTE DETERIORADAS EN ÁREAS DE PERSONAS DE INGRESOS BAJOS Y MODERADOS, AGUAS BUENAS, PUERTO RICO/10-AB-04-002

Dear Mayor Arroyo:

Our Office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and 36 CFR Part 800: *Protection of Historic Properties* from the Advisory Council on Historic Preservation. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies and other responsible entities when identifying historic properties; assessing effects upon them, and considering alternatives to avoid or reduce the project's effects.

Our records support your finding of **no historic properties affected** within the project's area of potential effects.

Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions, please contact Miguel Bonini at (787) 721-3737 or mbonini@prshpo.gobierno.pr.

Sincerely,

Carlos A. Rubio Cancela, Architect
State Historic Preservation Officer

CAR/BRS/MB/img

Recibido - 28/10/10

Sr. David Perez

OFICINA ESTATAL DE
CONSERVACIÓN HISTÓRICA
OFICINA DEL GOBERNADOR

STATE HISTORIC
PRESERVATION OFFICE
OFFICE OF THE GOVERNOR

SHPO
OECH

October 25, 2010

Hon. Luis Arroyo Chiqués
Mayor
Municipality of Aguas Buenas
P.O. Box 128
Aguas Buenas, P.R. 00703

SHPO: 10-01-10-14 REPAVMIENTACIÓN CALLES SEVERAMENTE DETERIORADAS EN ÁREAS DE PERSONAS DE INGRESOS BAJOS Y MODERADOS, AGUAS BUENAS, PUERTO RICO/10-AB-04-002

Dear Mayor Arroyo:

Our Office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966,* as amended, and 36 CFR Part 800: *Protection of Historic Properties* from the Advisory Council on Historic Preservation. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies and other responsible entities when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce the project's effects.

Our records support your finding of **no historic properties affected** within the project's area of potential effects.

Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. If you have any questions, please contact Miguel Bonini at (787) 721-3737 or mbonini@prshpo.gobierno.pr.

Sincerely,

Carlos A. Rubio Cancela, Architect
State Historic Preservation Officer

CAR/BRS/MB/img

WWW.OECH.GOBIERNO.PR

P.O. Box 9023935
San Juan, PR 00902-3935

Teléfono/Phone | 787.721-3737
Fax | 787.721-3773

Recibido - 28/10/10

Endangered Species Act Certification

In compliance with Endangered Species Act of 1973, as amended, and the Fish and Wildlife Coordination Act for federally funded projects, the Fish and Wildlife Service, Caribbean Field Office at Boquerón, Puerto Rico, decided that the following minor actions and projects may be conducted thin a blanket clearance, dated September 30, 2011, without adversely affecting the recovery and survival of listed species:

The Municipality of Aguas Buenas Puerto Rico, certifies that the following project "Repavimentación de Calles Severamente Deterioradas en Áreas de Personas de Ingresos Bajos y Moderados. Primera y Única Fase (AB 2010) compiles with:

(Check one or more below and place in the Environmental Review Record):

_X_ 1. Street resurfacing, sidewalk reconstruction, home and emergency repairs of existing community building.

__ 2. Rehabilitation of existing occupied single safely homes and community buildings, provides that equipment storage or staging areas are not located on vacant property harboring a wetland and / or forested vegetation and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.

__ 3. Demolition of dilapidated single family home or community buildings, provided that the demolition debris is disposed of in certified receiving facilities; equipment storage or staging areas not located on vacant property harboring a wetland and / or forested vegetation; and appropriate best management practices (BMPs) are implemented.

__ 4. Rebuilding of demolished single family homes or community buildings, provided that the new construction is within the existing footprint of the previous structure and / or within the pre-existing grassed or paved areas, and that the lighting associated the facilities are not visible directly or indirectly from a beach.

__ 5. Activities within existing Right of Ways (ROWs) of roads and highways, when limited to actions that to not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to drainages, wetland, or aquatic systems. These activities include the installation of potable water and sanitary pipelines.

___ 6. Improvement to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from a beach.

___ 7. Construction of electric underground system in existing towns and communities, provided that the property is not a wetland area and the lighting associated to the facilities are not visible directly or indirectly from a beach.

___ 8. Construction of facilities on vacant properties covered with grasses in urban, area provided that the lighting associated to new the facilities are not visible directly or indirectly from a beach.

Luis Arroyo Chiqués

24/sept./2010
Date

cf: Marelisa Rivera Fax 1-787-851-7440
Fish and Wildlife
PO Box 491
Boqueron PR 00622

marelisa_rivera@fws.gov

Ingrid Gutierrez

18 de junio de 2010

Hon. Luis Arroyo Chiqués
Alcalde
Municipio de Aguas Buenas
Apartado 128
Aguas Buenas, P.R. 00703

SHPO: 02-01-10-02 CONSTRUCCIÓN DE CUNETONES EN EL BARRIO CAGÜITAS, SECTOR LOS ALAMOS, CARRETERA 156, RAMAL 777, PRIMERA Y ÚNICA FASE, AGUAS BUENAS, PUERTO RICO/ 05-AB-04-001

Honorable alcalde Arroyo:

Acusamos recibo de su solicitud de comentarios sobre el proyecto en el epígrafe. Le informamos que éste ya fue evaluado por el personal de nuestra Oficina. Los comentarios en nuestra carta fechada el 16 de febrero de 2010 (copia adjunta), continúan vigentes.

De tener alguna pregunta o comentario, se puede comunicar con Yasha Rodríguez, Ph.D. al (787) 721-3737 o yrodriguez@prshpo.gobierno.pr.

Atentamente,

Carlos A. Rubio Cancela, Arquitecto
Oficial Estatal de Conservación Histórica

CAR/BRS/YRM/eds

Anejo

OFICINA DEL ALCALDE
AGUAS BUENAS
2010 JUN 28 PM 1:10

MAYAGÜEZ 2010
Tel (787) 721-3737
Fax. (787) 721-3773
PO BOX 9023935
San Juan PR 00902-3935

Endangered Species Act certification

In compliance with Endangered Species Act of 1973, as amended, and the Fish and Wildlife Coordination Act for federally funded projects, the Fish and Wildlife Service, Caribbean Field Office at Boquerón, Puerto Rico, decided that the following minor actions and projects may be conducted thin a blanket clearance, dated December 23, 2008, without adversely affecting the recovery and survival of listed species:

The Municipality of Aguas Buenas Puerto Rico, certifies that the following project " Construcción de Cunetones en el Sector Los Alamo del Barrio Cagüitas, Zona Rural – Primera y Única Fase" compiles with:

(Check one or more below and place in the Environmental Review Record):

_X_ 1. Street resurfacing, sidewalk reconstruction, home and emergency repairs of existing community building.

___ 2. Rehabilitation of existing occupied single safely homes and community buildings, provides that equipment storage or staging areas are not located on vacant property harboring a wetland and / or forested vegetation and that the lighting associated to the new facilities are not visible directly or indirectly from a beach.

___ 3. Demolition of dilapidated single family home or community buildings, provided that the demolition debris is disposed of in certified receiving facilities; equipment storage or staging areas not located on vacant property harboring a wetland and / or forested vegetation; and appropriate best management practices (BMPs) are implemented.

___ 4. Rebuilding of demolished single family homes or community buildings, provided that the new construction is within the existing footprint of the previous structure and / or within the pre-existing grassed or paved areas, and that the lighting associated the facilities are not visible directly or indirectly from a beach.

___ 5. Activities within existing Right of Ways (ROWs) of roads and highways, when limited to actions that to not involve cutting native vegetation or mayor earth moving; and are not located within, or adjacent to drainages, wetland, or aquatic systems. These activities include the installation of potable water and sanitary pipelines.

___ 6. Improvement to existing recreational facilities, including the installation of roofs to existing basketball courts, provided that the lighting associated to the facilities are not visible directly or indirectly from a beach.

Appendix F: Inspection and Report

Recommended Inspection Sequence

You should conduct thorough inspections at selected municipal sites or target areas, making sure to inspect all areas and BMPs. The seven activities listed below are a recommended inspection sequence that will help you conduct a thorough inspection (adapted from MPCA 2004).

1. **Plan your inspection**

   ☑ Create a checklist to use during the inspection (see Appendix B)

   ☑ Obtain a copy of the site map with BMP location marked

   ☑ Plan to walk the entire area, including discharge points from the area and any off-site support activities

   ☑ Follow a consistent pattern each time to ensure you inspect all areas (for example, starting at the lowest point and working uphill)

2. **Inspect discharge points and downstream off-site areas**

   ☑ Inspect discharge locations to determine whether erosion and sediment control measures are effective

   ☑ Inspect nearby downstream locations, if feasible

   ☑ Walk down the street to inspect off-site areas for signs of discharge. This is important in areas with existing curbs and gutters

   ☑ Inspect downslope municipal catch basin inlets to ensure that they are adequately protected

3. **Inspect perimeter controls and slopes**

   ☑ Inspect perimeter controls such as silt fences to determine if sediment should be removed

   ☑ Check the structural integrity of the BMP to determine if portions of the BMP need to be replaced

   ☑ Inspect slopes and temporary stockpiles to determine if erosion controls are effective

4. **Compare BMPs in the site plan with the construction site conditions**

   ☑ Determine whether BMPs are in place as require by the site plan

   ☑ Evaluate whether BMPs have been adequately installed and maintained

   ☑ Look for areas where BMPs are needed but are missing and are not in the SWPPP

5. **Inspect construction site entrances**

☑ Inspect the construction exits to determine if there is tracking of sediment from the site onto the street

☑ Refresh or replace the rock in designated entrances

☑ Look for evidence of additional construction exits being used that are not I the SWPPP or are not stabilized

☑ Sweep the street if there is evidence of sediment accumulation

6. **Inspect sediment controls**

☑ Inspect any sediment basins for sediment accumulation

☑ Remove sediment when it reduces the capacity of the basin by the specified amount (many permits have specific requirements for sediment basin maintenance. Check the appropriate permit for requirements and include those in your SWPPP)

7. **Inspect pollution prevention and good housekeeping practices**

☑ Inspect trash areas to ensure that waste is properly contained

☑ Inspect material storage and staging areas to verify that potential pollutant sources are not expose to stormwater runoff

☑ Verify that concrete, paint, and stucco washouts are being used properly and are correctly sized for the volume of wash water

☑ Inspect vehicle/equipment fueling and maintenance areas for signs of stormwater pollutant exposure

Common Compliance Problems During Inspections

The following are problems commonly found at construction sites. As you conduct your inspections, look for these problems on your site (adapted from MPCA 2004)

Problem #1 – Not using phased grading or providing temporary or permanent cover (i.e., soil stabilization)

In general, construction sites should phase their grading activities so that only a portion of the site is exposed at any one time. Also, disturbed areas that are not being actively worked should have temporary cover. Areas that are at final grade should receive permanent cover as soon as possible.

Problem #2 – No sediment controls on-site

Sediment controls such as silt fences, sediment barriers, sediment traps and basins must be in place before soil-disturbance activities begin. Don't proceed with grading work –out-phase.

Problem #3 – No sediment control for temporary stockpiles

Temporary stockpiles must be seeded, covered, or surrounded by properly installed silt fence. Stockpiles should never be placed on paved surfaces.

Problem #4 – No inlet protection

All storm drain inlets that could receive a discharge from the construction site must be protected before construction begins and must be maintained until the site is finally stabilized.

Problem #5 – No BMPs to minimize vehicle tracking onto the road

Vehicle exits must use BMPs such as stone pads, concrete or steel wash racks, or equivalent systems to prevent vehicle tracking of sediment.

Problem #6 – Improper solid waste or hazardous waste management

Solid waste (including trash and debris) must be disposed of properly, and hazardous materials (including oil, gasoline, and paint) must be properly store (which includes secondary containment). Properly manage portable sanitary facilities.

Problem #7 – Dewatering and other pollutant discharges at construction site

Construction site dewatering from building footings or other sources should not be discharged without treatment. Turbid water should be filtered or allowed to settle.

Problem #8 – Poorly managed washouts (concrete, paint, stucco)

Water from washouts must not enter the storm drain system or a nearby receiving water. Make sure washouts are clearly marked, sized adequately, and frequently maintained.

Problem #9 – Inadequate BMP maintenance

BMPs must be frequently inspected and maintained if necessary. Maintenance should occur for BMPs that have reduced capacity to treat stormwater (construction general permits or state design manuals often contain information on when BMPs should be maintained), or BMPs that have been damage and need to be repaired or replaced (such as storm drain inlet protection that has een damage by trucks).

Problem #10 – Inadequate documentation or training

Failing to develop a SWPPP, keep it up-to-date, or keep it on-site, are permit violations. You should also ensure that SWPPP documentation such as a copy of the NOI, inspection reports and updates to the SWPPP are also kept on-site. Likewise, personnel working on-site must be trained on the basics of stormwater pollution prevention and BMP installation/maintenance.

E. Update and Evaluate Your SWPPP

Like your construction site, your SWPPP is dynamic. It is a document that must be amended to reflect changes occurring at the site. As plans and specifications change, those changes should be reflected in your SWPPP. If you find that a BMP is not working and you decide to replace it with another, you must reflect that change in your SWPPP. Document in your SWPPP transitions from one phase of construction to the next, and make sure you implement new BMPs required for that next phase.

Are Your BMPs Working?

You should evaluate the effectiveness of your BMPs as a part of your routine inspection process. An informal analysis of both your inspection's findings and your list of BMP repairs will often reveal an inadequately performing BMP. An inspection immediately after a rain event can indicate whether another approach is needed.

You may decide to remove an existing BMP and replace it with another, or you may add another BMP in that area to lessen the impact of stormwater on the original installation.

When you update your SWPP, you can simply mark it up, particularly for relative simple changes and alterations. More significant changes might require a rewriting of portions of the SWPPP. The site map should also be updated as necessary.

Stormwater Construction Site Inspection Report

General Information
Project Name
NPDES Tracking No.
Date of Inspection
Inspector's Name(s)
Inspector's Title(s)
Inspector's Contact Information
Inspector's Qualifications
Describe present phase of construction
Type of Inspection: ☐ **Regular** ☐ **Pre-storm event** ☐ **During storm event** ☐ **Pre-storm event**
Weather Information
Has there been a storm event since the last inspection ? ☐ Yes ☐ No **If yes, provide:** Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):
Weather at time of this inspection? ☐ Clear ☐ Cloudy ☐ Rain ☐ Sleet ☐ Fog ☐ Snowing ☐ High Winds ☐ Other: Temperature:
Have any discharges occurred since the last inspection? ☐ Yes ☐ No **If yes, describe:**
Are there any discharges at the time of inspection? ☐ Yes ☐ No **If yes, describe:**

Site-specific BMPs

- Number the structural and non-structural BMPs identified in your SWPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspection. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that complete the work in the Corrective Action Log.

	BMP	BMP Installed?	BMP Maintenance Require?	Corrective Action Needed and Notes?
1	Stabilized Construction Exit #1	☐ Yes ☐ No	☐ Yes ☐ No	
2	Stabilized Construction Exit #2	☐ Yes ☐ No	☐ Yes ☐ No	
3	Existing Vegetation	☐ Yes ☐ No	☐ Yes ☐ No	
4	Slit Fence – East Perimeter	☐ Yes ☐ No	☐ Yes ☐ No	
5	Slit Fence – North Perimeter	☐ Yes ☐ No	☐ Yes ☐ No	
6	Slit Fence – West Perimeter	☐ Yes ☐ No	☐ Yes ☐ No	
7	Slit Fence – South Perimeter	☐ Yes ☐ No	☐ Yes ☐ No	
8	Access Road to Sediment Basin	☐ Yes ☐ No	☐ Yes ☐ No	
9	Sediment Basin	☐ Yes ☐ No	☐ Yes ☐ No	
10	Riprap Spillway and Discharge Point for the Sediment Basin	☐ Yes ☐ No	☐ Yes ☐ No	
11	Earth Dike	☐ Yes ☐ No	☐ Yes ☐ No	
12	Vegetated Swale	☐ Yes ☐ No	☐ Yes ☐ No	
13	Topsoil Stockpiles	☐ Yes ☐ No	☐ Yes ☐ No	
14	Combined Staging and Materials Storage Area	☐ Yes ☐ No	☐ Yes ☐ No	
15	Dumpsters and Sanitary Facilities	☐ Yes ☐ No	☐ Yes ☐ No	
16	Storm Drain Inlets	☐ Yes ☐ No	☐ Yes ☐ No	
17	Concrete Washouts	☐ Yes ☐ No	☐ Yes ☐ No	
18	Individual Lot Material Storage Areas	☐ Yes ☐ No	☐ Yes ☐ No	
19	Fiber Rolls – Perimeter of Individual Housing Lots	☐ Yes ☐ No	☐ Yes ☐ No	
20	Stabilized Construction Exits – Individual Housing Lots	☐ Yes ☐ No	☐ Yes ☐ No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

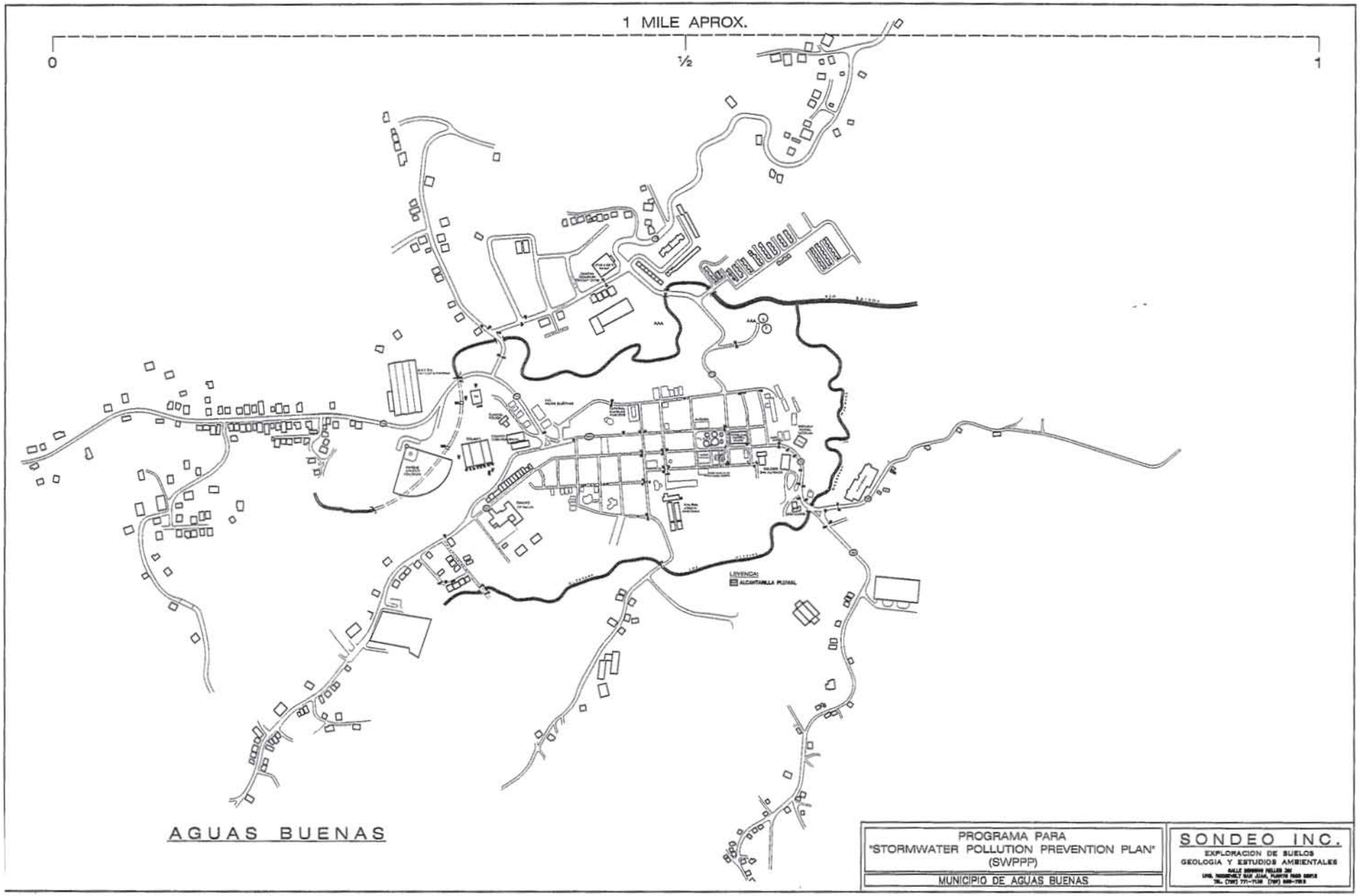
	BMP/activity	*Implemented?*	*Maintenance Required?*	*Corrective Action Needed and Notes*
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	☐ Yes ☐ No	☐ Yes ☐ No	
2	Are natural resource areas (e.g., stream, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	☐ Yes ☐ No	☐ Yes ☐ No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	☐ Yes ☐ No	☐ Yes ☐ No	
4	Are discharge points and receiving waters free of any sediment deposits?	☐ Yes ☐ No	☐ Yes ☐ No	
5	Are storm drain inlets properly protected?	☐ Yes ☐ No	☐ Yes ☐ No	
6	Is the construction exit preventing sediment from being tracked into the street?	☐ Yes ☐ No	☐ Yes ☐ No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	☐ Yes ☐ No	☐ Yes ☐ No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	☐ Yes ☐ No	☐ Yes ☐ No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	☐ Yes ☐ No	☐ Yes ☐ No	

10	Are materials that are potential stormwater contaminants stored inside or under cover?	☐ Yes ☐ No	☐ Yes ☐ No	
11	Are non-stormwater discharge (e.g., wash water, dewatering) properly controlled?	☐ Yes ☐ No	☐ Yes ☐ No	
12	(Other)	☐ Yes ☐ No	☐ Yes ☐ No	

Non-Compliance

Describe any incidents of non-compliance not describe above:

Appendix G: Municipal Storm Water Sewer Map



PROGRAMA PARA
"STORMWATER POLLUTION PREVENTION PLAN"
(SWPPP)

MUNICIPIO DE AGUAS BUENAS

SONDEO INC.

EXPLORACION DE SUELOS
GEOLOGIA Y ESTUDIOS AMBIENTALES