

Background

Residents of *La Playa* in the Municipality of Ponce (“Ponce”) face significant challenges associated due to flooding events and sanitary sewer overflows affecting their streets and homes. In *La Playa*’s Puerto Viejo Sector, the stormwater runoff commingles with sanitary flows, exposing citizens to pollutants that can harm their health and interfere with their regular activities. The coastal waters of the Caribbean Sea also receive these discharges, degrading the quality of the water and affecting the habitat of threatened and endangered species.

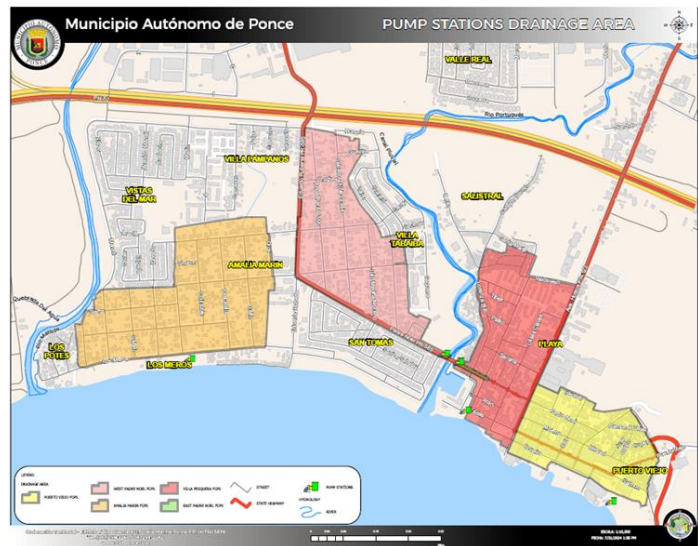


Figure – *La Playa* Flood Control Pump Stations Estimated Drainage Area

EPA’s Involvement

The Environmental Protection Agency (“EPA”) is committed to preserving, protecting, and improving the Nation’s water resources from polluted stormwater runoff. To this end, the EPA requires operators of municipal separate storm sewer systems (“MS4s”) in urban areas to obtain coverage and comply with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (“MS4 Permit”). The purpose of the MS4 Permit is to develop and implement programs and practices to control polluted stormwater runoff into the storm sewer system and prevent it from reaching our waterways. Through investigations conducted since 2011, the EPA found that Ponce had not properly implemented a Storm Water Management Program in its Municipality, including the identification and elimination of illicit discharges and the proper maintenance of the storm sewer systems.

La Playa Storm Sewer System

The Playa Ward Storm Sewer System consists of a group of conveyances, including catch basins, curbs, gutters, and ditches, typically located within the right-of-way of the streets, and interconnected by underground concrete or PVC pipes and 5 flood control pump stations. The storm sewer systems are owned and operated by Ponce and the Puerto Rico Department of Transportation and Public Works (“DTPW”). Both entities are required under the MS4 Permit to develop and implement a written Storm Water Management Program describing how they will comply with the MS4 Permit and its six minimum control measures: public education and outreach; public participation/involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention/good housekeeping. The MS4 Permit requires, among other things, the identification and elimination of illicit discharges and illicit connections, and the maintenance of storm sewers.

Required Actions

- Develop maps of the storm sewer system.
- Develop an inventory of stormwater outfalls and connections to other MS4s.
- Investigate the drainage areas of the flood control pump stations Villa Pesquera, Puerto Viejo, Padre Noel West, and Los Meros to identify and eliminate illicit discharges and connections, connections into sanitary sewer systems, and sewer obstructions, among other things.
- Conduct outfall monitoring for various water quality parameters to determine the presence of pollutants.
- Install and maintain warning signs at *La Playa* outfalls that based on field screening, meet, or exceeds 3 mg/L for ammonia at a flow rate of at least 2 gallons per minute.
- Inspect 5 *La Playa*'s flood control pump stations and implement an action plan to address the inspection findings.
- Develop and implement an operation and preventive maintenance program for flood control pump stations.
- Develop and implement an MS4 infrastructure operation and maintenance program.
- Conduct a Hydrology and Hydraulic Study of the watershed flowing into the Puerto Viejo flood control pump station and prepare a plan to address the findings of the study.
- Submit a plan for a green infrastructure project designed to maximize the reduction of stormwater flows to the MS4.

Consent Decree

On October 15, 2024, the U.S. Department of Justice, Environment and Natural Resources Division, on behalf of EPA, filed a complaint against the Municipality of Ponce pursuant to Section 309(b) and (d) of the Clean Water Act ("CWA"), concurrent with the filing of a Consent Decree. This Consent Decree requires Ponce to develop and implement measures to bring Ponce into compliance with the CWA and the MS4 Permit, with the goal of eliminating illicit discharges into and from its storm sewers, improving the MS4 infrastructure, and providing for operation and maintenance.

For more information on municipal stormwater discharges and the MS4 Permit, please visit the following links:

- <https://www.epa.gov/npdes-permits/npdes-permits-phase-2-stormwater-program-puerto-rico>
- <https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>

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