



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved
OMB No. 2040-0057
Approval expires 8-31-98

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

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3	11 12	08/12/09 17	18 C	19 R	20 2
Remarks					
2 S I T E W I T H O U T G C P					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	B1	QA	Reserved	
6 1 0 69	70 3	71	7	73	74 7 80

Section B: Facility Data

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number) PREPA GASODUCTO DEL SUR State Road 377, Km. 67.1, Peñuelas to State road 7710, Salinas Puerto Rico 00624	Entry Time/Date 12/09/08 1:30 pm	Permit Effective Date 9/29/08
	Exit Time/Date 12/09/08 5:30 pm	Permit Expiration Date 6/30/10
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Victor de Castro (PREPA), Project Engineer Eng. Jose Martinez (SKANSKA), EHS Manager Jose Colon, (PREPA) Construction Inspection	Other Facility Data NPDES Storm Water 2008 Construction General Permit	
Name, Address of Responsible Official/Title/Phone and Fax Number(s) Mr. Juan Alicea, PREPA Executive Director	Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Sludge Handling/Disposal	<input checked="" type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> Multimedia
<input checked="" type="checkbox"/> Effluent/Receiving Water	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Other:

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

SEE SUPPLEMENT TO WATER COMPLIANCE INSPECTION REPORT FOR

Name(s) and Signature(s) of Inspector(s) Jaime Lopez, Environmental Scientist	Agency/Office/Phone and Fax Numbers EPA/CEPD/MPCB (787) 977-5851	Date December 22, 2008
Signature of Management Q/A Reviewer Tere Rodriguez, Chief	Agency/Office/Phone and Fax Numbers EPA/CEPD/MPCB (787) 977-5864	Date 12/23/08

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

PREPA GASODUCTO DEL SUR

State Road 377, Km. 67.1, Peñuelas to State road 7710, to Salinas
Puerto Rico 00624

Owner/Operator - Puerto Rico Electric Power Authority
Permit Coverage - No permit

Owner/Contractor - SKANSKA USA Building, Inc.
Permit Coverage - No permit

This Supplement to the Water Compliance Inspection Report Form ("Supplement") is prepared to include all findings and comments concerning the Compliance Evaluation Inspection ("CEI") conducted by environmental scientist and enforcement officer, Jaime López of the United States Environmental Protection Agency, Region 2, during the site inspection at the referenced construction project ("Project") on Tuesday, December 9, 2008.

The purpose of the RI was to determine Puerto Rico Electric Power Authority's ("PREPA") and SKANSKA USA Building, Inc.'s ("SKANSKA") compliance with the National Pollutant Discharge Elimination System ("NPDES") General Permit ("Permit") for Discharges from Large and Small Construction Activities, the NPDES storm water regulations ("SW Regulations") codified at 40 CFR § 122.26, and Sections 301, 308 and 402(p) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311, 1318, and 1342(p), respectively.

1. GENERAL INFORMATION

- a. Date of Site Inspection - Tuesday, December 9, 2008
- b. Time of Inspection - Inspection began approximately at 1:30 a.m. and ended approximately at 5:30 p.m.
- c. Weather - Dry weather where sunny skies prevailed most of the time of the inspection.
- d. PREPA's Representatives - Eng. Victor de Castro, Jose Colon, Construction Inspection
- e. SKANSKA's Representatives - Engineer Jose Martinez, EHS Manager
- f. EPA's Representative - Jaime López

2. **PRIOR HISTORY OF ENFORCEMENT ACTIVITIES**

- a. This is the first inspection performed by EPA at the site to evaluate compliance with the Permit, SW Regulations and CWA.

3. **WITH RESPECT TO PREPA**

- a. PREPA is a public corporation organized under the laws of Puerto Rico.
- b. PREPA is a person pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
- c. PREPA's contact person for the Project is engineer Victor de Castro. He can be reached at (787) (787) 774-7741 or 787-689-0169. PREPA's address is P.O. Box 364267, San Juan, Puerto Rico 00936-4267.

4. **WITH RESPECT TO SKANSKA**

- a. SKANSKA is a for-profit corporation organized under the laws of Puerto Rico.
- b. SKANSKA is a person pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
- c. SKANSKA's contact person for the Project is engineer Jose Martinez. He can be reached at (787) 625-5050 or (787) 599-1655. SKANSKA's address is P.O. Box 8720, San Juan, Puerto Rico 00910.

5. **DESCRIPTION OF THE PROJECT**

- a. The construction activities associated with the Project consists of:
- 1) The construction and installation of an underground pipeline of twenty (20) inches of diameter to transfer natural gas from the Ecoeléctrica Power Plant terminal located at the Municipality of Peñuelas to their facilities known as "Central Ciclo Combinado" at the Municipality of Salinas, Puerto Rico. The proposed pipeline will have a length of 42.4 miles and will affect approximately 478.10 acres (492.27 cuerdas) of land. The pipeline will run through the following municipalities: Peñuelas, Ponce, Juana Díaz, Santa Isabel, and Salinas.

- 2) Also, as part of the project, an existing building and parking area will be used as temporary construction facilities and storage area.
- b. The earth movement activities associated with the construction of the gas duct include clearing and grubbing, cut and fill, excavation, site preparation, gas duct pipeline installation, backfill and road construction activities.
- c. The new pipeline will have a longitude of 42.4 miles approximately. The 20" pipeline will have a right of way of 75 feet during construction and 50 feet during operation. **Table 1.0** describes the length of the pipeline at each municipality.

Table 1.0 Length of the Pipeline by Municipality

Project Area Right-of-Ways		
Municipality	Length	
	Miles	Km
Peñuelas	5.4	8.6
Ponce	13.1	21.1
Juana Díaz	6.7	10.8
Santa Isabel	8.4	13.5
Salinas	8.8	14.2
TOTAL	42.4	68.2

- d. The proposed project will impact a total area of 478.10 acres.
- e. The construction of the project will require an earth movement of 141,175 cubic meters.
- f. PREPA contracted SKANSKA to construct the Project.
- g. Earth movement activities associated with the construction of the Project began on or about July 21, 2008.
- h. The receiving waters of the discharges from the Project consist of Caribbean Sea.

The new gas pipeline route will cover five (5) municipalities and will run through a great variety of natural and artificial systems, characteristic of the south part of the Island. The most important natural and artificial water systems that could be affected by the project are:

- **Coastal Zone:** At the south of the pipeline route, near Tallaboa Poniente Ward at Peñuelas, Puerto Rico, the first mile of the line will be located at 216 meters from the Caribbean Sea. Also, two (2) bays are located near the route: the Tallaboa Bay at the Municipality of Peñuelas, and Rincón Bay at the Municipality of Salinas.
- **Estuaries:** The proposed project will pass near two (2) main estuaries: one at Tallaboa Bay and other at Jobos Bay. The Jobos Bay is part of the Jobos National Estuary Reserve.
- **Wetlands:** The proposed project will impact a wetland near mile 20.3 of the route at the Municipality of Juana Díaz. The wetland impacts will cover approximately 0.3545 cuerdas.
- **Channels:** Seven (7) channels were identified within a 400 radius from the project, as follows:
 1. Two (2) industrial channels were identified within the first mile of the project: one at the Union Carbide property and another at the Peerless Company property. Both channels are located at Tallaboa Poniente Ward.
 2. Two (2) channels were identified in the Municipality of Ponce: Bucaná Channel and Portugués River Channel. The Bucaná Channel collects waters coming from Cerrillo and Bayagán Rivers. The Portugués River channel was constructed to control floods at the area and ends east of the Ponce Harbor.
 3. A channel owned by the Puerto Rico Aqueduct and Sewer Authority (PRASA) in the Municipality of Juana Díaz will be affected by the project.
 4. Two (2) irrigation channels owned by PREPA are located at miles 32.7 and 33.1 in the Municipality of Juana Díaz.
- **Natural and Artificial Lakes:** Las Salinas Lagoon is located in the Municipality of Ponce, approximately 90 meters from the project. An artificial lake constructed by the Ponce Hilton Hotel for its golf course is located in Ponce at a distance of 50 meters from the project.

- **Rivers:**

1. **Peñuelas:** The proposed project will cross the Tallaboa River at mile 1.2 of the project.
2. **Ponce:** The project crosses the Matilde River at mile 10.4 and, the Portugués River at mile 11.1. The project also crosses the Inabón River at mile 16.9.
3. **Juana Díaz:** The pipeline will cross the Jacaguas River at mile 18.7 and the Cañas River at mile 22.7.
4. **Santa Isabel:** At mile 25.2, the pipeline will cross the Descalabrado River and at mile 27.6 the Coamo River.
5. **Salinas:** The pipeline will cross the Jueyes River at mile 33.6, and the Nigua River at mile 36.5.

Nevertheless, all the project runoff will eventually reach the Caribbean Sea.

6. APPLICABLE REGULATIONS AND PERMIT COVERAGE

Regulations

- a. Section 402(p)(2)(B) of the CWA authorizes the Administrator of EPA to issue NPDES permits to storm water discharges associated with industrial activity.
- b. EPA promulgated NPDES regulations defining the term storm water associated with industrial activity. Those regulations are codified in 40 CFR § 122.26(b). Storm water from construction sites were included in the definition of storm water discharges associated with industrial activity.
- c. The Project is covered by the NPDES permit application regulation for storm water discharges from construction sites because clearing, grading and excavation activities are equal or greater than 5 acres of total land area . The applicability of the NPDES permit application regulations to this Project is found at 40 CFR § 122.26(b)(14)(x).

Permit Coverage

- d. On July 1, 2003, EPA issued and published the Permit in the Federal Register (68 FR 39087). The Permit became effective on July 1, 2003 and expired on July 1, 2008.

- e. The Permit defined the term operator as any party associated with a construction project that meets either of the following two (2) criteria:
 - 1) The party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or
 - 2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Storm Water Pollution Prevention Plan for the site or other permit conditions.
- f. Based on the definition of operator above, PREPA is an operator of the Project because PREPA has control over any changes to site drawings and specifications, storm water conveyances, and control designs.
- g. Based on the definition of operator above, SKANSKA is also an operator of the Project because SKANSKA is responsible for overseeing actual earth disturbing activities and daily implementation of a Storm Water Pollution Prevention Plan ("SWPPP"), and other permit conditions (such as site inspections and preparation of inspection reports).
- h. PREPA and SKANSKA are required to apply for NPDES permit coverage under a co-permittee permitting scenario.
- i. Based upon information submitted by PREPA, PREPA and SKANSKA submitted incomplete Notice of Intent forms to EPA on July 18, 2008 to seek coverage under the 2003 CGP.
- j. The CGP was not available from July 2, 2008 to September 29, 2008; therefore PREPA and SKANSKA were not eligible for coverage under this permit.
- k. New dischargers of storm water associated with construction activities who sought coverage under the CGP, between July 2, 2008 and September 29, 2008 and needed a permit to discharge, were required to apply for and/or obtain an individual NPDES permit.
- l. On September 29, 2008, EPA reissued the Permit ("CGP"). The CGP became effective on September 29, 2008 and expires on June 30, 2010.
- m. Based upon the December 3, 2008 review of the NOI Processing Center Database, SKANSKA has not filed a Notice of Intent to seek coverage

under the 2008 CGP. Therefore, SKANSKA is in non-compliance with § 308(a) and § 402(p)(2)(B) of the CWA , and the NPDES storm water regulations at 40 CFR § 122.26.

- n. Based upon the December 3, 2008 review of the NOI Processing Center Database, PREPA has not filed a Notice of Intent to seek coverage under the 2008 CGP. Therefore, PREPA is in non-compliance with § 308(a) and § 402(p)(2)(B) of the CWA , and the NPDES storm water regulations at 40 CFR § 122.26.
- o. Based upon the December 3, 2008 review of the EPA files located at EPA's Caribbean Environmental Protection Division, neither PREPA nor SKANSKA have submitted a NPDES individual storm water permit application for the Project.

7. **COMPLIANCE EVALUATION OF PERMIT' S REQUIREMENTS**

- a. Part 5.1.A of the Permit requires the development of a SWPPP for the Project. PREPA's consultant, Alpha Engineering Group, PSC, prepared the SWPPP for the Project, which is dated July 19, 2008.
- b. The SWPPP is not signed and certified by authorized officers of PREPA and SKANSKA.
- c. A review of the SWPPP revealed that the SWPPP is incomplete and does not comply with some requirements of the Permit.
- d. The SWPPP does not indicate the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications.
- e. The SWPPP does not meet the minimum requirements of Part 5.12 and does not identify the parties responsible for implementation of control measures identified in the plan.
- f. The SWPP does not contain the intended sequence and timing of activities that will disturb soils at the site.

8. **PROJECT'S WALKTHROUGH**

- a. The RI commenced with an entry meeting where representatives from EPA, PREPA and SKANSKA met to generally discuss matters related to

permitting, site conditions, erosion and sediment controls, inspection protocols and records.

b. A visit of the gas duct project site revealed that the construction of the gas duct was stopped on October 25, 2008, by local concerned citizens who blocked the project entrance at Peñuelas. The required maintenance to the implemented erosion and sediment controls has not been attained since then.

c. A visit of the gas duct construction site revealed the following:

- 1) most of the area of concern identified as AREA 2 on the Project was in need of maintenance and repair of the erosion and sediment controls, specially the silt fences along each side of the road;
- 2) the project entrance located on the marginal street to Road #2 at El Tuque, Ponce that runs parallel with the Holiday Inn Hotel did not have an off-site vehicle tracking control of sediments;
- 3) diversion ditches were observed along the roads to reduce the run-off velocity and re-direct sediment-laden water to a sediment trapping structure, however additional diversion ditches were needed along the roads with steeper slopes;
- 4) sediment traps were not observed along the edges of the roads were ditches flow parallel to the road and steep slopes increase the velocity and erosion of the run-off;
- 5) Slopes steeper than 3 to 1 (horizontal to vertical) did not have erosion control blankets to provide temporary stabilization and help establish natural vegetation;

6) stabilization was not observed in areas where construction activities have temporarily or permanently ceased;

7) velocity dissipation devices such as rock outlet protection, sediment traps, reinforced soil retaining systems, and gabions were not observed at storm water outfalls. Sedimentation in some intermittent creeks along the project was observed.

d. The RI ended with an exit meeting in which EPA informed the representatives of PREPA and SKANSKA that the SWPPP was incomplete and that the best management practices implemented for the

discharges throughout the project are in need of maintenance. They were also informed that additional BMPs are needed for temporary stabilization and runoff management.

PREPA provided a copy of aerial photographs and a copy of the SWPPP. SKANSKA agreed to provide EPA with copies of the Project's inspection reports.

- e. Attachment 1 includes the photo-documentation of the RI. A total of 23 pictures are described below.
1. Silt Fence on slope properly installed with berm on the outside.
 2. Road with silt fences on both sides.
 3. Erosion channel observed along the silt fence installed on road side.
 4. Diversion ditch crossing the road in need of maintenance.
 5. Delineation of end of construction due to archaeological findings in Area 2 of the project.
 6. Hay bales installed along the side of the road instead of silt fence due to inability or inaccessibility of silt fence installation.
 7. Diversion ditch was observed crossing the road from one side to the other to manage storm water runoff.
 8. Erosion channels observed at slopes on road side.
 9. The project entrance located on the marginal street to Road #2 at El Tuque, Ponce that runs parallel with the Holiday Inn Hotel did not have an off-site vehicle tracking control of sediments.
 10. Entrance with off-site vehicle tracking control of sediments located at Area 2 access to Tallaboa Ward.
 11. French drain and silt fence with hay bales at one of the project outfalls.
 12. Silt fence out of place in need of maintenance
 13. Small sedimentation basin in need of maintenance or sediment removal.

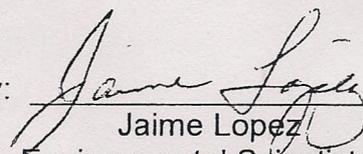
14. Same as above.
15. Erosion channel or gully on ditch along the side of the road without velocity dissipation devices or sediment traps.
16. Sedimentation of an intermittent creek at one of the project outfalls on Area 2.
17. Velocity dissipation devices such as rock outlet protection, sediment traps, reinforced soil retaining systems and gabions were not observed at storm water outfall.
18. Lagoon at project possibly designated as critical habitat.
19. Area of project where construction was ceased on October 25, 2008 due to citizen's complaints.
20. Sediments observed in road construction coming from an intermittent creek.
21. Earth stock piles along the road without erosion control; erosion channels observed.
22. Roads without temporary stabilization.
23. Same as above.

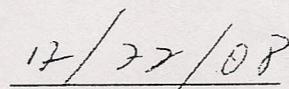
9. RECOMMENDATION

I recommend that EPA issues an administrative compliance order under Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to bring the discharges from the Project into compliance with the CGP and to require the operators at the Project to implement Best Management Practices for the control of erosion at the Project and sedimentation at the receiving waters.

End of report

Prepared by:


Jaime Lopez
Environmental Scientist


Date

ATTACHMENTS

1. Photo-Documentation