

## CONSENT DECREE

Department of Transportation and Public Works (DTPW) and  
Highway and Transportation Authority (HTA).

Lodging Date: December 2, 2015

TPW/HTA GENERAL COMPLIANCE MEASURES	STEPS TO COMPLETE EACH COMPLIANCE MEASURE	TIMELINE
NPDES Permit Application and Storm Water Management Program ("SWMP").	DTPW/HTA shall comply with the 2006 Small MS4 General Permit obtained under Permit Tracking No. PRR040080 and continue to develop the Storm Water Management Program ("SWMP") submitted with the Notice of Intent ("NOI") to obtain coverage under said 2006 MS4 General Permit.	Since 2006.
DTPW/HTA MS4 Reconnaissance, Investigation, Planning & Design, Implementation, and Construction Work Plans, and Urgent Action Registry.	DTPW/HTA shall commence performance of and comply with the plans for Priority Areas 1A through 1E of its Reconnaissance, Investigation, Planning & Design, Implementation, and Construction Work Plan ("Stage I Work Plan"), as approved by	Commencing no later than the date of lodging ( <b>December 23, 2015</b> ).

	EPA, attached as Appendix A of the CD.	
	DTPW/HTA shall complete each of the first three phases of Stage 1 composed of <sup>1</sup> Phase I: Reconnaissance, <sup>2</sup> Phase II: Investigation and <sup>3</sup> Phase III: Planning & Design for Priority Areas 1A through 1E of the Stage I Work Plan (Appendix A of the CD).	Commencing no later than the date of lodging ( <b>December 23, 2015</b> ).
	DTPW/HTA shall submit to EPA for review and approval a Stage I <sup>4</sup> Phase IV (Implementation and Construction) Schedule.	Within sixty (60) days of the conclusion of Phase III for each Priority Area 1A through 1E.
	DTPW/HTA shall commence the <sup>4</sup> Phase IV (Implementation and Construction) activities for each Priority Area 1A through 1E.	Within one hundred and twenty (120) days of receipt of EPA approval to proceed.
	DTPW/HTA shall complete all Phases I through IV for Priority Areas 1A through 1E of the Stage I Work Plan.	Not later than fourteen (14) years after the date of lodging of this Consent Decree ( <b>December 23, 2029</b> ); with the exception of those Priority Areas in Appendix A for which Phase IV activities must

		be completed not later than ten (10) years after the date of lodging <b>(December 23, 2025)</b>
Performance of Stage II Work Plan Activities for Each Remaining Priority Area in San Juan.	DTPW/HTA shall submit to EPA for review and approval a Work Plan (“Stage II Work Plan”), which shall include, but not be limited to, schedules for completion of Phases I through III for each remaining Priority Area in San Juan. (A list of communities comprising such remaining Priority Areas is attached as Appendix A1.)	Not later than eight (8) years after the date of lodging of this Consent Decree <b>(December 23, 2023)</b> .
	DTPW/HTA shall complete each of the first three Phases for each remaining Priority Area by not later than the dates set forth in the Stage II Work Plan.	Within sixty (60) days of receipt of EPA approval to proceed with the Stage II Work Plan activities
	DTPW/HTA shall submit to EPA for review and approval a <sup>4</sup> Phase IV (Implementation and Construction) Schedule.	Within sixty (60) days of the conclusion of Phase III for each remaining Priority Area.
	DTPW/HTA shall commence the Stage II	Within one hundred and twenty (120) days of

	<p>Phase IV (Implementation and Construction) activities for each remaining Priority Area. San Juan shall complete construction of Stage II Phase IV activities within the time set forth in the EPA- approved schedule.</p>	<p>receipt of EPA approval to proceed.</p>
<p>Urgent Action Registry and Schedule for Elimination of Illicit Discharges.</p>	<p>DTPW/HTA shall submit an Urgent Action Registry containing information describing all complaints from EPA, PRASA, DTPW/HTA, DNER, EQB, and any other government agency or citizen providing notice of a complaint of illicit discharges in DTPW/HTA's MS4 without regard to severity of the suspect discharge. This Urgent Action Registry will also include the status of the reconnaissance and/or investigation performed by San Juan of these complaints, the expected date for correcting or eliminating any interconnections identified during such reconnaissance and/or</p>	<p>Commencing no later than the date of lodging <b>(December 23, 2015)</b> and with each Quarterly Reports</p>

	<p>investigation, and the expected date for eliminating each illicit discharge, interconnection, or problem so identified, according to the priority described therein.</p>	
	<p>All illicit connections and discharges included in the Urgent Action Registry shall be eliminated as soon as possible, but no later than one (1) year from the date of identification. The Urgent Action Registry, for each illicit connection or discharge that will not be eliminated within one (1) year, shall include the reasons for needing additional time (which shall not exceed three (3) years) to correct the problem.</p>	<p>Commencing no later than the date of lodging (<b>December 23, 2015</b>) and with each Quarterly Reports.</p>
<p>Capital Improvements to DTPW/HTA's MS4 and Other Measures</p>	<p>Installation, Inspection, Maintenance, and/or Replacement of Warning Signs at MS4 Outfalls</p>	<p>Commencing not later than fifteen (15) days after the date of lodging of this Consent Decree (<b>January 6, 2016</b>), and continuing thereafter at a rate not less than once every two (2) months,</p>

		<p>San Juan shall inspect each warning sign.</p> <p>Not later than thirty (30) days (<b>January 23, 2016</b>) after the date of lodging of this Consent Decree, San Juan shall submit information on the locations of signs currently posted.</p>
Vacuum Truck Sludge Disposal Plan	DTPW/HTA shall submit a plan to EPA for review and approval, for proper disposal of vacuum truck and storm sewer cleaning sludges.	Not later than ninety (90) days after the date of lodging of this Consent Decree ( <b>March 23, 2016</b> )
HTA Barrio Obrero Vacuum Sewer Investigation and Repair Report	HTA shall submit to EPA a Barrio Obrero Vacuum Sewer Investigation and Repair Report (“Vacuum Sewer Report”). At a minimum, the Vacuum Sewer Report shall report on the identification and elimination of all interconnections found between the vacuum sewer and storm sewers, and the work already performed to eliminate illicit stormwater connections into or	Not later than thirty (30) days after the date of lodging of this Consent Decree ( <b>January 23, 2015</b> ).

	discharges from the vacuum sewer system.	
Asset Management Program, Standard Operating Procedures (“SOPs”), Including Schedules for DTPW/HTA’s MS4 Routine Sewer Cleaning	DTPW/HTA shall develop an Asset Management Program, including protocols and standard operating procedures concerning the inspection, cleaning, and repair of components of its MS4 infrastructure (including, but not limited to, storm sewers, force mains, storm water pump stations, wet wells, catch basins, manholes, tide gates, and outfall structures) to reduce surcharging of storm sewers during storm events.	Not later than one (1) year from the date of lodging of this Consent Decree ( <b>December 23, 2016</b> ).
Spill Prevention Control and Countermeasures Plans/Spill Control Plans (“SPCC”).	DTPW/HTA shall develop, submit to EPA for review, and implement the final SPCC Plans for DTPW/HTA’s MS4 Facilities, as required by current regulations.	If applicable, within six (6) months of the date of lodging of the Consent Decree ( <b>June 23, 2016</b> ).
Outfall Reconnaissance Inventory Program	Outfall Reconnaissance Inventory Program: DTPW/HTA shall complete its Outfall	Not later than three (3) years after the date of lodging of this Consent

	<p>Reconnaissance Inventory (“ORI”) within the geographic boundaries of the Municipality of San Juan and for any other adjacent municipalities interconnected to the portion of DTPW/HTA’s MS4 located within the geographic boundaries of the Municipality of San Juan.</p>	<p>Decree (<b>December 23, 2018</b>).</p>
	<p>The Outfall Reconnaissance Inventory (ORI) program shall include, but not be limited to, the inspection of every outfall or point where DTPW/HTA’s MS4 discharges into a receiving water. At each outfall, DTPW/HTA shall utilize field tests for ammonia, pH, chlorine and temperature; assess for odor, surfactants, turbidity, foam, trash, and color.</p>	<p>Not later than three (3) years after the date of lodging of this Consent Decree (<b>December 23, 2018</b>).</p>

**Minimum Standard, Phases Definition & Scope for Stage I and Stage II for the San Juan Work’s Plan:**



<sup>1</sup>**Phase I (Reconnaissance)** of the Work Plan shall include, but not be limited to: (a) information and data gathering for asset map generation, outfall reconnaissance, and asset map updating and verification, (b) identification of suspicious or illicit flow in storm sewer pipes, (c) identification of potential interconnections between systems and straight pipe connections, (d) review of and prioritization based on history of complaints, where applicable, (e) identification of suspicious surface depressions on or about sewer pipe or manhole areas, (f) identification of sewer pipes where obstructions were encountered and cleaning actions will be required, and (g) documentation of preliminary findings from the field verification exercise in anticipation of Phase II (Investigation) activities. San Juan may rely on and incorporate existing studies, reports, and other information for purposes of satisfying the requirements of Phase I.

<sup>2</sup>**Phase II (Investigation)** of the Work Plan shall include, but not be limited to: (a) preparation and implementation of a sewer system cleaning and inspection schedule, (b) creation of a manhole and catch basin inspection digital database including photographs and digital video DVDs, (c) where needed, performance of additional reconnaissance activities such as CCTV and camera inspections, dye testing, visual inspection, smoke testing, sounding, or other means to confirm connectivity, condition of assets and sources of illicit discharges or interconnections, (d) identification of all interconnections and illicit flows or discharges to either system (MS4 or sanitary sewer) found during Phase I and Phase II, (e) preparation of a final Phase II Report, incorporating all findings of Phases I and II, and (f) submission of updated Outfall and MS4 maps in GIS format (i.e., submission of updated Outfall and MS4 maps in GIS format (i.e., Shapefiles).

<sup>3</sup>**Phase III (Planning and Design)** of the Work Plan shall include, but not be limited to: (a) development of proposed actions to minimize or prevent flooding caused by the MS4. For purposes of this Consent Decree, flooding is considered caused by the MS4 when it occurs due to inadequate capacity of the storm sewers, disrepair, or improper operation and maintenance (including cleaning) of the MS4, (b) development of proposed actions to eliminate interconnections and illicit connections or discharges and repair, replace and/or construct storm water manholes, storm water sewer pipes, storm water catch basins, storm water pump

stations, construction and routine inspection and maintenance activities and schedules, and any other alternatives or actions to properly operate and maintain the MS4, according to the priority established in the Work Plan attached hereto as Appendix A (or Appendix A2, as the case may be), (c) completion, if needed, of storm sewer capacity analysis where storm sewer replacement or upgrades are planned during this Phase and where replacement or upgrades are necessary, and (d) preparation of a final Phase III Report and Proposed Phase IV Implementation Schedule.

<sup>4</sup>**Phase IV (Implementation)** of the Work Plan shall complete the work contemplated by the Phase III Report and Proposed Phase IV Implementation Schedule according to the schedules set forth therein.

**Other Relevant Compliance Measure:**

*Green Infrastructure:* San Juan shall consider Green Infrastructure Measures as part of the alternatives to achieve compliance in Phase IV (Implementation) of the San Juan's Work Plan.