



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2**  
**CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION**  
**MULTIMEDIA PERMITS AND COMPLIANCE BRANCH**

**NPDES Stormwater Inspection**  
**Construction Site**

OWNER/OPERATOR

**THE CLIFF CORP.**  
P.O. Box 116  
Aguadilla, Puerto Rico 00605  
Email: [cromancapital@gmail.com](mailto:cromancapital@gmail.com)

GENERAL CONTRACTOR/OPERATOR

**GRUPO CARIBE LLC**  
P. O. Box 367197  
San Juan, Puerto Rico 00936-7197  
Email: [djgrupocaribe@gmail.com](mailto:djgrupocaribe@gmail.com)

CONSTRUCTION PROJECT

**THE CLIFF VILLAS HOTEL AND COUNTRY CLUB CONSTRUCTION PROJECT**  
PR-4458 Road, Intersection with PR-111 Road, Borinquen Ward, Aguadilla, Puerto Rico  
Latitude 18.447623 N; Longitude -67.159190 W

Sections 301(a) and 402(p) of the Clean Water Act  
NPDES Regulation: 40 C.F.R. Part 122.26

**NPDES ID: PRU003157** (Unpermitted)

**Inspection Date: June 9, 2022**

**Participating Officials**  
**from The Cliff Corp. and**  
**Grupo Caribe, LLC:**

Ing. Daniel Jones, Project Manager  
Grupo Caribe, LLC

Ing. Nivia I. Ayala, Environmental Consultant  
TerraTek Engineering Group, P.S.C.

Víctor Nieves, Architect & Manager  
Fortech Bank International

Mr. Carlos R. Román, President  
The Cliff Corp. and Grupo Caribe, LLC

**U.S. EPA:**

Yolianne Maclay, P.E.  
Clean Water Act Team

José A. Rivera, Team Leader  
Clean Water Act Team

**Inspection Report**  
**Prepared by:**

\_\_\_\_\_  
Yolianne Maclay, P.E. \_\_\_\_\_ Date  
Senior Environmental Engineer  
Clean Water Act Team  
Multimedia Permits and Compliance Branch  
Tel.: (787) 977-5849; Email: [maclay.yolianne@epa.gov](mailto:maclay.yolianne@epa.gov)

\_\_\_\_\_  
José A. Rivera, BSCE \_\_\_\_\_ Date  
Team Leader  
Clean Water Act Team  
Multimedia Permits and Compliance Branch  
Tel.: (787) 977-5842; Email: [rivera.jose@epa.gov](mailto:rivera.jose@epa.gov)

**Inspection Report**  
**Approving Officer**

\_\_\_\_\_  
Nancy Rodríguez, BSCE \_\_\_\_\_ Date  
Chief  
Multimedia Permits and Compliance Branch  
Tel.: (787) 977-5887; Email: [rodriguez.nancy@epa.gov](mailto:rodriguez.nancy@epa.gov)

## 1. Introduction

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System (“NPDES”) Stormwater Inspection (the “Inspection”) conducted by Yolianne Maclay, P.E. (“Inspector Maclay”), Senior Environmental Engineer, and José A. Rivera (“Inspector Rivera”), Lead Environmental Engineer (hereinafter as the “EPA Inspectors”), of the United States Environmental Protection Agency’s (“EPA”) Caribbean Environmental Protection Division (“CEPD”) at The Cliff Villas Hotel and Country Club Construction Project (the “Project”) on June 9, 2022. The purpose of the Inspection was to determine The Cliff Corp. and Grupo Caribe, LLC’s compliance with Sections 301(a) and 402(p) of the Clean Water Act (“CWA”), the NPDES stormwater permit application regulations codified in 40 C.F.R. §§ 122.21, 122.26 and 122.28 (“SW Rules”), and the “2022 NPDES Construction General Permit for Discharges from Construction Activities” (“2022 CGP” or “CGP”).

The Inspection consisted of an entry meeting to discuss the purpose of the Inspection, a request of records for review on-site and off-site, a walkthrough, and a closing meeting to discuss areas of concern and preliminary findings.

## 2. Project’s Owner / Operator: The Cliff Corp.

The Cliff Corp. is a corporation registered in the Puerto Rico Department of State (“DOS”), under registration number 443305.<sup>1</sup> The Cliff Corp. has been an active corporation since May 2, 2020. The Cliff Corp. President is Mr. Carlos R. Román. **Figure 1** depicts information about The Cliff Corp. in DOS’s web page.

**Figure 1**

The screenshot shows the 'Registry of Corporations and Entities' web page for 'THE CLIFF CORP.' in the Government of Puerto Rico. The page includes a search bar, navigation tabs for 'Details', 'Articles', 'Annual Filings', and 'Certificates', and several data sections:

- General Information:**

Name	THE CLIFF CORP.		
Register No.	443305	Status	ACTIVE
Formation Date	02-May-2020 2:46 PM	Effective Date	02-May-2020 2:46 PM
Expiration Date	Does not expire		
Class	Corporation		
Type	For Profit	Jurisdiction	Domestic
- Designated Office Address:**

Street Address	Carr. #2 km. 123.5 Aguadilla Town Center, suite 201 AGUADILLA, PR 00605	Mailing Address	P.O. Box 367197 SAN JUAN, PR 00936
----------------	--	-----------------	---------------------------------------
- Resident Agent:**

Name	López Vicente, Juan M.		
Street Address	Carr. #2 km. 123.5 Aguadilla Town Center, suite 201 AGUADILLA, PR 00605	Mailing Address	P.O. Box 367197 SAN JUAN, PR 00936
- Officers:**

Name / Title(s)	Street Address	Mailing Address
LOPEZ, JUAN M (agente residente)	CARR 2 KM 122, AGUADILLA TOWN CENTER, SUITE 4 2DO PISO, AGUADILLA, PR, 00603	PO Box 367197, SAN JUAN, PR, 00936
Roman, Carlos R (President)	Carr 2 km 122, Aguadilla Town Center, AGUADILLA, PR, 00603	PO BOX 116, AGUADILLA, PR, 00605

<sup>1</sup> Source: <https://prcorpiling.f1hst.com/CorpInfo/CorporationInfo.aspx?c=443305-111>.

### 3. Project's General Contractor / Operator: Grupo Caribe LLC

The Grupo Caribe, LLC (“Grupo Caribe”) is a Limited Liability Corporation registered in the DOS, under registration number 392811. Grupo Caribe has been an active corporation since March 15, 2017. Grupo Caribe President is also Mr. Carlos R. Román. **Figure 2** depicts information about Grupo Caribe in DOS’s web page.

Figure 2

The screenshot shows the 'Registry of Corporations and Entities' page for 'GRUPO CARIBE LLC'. The page includes a navigation menu on the left with options like 'Search', 'Create / Authorize', 'Amend', 'Dissolve / Withdraw', 'Convert', 'Merge / Consolidate', 'Restore', 'Reserve Name', and 'Create Account'. The main content area is titled 'CORPORATION INFORMATION' and contains several sections:

- General Information:**

Name	GRUPO CARIBE LLC		
Register No.	392811	Status	ACTIVE
Formation Date	15-Mar-2017 7:56 PM	Effective Date	15-Mar-2017 7:56 PM
Expiration Date	Does not expire		
Class	Limited Liability Company		
Type	For Profit	Jurisdiction	Domestic
- Designated Office Address:**

Street Address	167 Calle Juan B. Huyke Urb. Juan B. Huyke SAN JUAN, PR 00918-2814	Mailing Address	PO Box 367197 SAN JUAN, PR 00936
----------------	--	-----------------	-------------------------------------
- Resident Agent:**

Name	TORRES VELEZ LLC		
Street Address	1502 Ave. Américo Miranda SAN JUAN, PR 00922	Mailing Address	176 Ave. Esmeralda 405 Suite 2 GUAYNABO, PR 00969
- Administrators:**

Name / Title(s)	Street Address	Mailing Address
Román, Carlos (President)	167 Calle Juan B. Huyke, Urb. Juan B. Huyke, SAN JUAN, PR, 00918	PO Box 367197, SAN JUAN, PR, 00936
López, Juan (Secretary)	167 Calle Juan B. Huyke, Urb. Juan B. Huyke, SAN JUAN, PR, 00918	PO Box 367197, SAN JUAN, PR, 00936

### 4. Participants

- Mr. Carlos R. Román, President<sup>2</sup>  
The Cliff Corp. and Grupo Caribe, LLC  
Tel.: (787) 450-2732  
Email: [cromancapital@gmail.com](mailto: cromancapital@gmail.com)
- Ing. Daniel Jones, Project Manager  
Grupo Caribe, LLC  
Tel.: (787) 507-4751  
Email: [djgrupocaribe@gmail.com](mailto: djgrupocaribe@gmail.com)

<sup>2</sup> Mr. Román arrived at some point during the EPA Inspectors’ walkthrough and introduced himself. He did not accompany the EPA Inspectors during the walkthrough. He participated in the Exit Meeting.

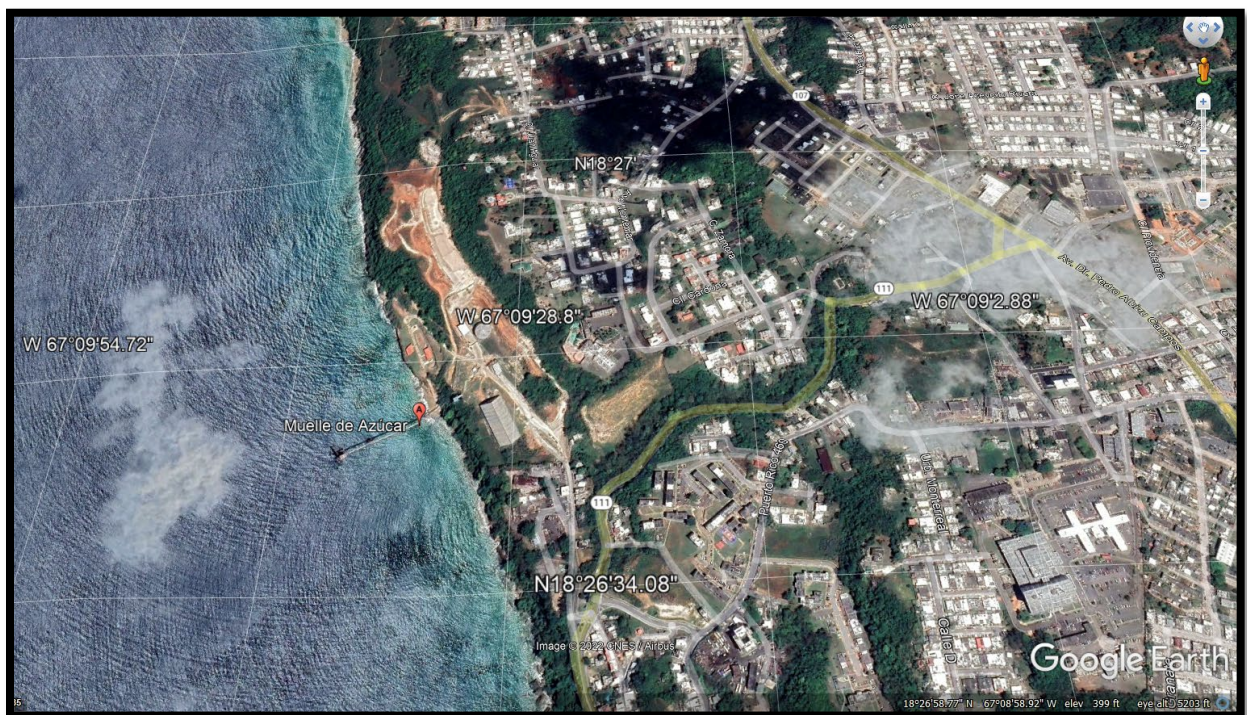
- Ing. Nivia I. Ayala, Environmental Consultant  
TerraTek Engineering Group, P.S.C.  
Tel.: (787) 505-6139  
Email: [nayala@terratekpr.com](mailto:nayala@terratekpr.com)
- Mr. Víctor Nieves, Architect<sup>3</sup>  
Fortech Bank International  
Tel.: (939) 585-9105  
Email: [djgrupocaribe@gmail.com](mailto:djgrupocaribe@gmail.com)

## 5. Facility Description

The Project is located at a seafront property with an area of about 9.5 acres of land. The Project consists of the construction of 86 villas and a country club and activity center that includes a restaurant, gymnasium, infinity pool, children’s pool, spa, two tennis courts, and an outdoor activities area. The Project is located at PR-4458 Road, Intersection with PR-111 Road, Borinquen Ward, Aguadilla, Puerto Rico (the “Site”).

Image 1 (below) depicts an aerial imagery of the Project’s location. Figure 3 (next page) depicts the proposed storm sewer map for the Project.

**Image 1 – Project’s Location<sup>4</sup>**

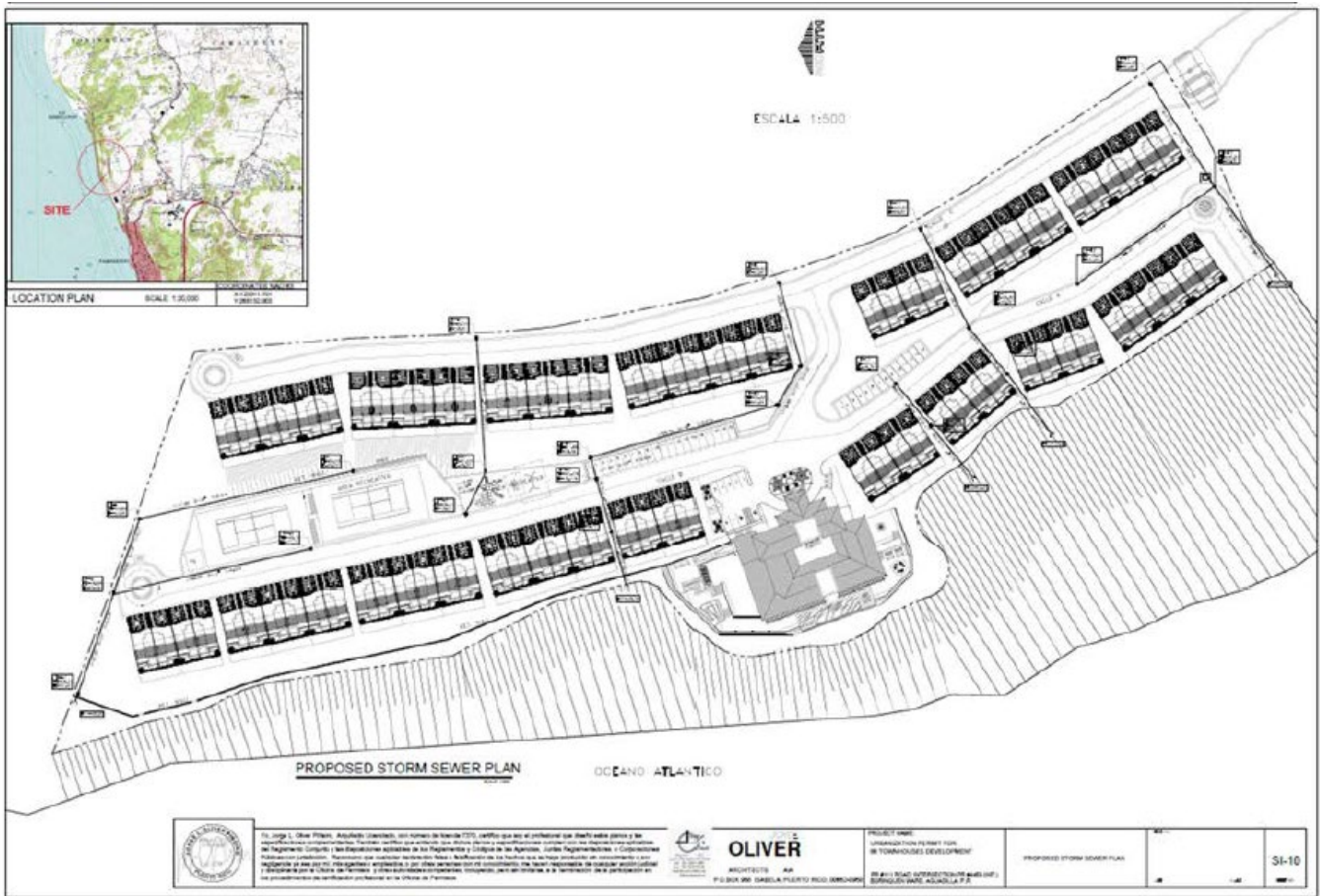


<sup>3</sup> Mr. Nieves indicated that he is a manager with Fortech Bank International, and was representing RL Partners, LLC, which is the owner and developer of the Aguadilla Pier Construction Project located in neighboring parcel of land to the south of the Project.

<sup>4</sup> Source: Google Earth Pro, April 2022.



**Figure 3 – Proposed Storm Sewer Plan<sup>5</sup>**



**6. CWA Provision and Stormwater Rules**

*Clean Water Act*

Section 301(a) of the CWA provides in part that “[e]xcept as in compliance with [CWA’s Section 402], the discharge of any pollutant by any person shall be unlawful.” 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.

*SW Rules*

The EPA promulgated NPDES regulations defining the term storm water associated with industrial activity. Those regulations are codified in 40 C.F.R. § 122.26(b). The storm water discharges from construction sites were included in the definition of storm water discharges associated with industrial activity in 40 C.F.R. § 122.26(b)(14)(x).

<sup>5</sup> Source: The Cliff’s SWPPP developed for the Project, amended on April 29, 2022.

## 7. **NPDES Stormwater Permitting for the Project**

### *Construction General Permit*

On January 18, 2022, EPA re-issued the CGP. The CGP became effective on February 17, 2022, and will expire on February 16, 2027.<sup>6</sup>

The CGP included requirements for among other things, completion and filing of an electronic Notice of Intent (“eNOI”) form, development of a site-specific Storm Water Pollution Prevention Plan (“SWPPP”), performance of site inspections, preparation and signature of inspection reports, documentation and implementation of corrective actions, records keeping, and completion and filing of an electronic Notice of Termination (“eNOT”) form.

### *NPDES Permit Application for the Project*

A review of the EPA NPDES database known as “Central Data Exchange” NeT (“CDX”) revealed that The Cliff Corp. submitted an eNOI for the Project, which was signed and certified by Mr. Víctor Nieves on April 30, 2022.<sup>7</sup> CDX also shows that EPA placed the eNOI on hold on May 3, 2022.

## 8. **Entry Meeting**

The Inspection commenced with an entry meeting on or about 9:30 a.m., upon showing of credentials to Mr. Daniel Jones, Ms. Nivia Ayala, and Mr. Víctor Nieves.<sup>8</sup> The EPA Inspectors indicated that the main purpose of the Inspection was to perform an evaluation of the Project for compliance with the CWA and NPDES implementing regulations.

Mr. Jones indicated that he works for Grupo Caribe, as the Project Manager of the Project. Ms. Ayala indicated that she works for TerraTek, as a stormwater consultant. Mr. Nieves indicated that he is an architect, represents the owner of the Aguadilla Pier Construction Project, and is management member of a company named Fortech Bank International.

Mr. Jones also explained that Grupo Caribe is in charge of earth movements activities which began on February 21, 2022 and were stopped on April 29, 2022, when the Department of Natural and Environmental Resources (“DNER”) issued an order to stop construction activities.

Ms. Ayala explained that there are two properties physically divided by a concrete retention wall that currently share the same entrance. She also indicated the projects are the Cliff Construction Project and Aguadilla Pier. Ms. Ayala explained that the Aguadilla Pier was a construction project that has been terminated but maintains active coverage under the 2022 CGP.

Mr. Jones and Ms. Ayala explained that The Cliff Corp. submitted an eNOI (“NOI”) to request coverage under the 2022 CGP on April 30, 2022. The NOI was certified by Víctor Nieves. Mr. Nieves indicated that he is not a corporate official of The Cliff Corp. Inspector Rivera indicated

---

<sup>6</sup> Information about the CGP is found at <http://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-permit.pdf>.

<sup>7</sup> Permit Look Up is found at <https://permitsearch.epa.gov/epermit-search/ui/search>.

<sup>8</sup> The Inspection was conducted under the authority in Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a).

that the certifier needs to be a corporate official of the entity requesting coverage under a NPDES permit. Furthermore, Mr. Rivera also explained that currently, the National Marine Fisheries Service (“NMFS”) requested the Stormwater Pollution Prevention Plan (“SWPPP”) for review and that EPA placed the eNOI on hold, as requested by NMFS.

Mr. Jones showed and explained the Project’s Site Map, which shows among other things, the stormwater collection, conveyance and discharge system, five (5) discharge outfalls, and the location where the silt fences are to be installed.

## **9. Documents Request**

Upon completion of the Entry Meeting, EPA Inspectors proceeded to request documents required to be developed under the CGP. The following records were requested:

- Inspector Maclay requested a copy of all Routine Inspections Documentation for the Project.

Mr. Jones explained that he conducted Routine Inspections on a weekly basis. He showed during the Inspection the Routine Inspections Checklists starting on February 21, 2022 through June 9, 2022.<sup>9</sup>

Also, Mr. Jones indicated that a rain gauge was installed at the Project and provided EPA Inspector Maclay with a copy of the log with rain gauge readings from February 21 to June 9, 2022. The log recorded rain events at the Project on the following dates: February 24, February 25, March 1, March 4, March 7, March 8, March 10, March 14, March 15, March 21, March 24, March 29, April 6, April 11, April 18, April 19, April 20, April 21, May 2, May 3, May 26, May 30, June 6, June 7, and June 9, 2022.

- Inspector Rivera requested a copy of the SWPPP developed for Aguadilla Pier Construction Project. Specifically, he requested the original version and amendments thereto made to such SWPP under the requirements of the 2017 CGP. This documentation was to be provided to EPA by June 15, 2022.
- Inspector Rivera requested a copy of the Routine Inspections Documentation for the Aguadilla Pier Construction Project. Specifically, he requested the Documentation from the date when the Expedited Settlement Agreement was executed to the present. This documentation was to be provided to EPA by June 15, 2022.<sup>10</sup>

## **10. Walkthrough of the Project’s Site**

Upon completion of the Entry Meeting and discussions about records, on or about 10:45 a.m., the EPA Inspectors proceeded to perform a walkthrough of the Site Mr. Jones, Mrs. Ayala, and Mr. Nieves accompanied the EPA Inspectors.<sup>11</sup> The walkthrough was performed between 10:45 a.m. and 1:15 p.m. Inspector Maclay was the EPA official that took the pictures during the Inspection.

---

<sup>9</sup> Mr. Jones sent the information to Inspector Maclay by email dated June 10, 2022.

<sup>10</sup> As of the date of signature of this Inspection Report, the information requested by Inspector Rivera has not been received.

<sup>11</sup> Ms. Ayala participation of the walkthrough was limited to the areas where the upper deck is located. She did not accompany the EPA Inspectors, Mr. Jones and Mr. Nieves throughout the rest of the walkthrough.



She used an EPA-owned camera, with brand and model “Nikon Coolpix P530 Camera”. All pictures taken were unaltered transferred to the Inspector Maclay EPA-owned laptop. Refer to Attachment 1 of this Inspection Report for the photo-documentation of the Inspection.

The following includes a summary of the observations and findings resulting from the walkthrough of the Site. They take into consideration best engineering practices for erosion and sediment controls, EPA’s effluent limitations guidelines for stormwater discharges from construction activities, and the 2022 CGP, under which The Cliff Corp. is seeking coverage for the Project.

The EPA Inspectors observed that:

- a. A combination of silt fences and straw wattles were only installed along long segments of the west perimeter of the Site.
- b. The main entrance to the Site is located at the main entrance of the Aguadilla Pier Construction Project, and that such entrance was stabilized with crushed stone.
- c. Stormwater run-on from the property located east of the Site flows into the Project. Stormwater runoff management to divert such flows away from exposed soils was not installed.
- d. Earth disturbing activities were conducted at the Site and most of the ground surface was exposed to rain and stormwater runoff, and without erosion controls suitable for land disturbed areas, such as steep slopes disturbances that are effective at minimizing erosion and sediment discharges (e.g., hydraulic mulch, geotextiles and mats, compost blankets, drainage swales, terraces, velocity dissipation devices)<sup>12</sup>.
- e. Temporary and/or final soil stabilization measures had not been implemented to minimize erosion from areas of exposed soil. Mr. Jones indicated that he ceased earth movement activities at the Site on or about April 29, 2022, date when DNER issued a cease order.<sup>13</sup>
- f. Measures to minimize dust were not observed at the Site (e.g., application of water or other dust suppression techniques).<sup>14</sup>
- g. A berm (dike) composed of vegetative materials located downgradient of the upper deck where grading had begun. The berm was loose and lacks compaction and erosion controls. Refer to Picture 2 in Attachment 1 of this Inspection Report.
- h. Six (6) discharge points were observed at the Site.
- i. Three (3) of the six (6) discharge points convey stormwater runoff from construction activities into the vegetated cliff, which in turn flows into the Atlantic Ocean, and were identified as Discharge Points 001, 003, and 004. Refer to Pictures 3, 7, and 8 in Attachment 1 of this Inspection Report.

---

<sup>12</sup> Refer to Part 2.2.7 of the CGP (Minimize steep slope disturbances).

<sup>13</sup> According to Part 2.2.14 of the CGP, stabilization measures must be initiated immediately in areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days.

<sup>14</sup> Refer to Part 2.2.6 of the 2022 CGP (Minimize Dust).

- j. Two (2) of the six (6) discharge points convey stormwater runoff from construction activities into the Aguadilla Pier Construction Project site and were identified as Discharge Points 005 and 006. Refer to Pictures 11 and 15 in Attachment 1 of the Inspection Report.
- k. One (1) of the six (6) discharge point is located at the end of a dirt road to the northwest side of the Site, which conveys stormwater runoff from disturbed soils into a private property located just immediately north of the Site and was identified as Discharge Point 002. Refer to Picture 4 in Attachment 1 of the Inspection Report.

## **11. Site Visit to Areas of the Aguadilla Pier Construction Project Site**

At the conclusion of the walkthrough of the Site, the EPA Inspectors visited areas in which stormwater runoff flows from the Site into the Aguadilla Pier Construction Project site. The EPA Inspectors observed two additional locations in which stormwater runoff flows from the Site into Aguadilla Pier Construction Project site. One of them is at the southeast boundary and the other one is at the southwest boundary, both near the retaining wall that divides the Site from the Aguadilla Pier Construction Project site. On both access points, storm water runoff from the Site enters the Aguadilla Pier Construction Project site and will eventually reach a discharge point from the Aguadilla Pier Construction Project site into the Atlantic Ocean.

During the Site Visit, Mr. Jones indicated that clearing and grubbing was conducted at a slope and terrace located west of the main road, and that the purpose of such land disturbing was to conduct land surveying.

The Site Visit was concluded when the EPA Inspectors returned to the Site's upper deck, where Inspector Maclay took other pictures, using EPA-owned camera mentioned above. Upon completion of the Site Visit, the EPA Inspectors proceeded to conduct an Exit Meeting.

## **12. Exit Meeting**

Upon conclusion of the Site Visit, the EPA Inspectors conducted an Exit Meeting on or about 1:30 p.m. Mr. Jones, Ms. Ayala, Mr. Nieves and Mr. Román participated. Mr. Jones showed the Routine Inspections documents for the project and provided a copy of the rain gauge data log sheet. Inspector Maclay requested Mr. Jones to send her the Routine Inspection documentation via email for off-site review.

The EPA Inspectors indicated their preliminary observations and findings of the Inspection, which are summarized below:

- The eNOI submitted by The Cliff Corp. was not signed by a corporate official.
- Grupo Caribe was contracted by the Cliff Corp. to conduct earth movement activities at the Site and had not submitted an eNOI to obtain coverage under the 2022 CGP.
- No soil stabilization measures were implemented. Inspector Rivera explained CGP's requirements for soil stabilization, including the 14-day timeframe for initiation soil stabilization after earth movement activities has temporarily ceased.

- The discharge points observed during the Inspection do not match the outfalls listed in the eNOI submitted by The Cliff Corp.
- A steep slope where earth disturbances activities had been conducted lacked intermediate erosion controls, such as soil stabilization and velocity dissipation for concentrated stormwater runoff.
- The areas where grading had initiated lacks erosion control measures.
- The installation of the silt fences needed to be improved at some sections.<sup>15</sup>
- The vegetative berm lacks compaction and erosion controls.

At the end of the exit meeting, Inspector Maclay showed the pictures taken during the walkthrough to Ms. Ayala. The EPA Inspectors concluded the Inspection and left the premises on or about 2:30 pm.

### **End of Report**

Attachment

---

<sup>15</sup> These sections were pointed out during the walkthrough.