



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s) Seika Robinson	Time In	11:00 AM	Start Date	June 12, 2024
	Time Out	11:40 AM	End Date	June 12, 2024

Inspector's Organization: US EPA Region 2, Water Division, Water Management Branch, Wetlands Protection Section

Organization Requesting Inspection (if different): N/A

Inspection Type: Case Development Inspection Status: Original

Site Name: Empire Gas Company, Inc. (hereinafter as "Empire Gas")

Site Address*: Tax parcel number 088-000-008-34-000 (hereinafter as "the Site")

City*: Carolina County*: Carolina State*: PR Zip Code*: 00985

Mailing Address*: 109 Calle Andes Urb Monterey

City*: San Juan County*: San Juan State*: PR Zip Code*: 00926

Latitude*: 18.374848 Longitude*: -65.968474

Estimated Size of Site (acres): 24 Is there a home on the site? Yes No

Inspector Signature: **SEIKA ROBINSON** Digitally signed by SEIKA ROBINSON Date: 2024.07.22 14:27:58 -04'00' Date: July 22, 2024

Supervisor Signature:  Digitally signed by MARCO FINOCCHIARO Date: 2024.07.22 14:38:56 -04'00' Date: 7/22/24



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Site Name	Empire Gas Company, Inc. (hereinafter as "Empire Gas")	Start Date	June 12, 2024
		End Date	June 12, 2024
Inspection Purpose	Follow-up site visit		
Opening Conference			
<input checked="" type="checkbox"/> Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Inspectors, Seika Robinson and Sofia Olivero Lora presented their credentials the day of the inspection to Gerardo González Román, a consultant for Empire Gas.			
<input checked="" type="checkbox"/> Opening Conference			
Name of person authorizing access if applicable			
EPA was able to reach Mr. Gerado Conzález, consultant for Empire Gas, who authorized access to the Site via email.			
Notes from Opening Conference			
EPA explained the purpose of the inspection, EPA and the U.S. Army Corps of Engineers (hereinafter as the "Corps") role with regulating wetlands under Section 404 of the Clean Water Act (hereinafter as "CWA"), and what areas would be inspected. Mr. González explained to EPA that Empire Gas leased the property to Puerto Rico Asphalt, LLC (hereinafter as "PR Asphalt") and their lease term is now over and a different and unrelated company is in use of the property at the time of the visit. Mr. González also stated to EPA that Empire Gas only owns the property and did not ever conduct any operations on the property at the time the potential unauthorized filling activities occurred in September and October of 2023.			
<input checked="" type="checkbox"/> Access Issues if Any			
Describe			
Mr. González did not have a key to unlock the locked gate to the property. Mr. González led the EPA into the property by climbing around the left side of the gate to enter and exit the property.			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information)			
Site owner: Empire Gas Company, Inc.; Ramon Gonzalez Simounet, President; [REDACTED]			
Operator/Lessee of the property in 2023: PR Asphalt; Ramon Gonzalez; Company owner; [REDACTED]			
Additional Persons Present at Inspection			
Sofia Olivero Lora, PhD; US EPA Region 2, Water Division, Water Management Branch, Wetlands Protection Section			
General Site Characteristics (layout of property, etc.)			
<p>The property is approximately 24-acres in size with no standing structures. The site is shaped like a peninsula surrounded by an area with positive wetland indicators. There is an unnamed tributary which flows east to Río Grande de Loíza, a water of the United States (hereinafter as "WOTUS"). The Río de Loiza is located east of the property and drains into the Atlantic Ocean.</p> <p>The Site is utilized as a parking area for the current lessees of the property. According to historical aerial imagery, the largest pile (hereinafter as "the historic fill pile") was constructed throughout 2013 and 2014. The historic fill pile is approximately 15-20 feet higher in elevation than the surrounding habitat. See Attachment A for a map containing details of the inspection findings.</p>			



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Site Name	Empire Gas Company, Inc. (hereinafter as "Empire Gas")	Start Date	June 12, 2024
		End Date	June 12, 2024
Purpose and Need for Discharge of Dredged and/or Fill Material			
During the time the potential unauthorized filling activities occurred, the prior lessees of the property, PR Asphalt was utilizing the Site as a place of storage for aggregate materials.			
Site Overview (Past inspections, site description, permits, etc.)			
There are no known Corps wetland permits for any activities on site or Jurisdictional Determinations for the Site. The surrounding area is primarily comprised of commercial businesses.			
EPA previously conducted a site inspection at the Site on March 29, 2023. During the previous inspection, EPA collected GPS and soil data and concluded that positive wetland indicators were present in the undeveloped areas surrounding the historic fill pile.			
Scope of Inspection (Areas inspected or not inspected)			
EPA walked along the edge of the historic fill material pile to the furthest extent practicable (GPS points were taken at the extent limit). See Attachment A for a map containing details of the inspection findings.			



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Site Name	Empire Gas Company, Inc. (hereinafter as "Empire Gas")	Start Date	June 12, 2024
		End Date	June 12, 2024
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Temperatures were in the 80s (degrees in F); sunny; wet season			
Field Work Conducted			
<p>During the inspection, EPA collected GPS data (see Attachment A) and photographs (see Attachment B). Observations were recorded with the understanding that the inspection occurred during the wet season.</p> <p>During the inspection, EPA focused on walking around the southern edge of the top of the historic fill pile. While transverseing the southern edge of the fill pile, EPA observed new vegetative debris and aggregate material along the edge and slope of the historic fill pile, material that was not present at the time of EPA's last visit in 2023 (see Attachment B).</p> <p>EPA walked the southern edge to the furthest extent possible to record the new fill material with GPS data (see "EPA survey line" on the map in Attachment A). The furthest extent of the fill pile, the base of its slope, with the new material was not recorded due to safety and accessibility concerns. The extent of the fill pile at the time of the visit, was between 10 to 20 feet further than what EPA recorded with GPS data.</p> <p>The entirety of the historic fill pile was not explored during the inspection. The fill pile is approximately 15-20 feet higher in elevation than the surrounding undeveloped areas. A steep slope comprised of aggregate material and vegetation was observed leading into the undeveloped area below where EPA had previously tested for wetland indicators in 2023.</p>			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
EPA recommended to Empire Gas that any lessee of the property may need to consult with the Corps on the possible need for CWA Section 404 permits before beginning any expansion of the fill material, which includes the aggregate materials on the Site, within WOTUS.			
Observations Relayed to Site Owner/Operator			
N/A			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
Potential areas of jurisdictional wetlands and streams may have been subject to unauthorized filling activities on the Site. A wetland delineation should be done for the site prior to conducting additional work within suspected wetland areas.			
Attachments*			
<input checked="" type="checkbox"/> Maps and Sketches <input checked="" type="checkbox"/> Photographs (including location) and Photo Log <input type="checkbox"/> Other (SSIP, Wetlands Delineation Forms, etc.)			








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Site Name	Empire Gas Company, Inc. (hereinafter as "Empire Gas")	Start Date	June 12, 2024
		End Date	June 12, 2024
Attachment A: Map with GPS Data; Attachment B: Photolog			
Additional Notes			
None.			

Attachment A: Site Map with GPS Data

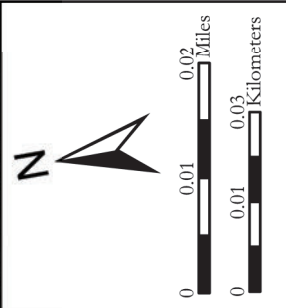


-  EPA survey line
-  EPA soil sample location from 2023 site visit
-  Unnamed tributary
-  Property boundary
-  Historic fill pile (7.44 acres)

Property Owner: Empire Gas Company, Inc.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Maxar



Attachment B: Photolog

CWA 404 Inspection

**Empire Gas Company, Inc.
&
Puerto Rico Asphalt, LLC**

Tax parcel number 088-000-008-34-000 in the Municipality
of Carolina, Puerto Rico

June 12, 2024



Date: June 12, 2024
Time: 11:10 AM
Photographer: Sofia Olivero Lora
Photo ID: P6121032

Description: View along the southern edge of the fill pile on the property. EPA observed new vegetative debris and aggregate material along the edge and slope of the historic fill pile, material that was not present at the time of EPA's last visit in 2023.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:10 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121033

Description: View along the southern edge of the fill pile on the property. EPA observed new vegetative debris and aggregate material along the edge and slope of the historic fill pile.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:11 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121034

Description: View along the southern edge of the fill pile on the property. EPA observed new vegetative debris and aggregate material along the edge and slope of the historic fill pile.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:13 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121035

Description: View along the southern edge of the fill pile on the property. EPA observed new vegetative debris and aggregate material along the edge and slope of the historic fill pile.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:13 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121036

Description: View along the edge of the fill pile on the property. The undisturbed area surrounding the fill pile can be seen from the top of the fill pile.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:13 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121037

Description: View along the edge of the fill pile on the property.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:13 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121038

Description: View along the edge of the fill pile on the property.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:15 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121039

Description: View along the edge of the fill pile on the property. The undisturbed area surrounding the fill pile can be seen from the top of the fill pile.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:15 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121040

Description: View along the southern edge of the fill pile on the property. EPA observed new vegetative debris and aggregate material along the edge and slope of the historic fill pile.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico



Date: June 12, 2024

Time: 11:10 AM

Photographer: Sofia Olivero Lora

Photo ID: P6121042

Description: View along the edge of the fill pile on the property.

Tax parcel number 088-000-008-34-000 in the Municipality of Carolina, Puerto Rico