



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	1:45 PM	Start Date	January 23, 2023
	Time Out	3:45 PM	End Date	January 23, 2023

Inspector's Organization

Organization Requesting Inspection (if different)

Inspection Type Inspection Status

Site Name

Site Address*

City* County* State* Zip Code*

Mailing Address*

City* County* State* Zip Code*

Latitude* Longitude*

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

Inspector Signature **SEIKA ROBINSON** Digitally signed by SEIKA ROBINSON Date: 2023.03.29 12:56:08 -04'00' Date

Supervisor Signature **MARCO FINOCCHIARO** Digitally signed by MARCO FINOCCHIARO Date: 2023.03.29 13:40:37 -04'00' Date



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Site Name	Puerto Rico Asphalt, LLC (hereinafter as "PR Asphalt")	Start Date	January 23, 2023
		End Date	January 23, 2023
Inspection Purpose	Initial 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)			
Inspector, Seika Robinson presented credentials the day of the inspection to Pedro Rosa, Site Operations Manager for PR Asphalt and to Jose Colon, Plan Manager for PR Asphalt.			
<input checked="" type="checkbox"/> Opening Conference			
Name of person authorizing access if applicable			
EPA was unable to reach the property owner, Empire Gas Company, Inc. via phone and email prior to the time of visit. The day of the inspection, PR Asphalt self identified as the lessee and site operator. Pedro Rosa and Jose Colon, on behalf of PR Asphalt, authorized access of the Site.			
Notes from Opening Conference			
EPA explained the purpose of the inspection, EPA and the Corps role with regulating wetlands under the CWA, and what areas would be inspected.			
<input type="checkbox"/> Access Issues if Any			
Describe			
N/A			
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: PR Asphalt; Ramon Gonzalez; Company owner; [REDACTED]			
Additional Persons Present at Inspection			
EPA: Sofia Olivero Lora, PhD; R02-WD-WMB-WPS			
PR Asphalt: Jesus Acosta, Engineer; [REDACTED]			
Loyda D. ; Environmental Consultant; [REDACTED]			
General Site Characteristics (layout of property, etc.)			
The property is comprised of 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 is located on the northern border of the Site. Río Grande de Loíza drains into the Atlantic Ocean. Both waters are considered a navigable water under the CWA.			
The Site is comprised of piles of various aggregate material. 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.			



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		End Date	January 23, 2023
Purpose and Need for Discharge of Dredged and/or Fill Material			
According to PR Asphalt, the Site is being utilized 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, industrial businesses.			
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). At the southwest border of the historic fill, EPA went downslope to the habitat below to test for wetland indicators. See Attachment A for a map containing details of the inspection findings.			



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Site Name	Puerto Rico Asphalt, LLC (hereinafter as "PR Asphalt")	Start Date	January 23, 2023
		End Date	January 23, 2023
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Temperatures were in the 80s (degrees in F); sunny; dry season			
Field Work Conducted			
<p>During the inspection, EPA collected GPS data (see Attachment A), photographs (see Attachment B), and handwritten notes. Observations were recorded with the understanding that the inspection occurred during the dry season. One soil pit was dug during this inspection.</p> <p>Upon entering the Site, a digger was observed loading a dump truck with aggregate material from the Site. EPA inquired with the truck driver as to who was operating at the Site. The driver informed EPA that PR Asphalt was the operator. EPA visited the PR Asphalt facility located just north of the Site. EPA was able to gain contact with representatives of PR Asphalt to allow access and provide information about the Site and the activities performed on the property. PR Asphalt representatives followed EPA around the Site during the entirety of the inspection.</p> <p>EPA began at the inspection at the northwestern corner of the property by the entrance of the Site. The inspection focused on walking round the border of the top of the large fill pile to the furthest east as possible. The entirety of the eastern portion of the historic fill pile was not able to be observed because of safety concerns involving several cattle located throughout the area.</p> <p>A stream flowing east was observed to the east of the front entrance, on the northern border of the Site. The stream was identified as an unnamed tributary of Río Grande de Loíza.</p> <p>The historic fill pile is approximately 15-20 feet higher in elevation than the surrounding habitat. A steep slope comprised of aggregate material and vegetation was climbed to test for wetland indicators of the area surrounding the fill impacted area.</p> <p>EPA dug a soil pit adjacent to the southern edge of the toe of the historic fill pile, within the habitat below. The soil pit was positive for wetland indicators (see Attachment C for wetland data form). Standing water, saturated soils, high water table, hydric soils, and wetland vegetation growth were present surrounding the soil pit. The entirety of the property was not investigated.</p>			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
EPA recommended to PR Asphalt representatives 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)			
During the entire duration of the inspection, PR Asphalt had machinery operating within the Site, removing material off the property to another PR Asphalt facility nearby.			
Potential Issues of Concern Including Regulatory Citations			
Potential areas of jurisdictional wetlands and streams may be present on the site. A wetland delineation should be done for the site			



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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 checked="" type="checkbox"/> Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachment A: Map with GPS Points; Attachment B: Photolog; Attachment C: Wetland Data Form			
Additional Notes			
None.			

Attachment A: Map with GPS Points



* Stream data was collected from the National Hydrography Dataset.

Attachment B: Photolog

CWA 404 Inspection

**Owner
Empire Gas Company, Inc.**

**Operator/Lessee
Puerto Rico Asphalt, LLC**

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

January 23, 2023



Date: January 23, 2023

Time: 1:52 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230285

Description: A large pile of aggregate material was seen being slowly removed from the Site.

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



Date: January 23, 2023

Time: 1:51 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230284

Description: Entrance of the Site as seen from the road 887 C. A.

During the time of the visit, aggregate material was being loaded onto trucks via a digger, as shown.

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



Date: January 23, 2023

Time: 2:19 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230287

Description: Northwestern corner of the Property.

Small piles of various aggregate materials can be seen throughout the Site. Some piles are newer than others.

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



Date: January 23, 2023

Time: 3:27 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230323

Description: Tracks from heavy machinery was found throughout the Site

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



Date: January 23, 2023

Time: 2:29 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230293

Description: An unnamed stream found on the northern border of the Site.

*Red arrow marks the direction of the flow.

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



Date: January 23, 2023

Time: 3:19 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230319

Description: View of the large aggregate pile from the northeast portion of the Site.

Historic fill material can be seen in the foreground. Upland vegetation can be seen in most of the historic fill area to the east.

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



Date: January 23, 2023

Time: 3:19 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230320

Description: Panorama of the eastern portion of the Site from on top of the historic material. Some vegetation on the historic fill are over 8 feet tall.

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



Date: January 23, 2023

Time: 3:19 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230321

Description: View of the historic fill sloping into vegetated habitat below.

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



Date: January 23, 2023

Time: 2:30 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230294

Description: View of the vegetation below from on top of the historic fill.

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



Date: January 23, 2023

Time: 3:01 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230314

Description: Vegetation surrounding the soil pit dug.

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



Date: January 23, 2023

Time: 2:59 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230307

Description: Soil core from the soil pit dug.

Soil pit was dug to test for field indicators of hydraulic soils. Wetland indicators were found.

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



Date: January 23, 2023

Time: 2:56 PM

Photographer: Sofia Olivera Lora

Photo ID: P1230298

Description: Surface saturation observed around the soil pit dug.

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

Attachment C: Wetland Data Forms

Project/Site: Puerto Rico Asphalt Municipality/Town: Carolina Sampling Date: 1/23/2023
 Applicant/Owner: Site Owner: Empire Gas PR or USVI: PR Sampling Point: 1
 Investigator(s): Seika Robinson Ward/Estate: _____
 Landform (hillside, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Lat: 18.374633 Long: -65.969433 Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes <u>X</u> No _____ Wetland Hydrology Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
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Remarks:
 The soil pit was dug directly adjacent to the toe of the slope of the historic fill pile.

VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	
1.	_____	_____	_____	_____	
2.	_____	_____	_____	_____	
3.	_____	_____	_____	_____	
4.	_____	_____	_____	_____	
5.	_____	_____	_____	_____	
		=Total Cover			
Sapling/Shrub Stratum	(Plot size: _____)				
1.	_____	_____	_____	_____	
2.	_____	_____	_____	_____	
3.	_____	_____	_____	_____	
4.	_____	_____	_____	_____	
5.	_____	_____	_____	_____	
		=Total Cover			
Herb Stratum	(Plot size: <u>10</u>)				
1.	<u>Xanthium strumarium</u>	45	Yes	FAC	
2.	<u>Ipomoea alba</u>	15	No	FACW	
3.	<u>Mimosa diplotricha</u>	5	No	FAC	
4.	<u>Typha domingensis</u>	30	Yes	OBL	
5.	_____	_____	_____	_____	
6.	_____	_____	_____	_____	
7.	_____	_____	_____	_____	
8.	_____	_____	_____	_____	
		95 =Total Cover			
Woody Vine Stratum	(Plot size: _____)				
1.	_____	_____	_____	_____	
2.	_____	_____	_____	_____	
		=Total Cover			

Dominance Test worksheet:
 Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)
 Total Number of Dominant Species Across All Strata: 2 (B)
 Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>30</u>	x 1 = <u>30</u>
FACW species <u>15</u>	x 2 = <u>30</u>
FAC species <u>50</u>	x 3 = <u>150</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>95</u> (A)	<u>210</u> (B)
Prevalence Index = B/A = <u>2.21</u>	

Hydrophytic Vegetation Indicators:
 1 - Rapid Test for Hydrophytic Vegetation
X 2 - Dominance Test is >50%
X 3 - Prevalence Index is ≤3.0¹
 Problematic Hydrophytic Vegetation¹ (Explain)
¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	10YR 3/1	100				M	Loamy/Clayey	
6-17	10YR 2/2	70	5G 4/1	30	D	M	Loamy/Clayey	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: <input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input checked="" type="checkbox"/> Organic Bodies (A6) <input type="checkbox"/> 5 cm Mucky Mineral (A7) <input type="checkbox"/> Muck Presence (A8) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Dark Surface (S7) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input checked="" type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)	Indicators for Problematic Hydric Soils³: <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> Red Parent Material (F21) <input type="checkbox"/> Very Shallow Dark Surface (F22) <input type="checkbox"/> Other (Explain in Remarks)
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³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: _____ Depth (Inches): _____	Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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Remarks:

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply)			Secondary Indicators (minimum of two required)		
<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)	<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Shallow Aquitard (D3)	<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Fiddler Crab Burrows (C10)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)				

Field Observations: Surface Water Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>3</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:
 Data was recorded with photography and measured with a ruler. GPS data points of the location of the soil pits were taken with a Tremble device.

Remarks: