



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

Industrial Facility
NPDES Compliance Evaluation Inspection

Commonwealth Oil Refining Company
Firm Delivery, 600 Road 127, Peñuelas Puerto Rico 00624-7501
State Road No. 127, Km. 17.3, Tallaboa Poniente Ward Peñuelas, Puerto Rico 00624
Coordinates: 18° 00' 23.05" N; - 66° 44' 21.82" W
Telephone Number: (787) 836-1350

Sections 301(a), 308(a) and 402 of the Clean Water Act
NPDES Regulations: 40 C.F.R. § 122

NPDES Permit Number PR0000345
Inspection Date: June 7, 2023

Participating Personnel:

U.S. EPA:

Yolianne Maclay, P.E.
Senior Environmental Engineer
Clean Water Act Team

Commonwealth Oil Refining Company:

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Inspection Report Prepared by:

**YOLIANNE
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Inspection Report
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1. INTRODUCTION

On June 7, 2023, Yolianne Maclay, Senior Environmental Engineer (the “EPA Inspector”), of the United States Environmental Protection Agency (“EPA”), Region 2, Caribbean Environmental Protection Division (“CEPD”), conducted a National Pollutant Discharge Elimination System (“NPDES”) Compliance Evaluation Inspection (the “Inspection”) at the Commonwealth Oil Refining Company (“CORCO” or the “Permittee”) located at State Road No. 127, Km. 17.3, Tallaboa Poniente Ward, Peñuelas, Puerto Rico (the “Facility”). This Inspection Report includes findings and observations concerning the Inspection. The purpose of the Inspection was to evaluate CORCO’s compliance with its NPDES Permit Number PR0000345 (the “Permit”).

Upon showing of credentials to Mr. Rodolfo Seda, E, H & S Manager, and Ms. Cynthia Martínez, E, H, & S Coordinator, the EPA Inspector obtained access to the Facility, and performed the Inspection under the authority in Section 308(a) of the Federal Water Pollution Control Act (“CWA” or the “Act”). The Inspection consisted of an entry meeting to discuss the purpose of the Inspection and to request information regarding the Facility, a walkthrough of the Facility to evaluate operational and maintenance conditions, a records review, and a closing meeting to discuss areas of concern.

2. GENERAL INFORMATION

- a. Date and Time of the Inspection – The Inspection was conducted on Wednesday, June 7, 2023. The Inspection began approximately at 9:00 a.m. and ended approximately at 1:00 p.m.
- b. Weather – Dry weather and sunny skies prevailed during the Inspection.
- c. Facility’s Representative:
 - Mr. Rodolfo Seda, E, H & S Manager, Tel: (787) 836-1350, email: rodolfo.seda@corcopr.com
 - Ms. Cynthia Martínez, E, H & S Coordinator, Tel: (787) 836-1350 ext..243, email: cynthia.martinez@corcopr.com

3. INFORMATION CONCERNING THE FACILITY AND ITS NPDES PERMIT

Description of the Facility

CORCO was a refinery that has been inactive since 1982, and now functions as a terminal for the marine transportation and land-based storage of crude oil and petroleum products. Currently, CORCO owns and/or operates a petroleum bulk leasing facility located in Peñuelas, Puerto Rico. Petroleum commodities are brought into the Facility by pipelines from marine vessels through its marine terminal. These commodities are subsequently shipped out by marine vessels through the marine terminal, by tank trucks through a truck loading rack, and by pipelines into nearby client facilities. The Facility estimated area of industrial activity exposed to stormwater is 338-acres and consists of numerous storage tanks and oil water separator units typical of petroleum refineries.

The operations at the Facility are best described by the Standard Industrial Classification (“SIC”) code 4226. The SIC code 5171 identifies entities engaged in Petroleum Bulk Storage Terminal and Warehousing. CORCO has identify SIC 2911 as their co-located industrial activity related to Former Refinery.

Image 1 below depicts an aerial photograph of the Facility and its surroundings.



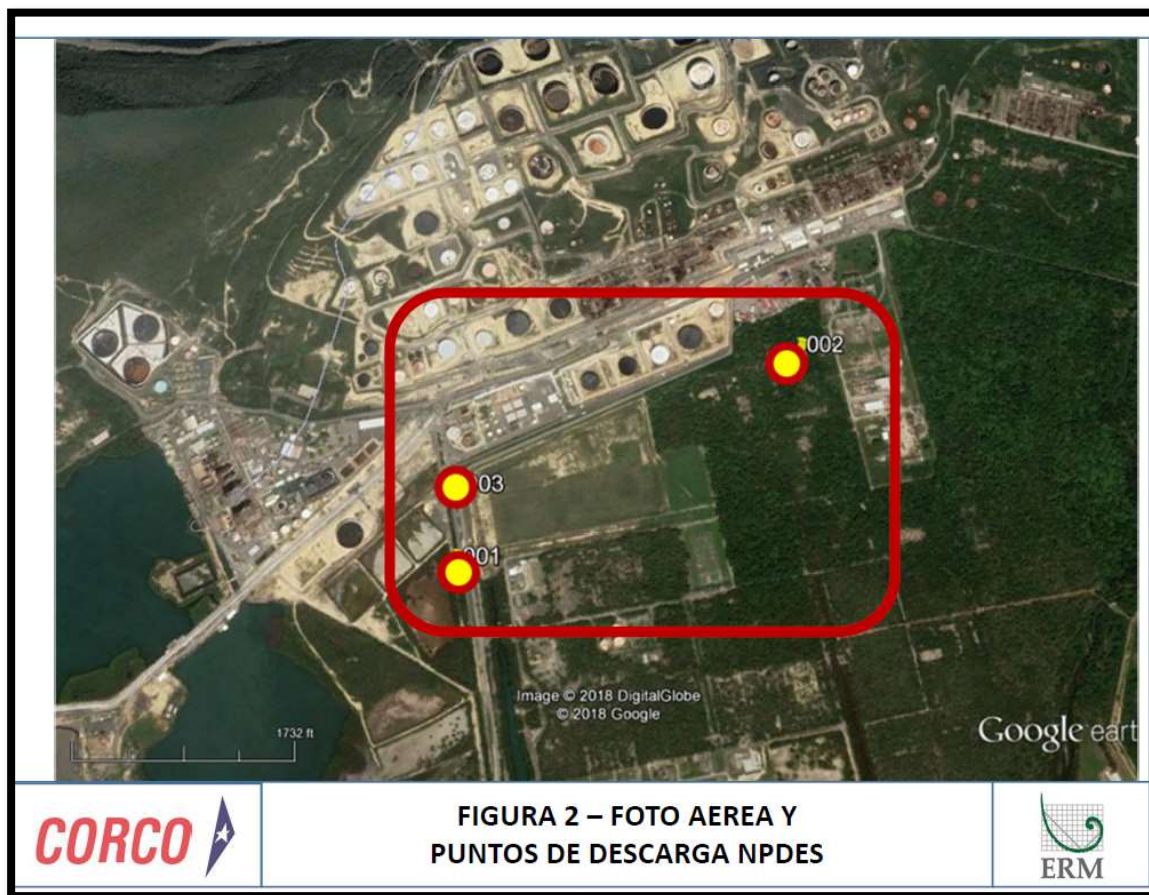
Source: Google Earth Pro™, March 2023

Storm Water Collection and Discharge System

The Facility storm water collection and discharge system consist of concrete line pipes, channels, and culverts that convey storm water run-off from the tank farms secondary containments and other industrial areas of the Facility through four (4) Oil Trap Boxes. Stormwater is discharge through Outfall 003, which in turn conveys the runoff into the Tallaboa Bay, a water of the United States. Former Outfall 002 was diverted into Outfall 003 and now conveys stormwater runoff into

the effluent channel of Outfall 003. Outfall 001 will be discharging treated wastewaters from the Wastewater Treatment Plant (“WWTP”), that is currently under construction.

Image 2 below depicts the NPDES Discharge Points 001, 002, and 003.



Source: CORCO’s Storm Water Pollution Prevention Plan, dated December 21, 2020

NPDES Permit

The Permit was issued to CORCO on July 2, 2019, the effective date of the Permit is August 1, 2019 and expires on July 31, 2024.

The Permit authorizes the discharge of treated wastewater coming from its operations and Kuwait waters¹ through Outfall 001 and discharges composed entirely of storm water through Outfalls 002 and 003 into Tallaboa Bay. Part II.A of the Permit includes effluent limitations and monitoring requirements for discharges coming from Outfall 001 and Part II.B of the Permit includes effluent limitations and monitoring requirements for discharges coming from Outfalls 002 and 003. The Permit refers to Outfall 002 and 003, but the entire stormwater runoff eventually flows through Outfall 003, which is the outfall been monitored.

¹ Refer to Part II.A of the Permit for a description of the operations that generate wastewater and the definition of Kuwait water.

Part III.A.2 of the Permit establishes the monitoring data submission requirements (i.e., hard copy form and NetDMR) and the timing of submission of monitoring data. Part IV.B.2 of the Permit establishes the requirements for implementation and revisions concerning the Storm Water Pollution Prevention Plan (SWPP Plan) and Best Management Practices and Pollution Prevention (BMP Plan).

4. ENTRY MEETING

Upon entry to the Facility, the EPA Inspector met with Mr. Rodolfo Seda and Ms. Cynthia Martínez and held the entry meeting from 9:15 am to 9:35 am. The EPA Inspector stated that the purpose of the Inspection was to determine CORCO's compliance with the Permit.

During the meeting, Mr. Seda indicated that the WWTP was under construction and up to the date of the Inspection it has not discharged. The EPA Inspector requested the following documents for review: the Permit, SWPP Plan, Calibration Records, Storm Water Pollution Prevention Plan ("SWPP Plan") Site Map, Facility Routine Inspections, and the Discharge Monitoring Reports (DMRs) from February 2020 to present, which were provided.

The EPA Inspector reviewed NPDES Permit and the Site Map. The purpose of the review was for the EPA Inspector to further prepare for the performance of the Inspection walkthrough.

5. FACILITY WALKTHROUGH

Upon completion of the entry meeting, the EPA Inspector and Mr. Seda conducted a walkthrough of the Facility from 9:45 am to 12:15 pm.

The EPA Inspector observed the following:

- a. The WWTP was not in operation during the Inspection. The expected date for completion of the WWTP start-up process is June 15, 2023.
- b. Fuel stains were observed at the floor around the diesel pump station and absorbing material was placed over the pipe connected to the pump. Mr. Seda explained that the pipe was leaking, and it was referred for maintenance and repair. Refer to Pictures 2 and 3.
- c. A water discharge was observed at the north side of the Facility from a PVC Pipe into a concrete stormwater channel. Mr. Seda explained that geological studies were conducted to identify the origin of this discharge and concluded that it was ground water from underneath Tank 1021. The groundwater discharge into the concrete stormwater channel has not been sampled. The color of the water was clear, and no odors were perceived. Refer to Picture 5.
- d. A second discharge was observed flowing over the concrete channel. This second discharge was coming from the secondary containment of Tank 1014 that was being discharged into the channel. Sediments were observed in the water accumulated at the secondary containment of tank 1014. Refer to Pictures 5 to 8.

- e. Oil Trap Boxes – Sediment, oil sheens and waste were observed at the oil traps boxes.
 - a. Oil Trap Box #1 located in between tanks 903 and 950. Sediment was observed accumulated at the bottom of the tank and waste was observed floating at the water surface including plastic bottles, foam cups, and leaves. Refer to Picture #14.
 - b. Oil Trap Box #2 - Fuel residues, oil sheens and waste (like foam cups and water bottles) were observed floating at the water surface. Sediment was observed accumulated at the bottom of the tank reaching above the water surface. Fuel odors were perceived. Refer to Pictures 15 and 16.
 - c. Oil Trap Box #3. - Oil sheens and waste (like water bottles, foam cups and plates) were observed floating over the water surface. The water had a dark green color. Refer to Pictures 17 and 18.
 - d. Oil Trap Box #4, - Sediments were observed, the water was turbid, and had a dark green color. Refer to Pictures 29 and 30.
- f. Outfall 003 flow meter reading showed a value of -2353.49 gpm. Mr. Seda explained that the negative reading is because the direction of flow in the effluent channel is towards the Facility, rather than into the water body. Refer to Picture 23. The water samples for monitoring are taken with an automatic sampler from the center of the effluent channel when the water level reaches the sampler inlet tube. According to Mr. Seda, no discharge was occurring, the water in the effluent channel was apparently coming from the receiving water body. Which may suggest that the samples taken are not representative if the monitored activity². Refer to Picture 24.
- g. The sampling point at the WWTP is located before the flow meter. Part II.E of the Permit states for Outfall 001 that “the sampling point for discharge 001 shall be located immediately after the primary flow-measuring device of the effluent at the treatment system”. Refer to Pictures 20 and 21. The WWTP is not in operation and therefore is not discharging. The start-up process of the new WWTP is scheduled to be completed by June 15, 2023.
- h. Abandoned, deteriorated, and corroded structures were observed throughout the Facility. Refer to Pictures 4, 8, 9, and 10.
- i. Motors and mechanical equipment placed over concrete floor located at the north side of the Facility were exposed to stormwater. Equipment was corroded and deteriorated. Mr. Seda explained that all liquids in the equipment were drained. Refer to Picture 10.
- j. Sections of the concrete stormwater channel were observed deteriorated, broken, and with sediments at the bottom.

² Attachment B.10.a of the Permit and 40 CFR 122.41(j) states that “Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.”

- a. Sediments were observed at the stormwater concrete channel that conveys stormwater from the north side of the Facility to Outfall 003 commonly known as “Tren Urbano”. Refer to Pictures 11 and 12.
- b. The stormwater concrete channel that conveys the effluent of the Oil Trap Box #1 was filled with sediments, the concrete walls were deteriorated, the water in the channel was green, an oil sheen was observed, and fuel odors were perceived. Refer to Pictures 31 and 32.

Pictures were taken using a privately-owned phone camera. All pictures taken were unaltered transferred to an EPA-owned laptop (C:\Users\YMaclay\OneDrive - Environmental Protection Agency (EPA)\Pictures\FY 2023\2023-06-07 CORCO). Refer to Attachment 2 for the photo documentation and additional observations. Dry weather prevailed during the Inspection.

After the completion of the walkthrough, the EPA Inspector proceeded to perform an Exit Meeting.

6. EXIT MEETING

Upon completion of the Site Walkthrough and the document review, the EPA Inspector had an exit meeting with Mr. Seda and Mrs. Martínez. The EPA Inspector provided a summary of her observations during the walkthrough of the Facility including: the leaking at the diesel pump station, corroded equipment around the Facility, sediments at the concrete stormwater channel, sediment and waste at the Oil Trap Boxes. EPA Inspector also requested the following records for offsite review: flow meter calibration records, Facility inspections from August 2021 to present, and the training attendance list.

After the conclusion of the Exit Meeting, the EPA Inspector departed the Facility at about 1:00 p.m.

7. OFF-SITE DOCUMENT REVIEW

The EPA Inspector performed a review of the following:

- a. Discharge Monitoring Reports

The EPA Inspector requested the Discharge Monitoring Reports (DMRs) from July 2021 up to the most recent submittal. During the Inspection, Mr. Seda provided the DMRs for the following monitoring periods: September 2019, October 2019, November 2019, November 2020, July 2022, August 2022, October 2022, and November 2022.

The EPA Inspector performed an off-site search and review of the effluent data submitted by the Permittee for Outfall 003 in EPA’s database known as the *Integrated Compliance Information System* from July 2021 to May 2023 period. Part II.B of the Permit set forth discharge limitations and monitoring requirements which are to be met by CORCO, including the measurement frequency and sample type. The review of the effluent data revealed that effluent limitations were exceeded during mentioned time period for pH,

temperature, and turbidity. Refer to Attachment I of this Inspection Report for a complete list of the DMRs effluent limitations exceedances.

b. SWPP Plan

The EPA Inspector requested the SWPP Plan and CORCO provided a paper copy, dated December 21, 2020. The EPA Inspector performed an off-site preliminary review of the SWPP Plan and found that CORCO's SWPPP was prepared using the SWPPP template developed by EPA consistent with the requirements of the 2015 NPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activity ("2015 MSGP").

The SWPP Plan provided to the EPA Inspector does not include a copy of the Environmental Quality Board ("EQB") approval³. Also, the review of the SWPP Plan revealed that it included statements and conditions that are not applicable to the Facility because they were based on the 2015 MSGP rather than the Permit. Examples of conditions and statements that are not applicable to the Facility are: Quarterly Visual Assessment of Stormwater Discharges (Section 4.6.2), and Monitoring (Section 4.7).

c. Flow Meter Calibration Records

The EPA has not received the flow meter calibration records. A label in the flow meter showed that calibration is due in July 2023.

d. Facility Routine Inspections

The EPA has not received the Facility Routine Inspections; therefore, they were not evaluated.

e. Training Attendance List

The EPA has not received the training attendance list.

End of Report

Attachments

³ Part IV.B.15 of the Permit states "The permittee shall comply at all times with the provisions, measures or practices included in the most recent version of the Storm Water Pollution Prevention Plan (Part IV.B.2) approved by EQB."

ATTACHMENT I
Discharge Monitoring Reports (DMRs) Review

DMRs with Effluent Violations

Monitoring Period End Date	DMR Value Unit Desc	Parameter Desc	Limit Value	DMR Value	Percent Exceedance	Violation Code	Violation Desc
07/31/2021	Nephelometric Turbidity Units	Turbidity	10.	15.		E90	DMR, Limited - Numeric Violation
10/31/2021	Degrees Fahrenheit	Temperature, water deg. fahrenheit	90.	90.6	1	E90	DMR, Limited - Numeric Violation
10/31/2021	Standard Units	pH	8.5	8.52		E90	DMR, Limited - Numeric Violation
07/31/2022	Degrees Fahrenheit	Temperature, water deg. fahrenheit	90.	91.7	2	E90	DMR, Limited - Numeric Violation
07/31/2022	Nephelometric Turbidity Units	Turbidity	10.	38.		E90	DMR, Limited - Numeric Violation
07/31/2022	Standard Units	pH	8.5	8.6		E90	DMR, Limited - Numeric Violation
08/31/2022	Standard Units	pH	8.5	8.62		E90	DMR, Limited - Numeric Violation
10/31/2022	Standard Units	pH	8.5	8.9		E90	DMR, Limited - Numeric Violation
11/30/2022	Standard Units	pH	8.5	9.55		E90	DMR, Limited - Numeric Violation