



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)	Marco Finocchiaro Seika Robinson	Time In	11:30 AM	Start Date	April 4, 2022
		Time Out	1:00 PM	End Date	April 4, 2022
Inspector's Organization	US EPA Region 2, Water Division, Water Management Branch, Wetlands Protection Section				
Organization Requesting Inspection (if different)	N/A				
Inspection Type	Plan Review	Inspection Status	Original		
Site Name	Rincon Blue Water, LLC (hereinafter as "RBW")				
Site Address*	PR-413, km 1, parcel number 95-000-010-88-00				
City*	Municipality of Rincon	County*	N/A	State*	PR Zip Code* 00677
Mailing Address*	P.O. Box 8000				
City*	Municipality of Aguada	County*	N/A	State*	PR Zip Code* 00602
Latitude*	18.344406	Longitude*	-67.257844		
Estimated Size of Site (acres)	6	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature	MARCO FINOCCHIARO Digitally signed by MARCO FINOCCHIARO Date: 2022.06.03 10:26:37 -04'00'			Date	June 3, 2022
Supervisor Signature	RICHARD BALLA Digitally signed by RICHARD BALLA Date: 2022.06.06 11:59:23 -04'00'			Date	

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Site Name	Rincon Blue Water, LLC (hereinafter as "RBW")	Start Date	April 4, 2022
		End Date	April 4, 2022
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Marco Finocchiario, Inspector presented credentials to Jesus Pinero and Giancarlo Santo, consultants for RBW and Karimar Construction, Inc (hereinafter as "Karimar")			
☒ Opening Conference			
Name of person authorizing access if applicable			
Rafael Rivera-Yankovich, Attorney, on behalf of RBW (not present at the time of inspection)			
Notes from Opening Conference			
EPA explained the purpose of the inspection, what areas would be inspected, and steps forward to resolving the CWA violation we have with the violators. Information and details about the submitted wetland delineation of the site and proposed mitigation plan were discussed as well.			
☐ Access Issues if Any			
Describe			
N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information)			
Owner: Rincon Blue Water, LLC, Lonnie J. Fuller*; [REDACTED]			
Operator: Karimar; Wilson Valentín*; [REDACTED]			
*not present at the time of inspection			
Additional Persons Present at Inspection			
EPA: Sofía Olivero Lora, PhD and Jaime Lopez			
Karimar consultant: Jesus Pinero; [REDACTED]			
RBW consultant: Giancarlo Santo; [REDACTED]			
General Site Characteristics (layout of property, etc.)			
The property is comprised of a 6-acre parcel containing approximately 1.49-acres of wetlands. The site is an uninhabited and undeveloped lot shaped like a backwards "L" and is located along the Caribbean Sea beach front and has Ensenada Creek running along the outside of the southern property boundary. According to RBW, the site was proposed to be used for building a hotel.			
Purpose and Need for Discharge of Dredged and/or Fill Material			
According to a November 10, 2020 RFI response letter from Karimar, approximately "6,540 cubic yards [of fill material was] extracted from [the] adjacent property owned by Puerto Bahia, Inc., property tax number 95-089-127-26-000" for the disposal of excess/unneeded material.			

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Site Name	Rincon Blue Water, LLC (hereinafter as "RBW")	Start Date	April 4, 2022
		End Date	April 4, 2022
Site Overview (Past inspections, site description, permits, etc.)			
The site has an ongoing NPDES violation case with EPA-CEPD which started in 2018. On September 11, 2020, EPA-WPS issued RBW, Karimar, and Calrincon Corp (hereinafter as "Calrincon") each their own a request for information letter pursuant to Section 308 of the Clean Water Act CWA for unauthorized placement of fill material within wetlands. In a December 28, 2020 response to a September 11, 2020 issued RFI letter, RBW stated that the placement of fill material within wetlands was preformed by Karimar prior to RBW purchasing the property in 2019 from Calrincon. On October 23, 2021, EPA issued to RBW and Karimar a 'Pre-309(a) Order Letter' offering to discuss resolutions to the CWA violation. In March of 2022, RBW and Karimar submitted a proposed wetland restoration plan and a wetland delineation of the site. The wetland delineation showed approximately 1.49-acres of wetlands adjacent to Ensenada Creek, a tributary of the Caribbean Sea. Approximately 0.29 acres of wetlands on the site were unaffected by the impacts of the fill material. A copy of the report was provided to the EPA prior to the site visit. RBW, Karimar, and Calrincon did not received a CWA Section 404 permit from the U.S. Army Corps of Engineers (Corps) Jacksonville District.			
Scope of Inspection (Areas inspected or not inspected)			
EPA primarily inspected the western portion of the property where the wetlands on the property are located. The beach to the west, and Ensanada Creek to the south, are both located outside the RBW property boundary.			

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Site Name	Rincon Blue Water, LLC (hereinafter as "RBW")	Start Date	April 4, 2022
		End Date	April 4, 2022
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Temperatures were in the 70s (degrees in F); sunny; dry season but rained the day prior			
Field Work Conducted			
During the inspection, EPA collected photographs, and handwritten notes. Observations were recorded with the understanding that the inspection occurred outside of the growing season and that it rained the day prior. EPA began the inspection at the center of the southern boarder of the property. Immediately upon entering the property, Ensenada Creek was observed flowing westward towards the Caribbean Sea. Walking east along the southern property boundary, EPA saw approximately 6-feet of fill material piled up and placed upon approximately 0.89 acres of wetlands. This area was identified as "Filled Wetland" in the wetland delineation submitted by RBW and Karimar. The approximately 6-foot pile is comprised of construction grade fill material and upland vegetation was establishing on top of the fill pile. Immediately adjacent to the fill pile, an additional 0.29 acres of wetlands that were delineated by RBW was observed to contain wetland vegetation, had a hydrological connection with Ensenada Creek, and was present with saturated soils. Crab holes (not specifically identified as fiddler's crab) were also observed throughout the wetland area. This area was identified as "Existing Wetland". These two wetland areas identified are directly adjacent to one another, indicating that they are contiguous and of the same wetland system. Confirmation of the hydrological connection between Ensenada Creek and the Caribbean Sea was observed while walking along the public beach outside the western boarder of the property and seeing the creek actively empty out into the sea. No soil pits were dug during this inspection to confirm any additional wetland areas within the property boundary.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A - The draft mitigation plan was sent to the EPA prior to the inspection date.			
Compliance Assistance Provided (If any)			
Discussions of implementing a proposed mitigation plan to restore impacted wetlands back to preexisting conditions where had. EPA explained that a follow-up meeting to discuss case development was needed after the completion of the site visit.			
Observations Relayed to Site Owner/Operator			
N/A - Observations were primarily focused on recording current site conditions before possible issuance of the proposed mitigation plan. Any observations that were to be relayed to the owners would require future discussions and meetings on case development.			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
EPA noted that the current state of all erosion fencing on the property are not up to proper best management practice standards and would need to be corrected before the start of any activities within the wetland areas.			
Attachments*			
☐ Maps and Sketches			

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Site Name	Rincon Blue Water, LLC (hereinafter as "RBW")	Start Date	April 4, 2022
		End Date	April 4, 2022
☒ Photographs (including location) and Photo Log			
☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
Photo log			
Additional Notes			
N/A			

CWA 404 Inspection

Rincon BlueWater, LLC
PR-413, km 1, parcel number 95-000-010-88-00
in Rincon, Puerto Rico

April 4, 2022



PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico

Date: April 4, 2022

Time: 11:34 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040001

Description: Predominantly upland path lined with collapsed erosion fencing.

Location of the path is north of Ensenada Creek and south of the unauthorized wetland fill pile.



Date: April 4, 2022

Time: 11:43 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040020

Description: All erosion fencing on site have structurally failed.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 11:37 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040007

Description: Northern portion of the Path. Pink wetland delineation flag can be seen placed by a RBW consultant.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 11:42 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040016

Description: Buttress roots were observed on trees located adjacent to the unauthorized fill pile within wetlands (seen behind the trees).

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 11:57 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040034

Description: Located north of the property, additional federal wetland were delineated by RBW consultants.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 11:46 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040024

Description: Located north of the property, additional federal wetland were delineated by RBW consultants.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 11:48 AM

Photographer: Sofía Olivero Lora, PhD

Photo ID: P4040025

Description: Located north of the property, additional federal wetland were delineated by RBW consultants.

Evidence of dark, hydric soils with saturation were present within the area to observe.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022
Time: 11:53 AM
Photographer: Sofia Olivero Lora, PhD
Photo ID: P4040030

Description: Approximately 6-foot tall fill pile located within wetlands with new upland vegetation growth.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 11:52 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040052

Description: Approximately 6-foot tall fill pile located within wetlands with new upland vegetation growth.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico

Date: April 4, 2022

Time: 11:41 AM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040014

Description: Culverted structures in which
Ensenada Creek actively flows south under.



PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico

Date: April 4, 2022

Time: 12:00 PM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040036

Description: Ensenada Creek actively flowing south, under a culvert.

The red arrow marks the direction of the flow.



Date: April 4, 2022

Time: 12:04 PM

Photographer: Sofía Olivero Lora, PhD

Photo ID: P4040040

Description: Ensenada Creek actively flowing south, under a culvert.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico

Date: April 4, 2022

Time: 12:08 PM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040046

Description: Ensenada Creek actively flowing and draining into the Atlantic Ocean.

The red arrow marks the direction of the flow.



Date: April 4, 2022

Time: 12:08 PM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040047

Description: Ensenada Creek actively flowing and draining into the Atlantic Ocean

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



Date: April 4, 2022

Time: 12:09 PM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040049

Description: Ensenada Creek actively flowing and draining into the Atlantic Ocean.

PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico



PR-413, km 1, parcel number 95-000-010-88-00 in Rincon, Puerto Rico

Date: April 4, 2022

Time: 12:10 PM

Photographer: Sofia Olivero Lora, PhD

Photo ID: P4040053

Description: Ensenada Creek actively flowing and draining into the Atlantic Ocean

Beach erosion present at the mouth of the tributary.