



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2**  
**Caribbean Environmental Protection Division**  
**City View Plaza II, #48 Carr 165 Ste 7000**  
**Guaynabo, Puerto Rico 00968-8073**

**1 1 0 8 1 8**

Certified Mail – Return Receipt Requested

Mr. Carlos Rodríguez Camacho  
President  
CALRINCON Corp.  
P. O. Box 556  
Rincón, Puerto Rico 00677

**Re: Transmittal of NPDES Stormwater Reconnaissance Inspection Report  
Earth Movement Activity at Parcel of Land, Rincón, Puerto Rico**

Dear Mr. Rodríguez Camacho:

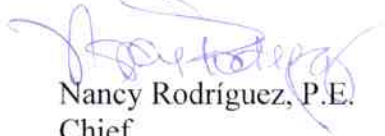
This letter concerns the National Pollutant Discharge Elimination (NPDES) Stormwater Reconnaissance Inspection (Inspection) that the United States Environmental Protection Agency (EPA) performed at the Parcel of Land (Site) owned by CALRINCON Corp. on October 4, 2018. The purpose of the Inspection was to determine whether earth movement activities at the Site were conducted in compliance with Sections 301(a), 308(a) and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311(a), 1318(a) and 402(p), its implementing NPDES stormwater regulations codified at 40 C.F.R. Part 122, and the NPDES General Permit for Storm Water Discharges from Construction Activities. Enclosed please find a copy of the Inspection Report, dated October 30, 2018.

Please be informed that EPA is reviewing the information that Mr. Giancarlo Santos from Karimar Construction, Inc. submitted to Mr. José A. Rivera of EPA, via email, dated October 26 and November 1, 2018. EPA may request additional information from CALRINCON Corp., and/or Karimar Construction, Inc. concerning the Site and the earth movement activities that had taken place therein.

Issuance of this letter shall not be deemed an election by EPA to forego any administrative or judicial action for penalties, fines, or other appropriate relief under Section 309 of the CWA, 33 U.S.C. § 1319, which resulted from EPA's evaluations and investigations of CALRINCON Corp.'s and Karimar's compliance with the CWA.

If you have any questions concerning the above, please contact Mr. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5887, or via email at [rivera.jose@epa.gov](mailto:rivera.jose@epa.gov).

Sincerely,



Nancy Rodriguez, P.E.

Chief

Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via email)  
Giancarlo Santos, Karimar Construction, Inc. (via email)  
Ángel Luis Carrero, CALRINCON Corp. (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2  
Caribbean Environmental Protection Division  
City View Plaza II, #48 Carr 165 Ste 7000  
Guaynabo, Puerto Rico 00968-8073

**MEMORANDUM**

**DATE:** November 11, 2018

**SUBJECT:** **Corrections in Inspection Report**  
**Earth Movement Activity at Parcel of Land**

**FROM:** José A. Rivera, Team Leader  
Clean Water Act  
Multimedia Permits and Compliance Branch

**TO:** Administrative Record  
Earth Movement Activity at Parcel of Land

This memorandum serves to correct two sentences in the second paragraph (page 2) of the Inspection Report, dated October 30, 2018. The third and fourth sentences in the second paragraph are hereby corrected, as follows:

Third Sentence: "Mr. Carrero gave ..." instead of "Mr. Marrero gave ..."

Fourth Sentence: Mr. Carrero indicated ..." instead of "Mr. Marrero indicated ..."





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2  
Caribbean Environmental Protection Division  
City View Plaza II, #48 Carr 165 Ste 7000  
Guaynabo, Puerto Rico 00968-8073

1 1 0 8 1 8

Certified Mail – Return Receipt Requested

Mr. Wilson Valentín  
President  
Karimar Construction, Inc.  
P. O. Box 8000  
Aguada, Puerto Rico 00602

**Re: Transmittal of NPDES Stormwater Reconnaissance Inspection Report  
Earth Movement Activity at Parcel of Land, Rincón, Puerto Rico**

Dear Mr. Valentín:

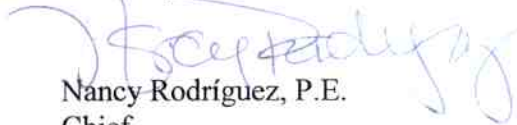
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Sincerely,



Nancy Rodríguez, P.E.

Chief

Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Meléndez, EQB (via email)  
Giancarlo Santos, Karimar Construction, Inc. (via email)  
Ángel Luis Carrero, CALRINCON Corp. (via email)



DEPARTAMENTO DE PROTECCIÓN AMBIENTAL  
Environmental Protection Department  
P.O. Box 10800, San Juan, Puerto Rico 00988-8000  
Calle Vista Plaza II, #48 Carr 165 Ste. 100  
Caguas, Puerto Rico 00988-8073

**MEMORANDUM**

**DATE:** November 11, 2018

**SUBJECT:** **Corrections in Inspection Report  
Earth Movement Activity at Parcel of Land**

**FROM:** José A. Rivera, Team Leader  
Clean Water Act  
Multimedia Permits and Compliance Branch

**TO:** Administrative Record  
Earth Movement Activity at Parcel of Land

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

**NPDES Stormwater Reconnaissance Inspection**

OWNER

**CALRINCON CORP.**

Barrio Calvache, Km. 8.9, Rincón, Puerto Rico 00677  
P. O. Box 556, Rincón, Puerto Rico 00677  
Telephone Numbers: (787) 315-4060; (787) 390-5191  
Electronic Mail: www.reinadelmar182@hotmail.com

EARTH MOVEMENT CONTRACTOR

**KARIMAR CONSTRUCTION, INC.**

Road PR-2, Km. 133.5, Centerplex Building, Aguada, Puerto Rico 00602  
P. O. Box 8000, Aguada, Puerto Rico 00602  
Telephone Number: (787) 252-2415  
Electronic Mail: karimarinc@yahoo.com

**Earth Movement Activity at Parcel of Land**

Road PR-413, Km. 1, Rincón, Puerto Rico 00677  
Coordinates: Latitude 18° 20' 40.12" N; Longitude 67° 15' 28.34" W

Sections 301(a) and 402 of the Clean Water Act  
NPDES Regulation: 40 C.F.R. Part 122

**Inspection Date: October 4, 2018**

**Participating Personnel:**


U.S. EPA:

José A. Rivera, BSCE, Lead Environmental Engineer  
Clean Water Act Team

CALRINCON CORP.:

Ángel Luis Carrero  
Telephone Number: (787) 390-5191  
Electronic Mail: www.reinadelmar182@hotmail.com

Inspection Report  
Prepared by:

  
\_\_\_\_\_  
José A. Rivera, BSCE  
Lead Environmental Engineer  
Clean Water Act Team

10/30/18  
Date

Inspection Report  
Approving Officer:

  
\_\_\_\_\_  
Nancy Rodríguez, P.E., Chief  
Multimedia Permits and Compliance Branch

10/30/18  
Date

## 1. INTRODUCTION

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System ("NPDES") Stormwater Reconnaissance Inspection ("Inspection") conducted by José A. Rivera, Lead Environmental Engineer ("EPA Inspector"), Clean Water Act Team, of the United States Environmental Protection Agency's ("EPA") Caribbean Environmental Protection Division ("CEPD") at a "Parcel of Land" ("Site") located in Rincón, Puerto Rico, on Thursday, October 4, 2018.<sup>1</sup> **Figure 1** depicts the Site subject to the Inspection. **Figure 2** shows the land survey of the Site.

Figure 1



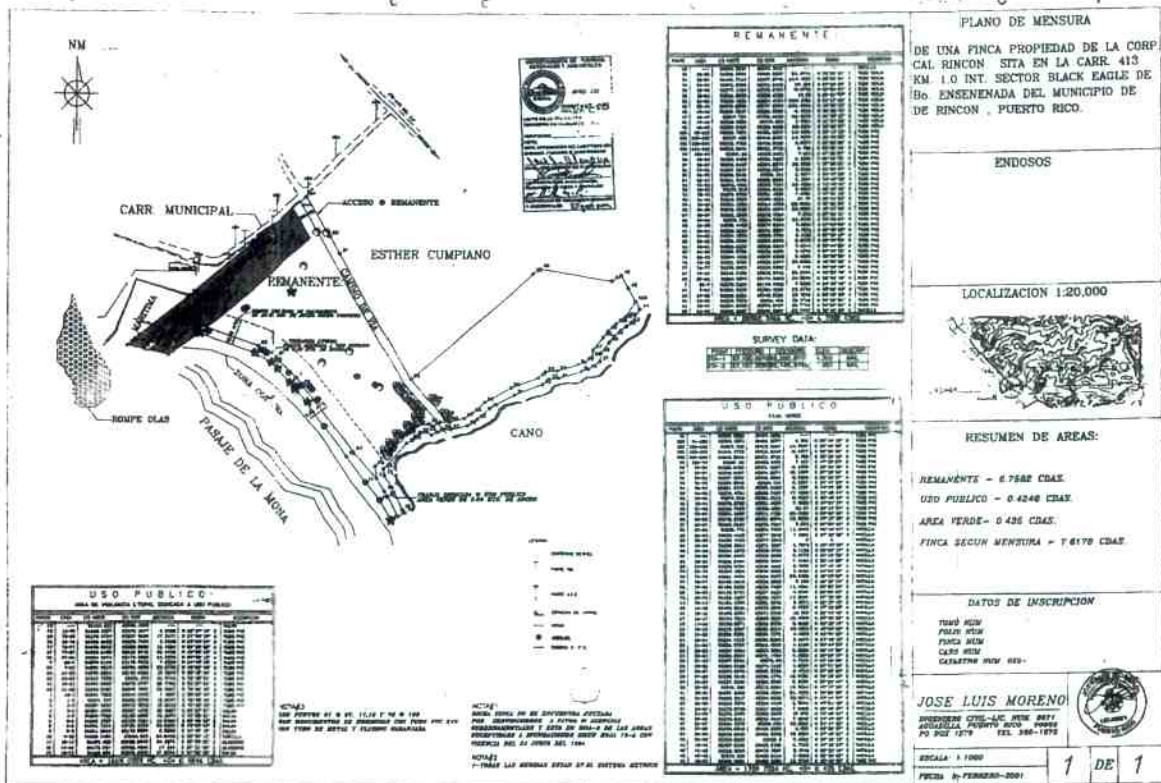
Approximately at 3:15 p.m., the EPA Inspector began a telephone conversation with Mr. Carrero, who identified himself as one of the owners of the Site, and explained the purpose of the Inspection.<sup>2</sup> The EPA Inspector asked Mr. Carrero his verbal consent to enter the Site. Mr. Carrero gave the EPA Inspector its consent to enter the Site during the telephone conversation that ended approximately at 3:22 p.m.<sup>3</sup> During the conversation, Mr. Carrero indicated that he gave permission to deposit fill material at the Site in order to "help a contractor".

<sup>1</sup> This is the first EPA Inspection performed at the Site.

<sup>2</sup> The purpose of the Inspection was to determine whether earth movement activities at the Site were conducted in compliance with Sections 301(a), 308(a) and 402(p) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311(a), 1318(a) and 402(p), its implementing NPDES stormwater regulations codified at 40 C.F.R. Part 122, and the NPDES General Permit for Storm Water Discharges from Construction Activities.

<sup>3</sup> Mr. Henry Morales, Project Manager of Puerto Bahía III Residential Project ("Project") originated the telephone conversation using his cellular phone, and upon completion of the telephone conversation between the EPA Inspector and Mr. Carrero, he talked with Mr. Carrero and confirmed his verbal consent to allow the EPA Inspector to enter the Site. Mr. Morales accompanied the EPA Inspector during the Inspection.

Figure 2



Upon the completion of the telephone conversation with Mr. Carrero, the EPA Inspector proceeded to enter the Site, and performed the Inspection pursuant to the authority in Section 308(a) of the CWA, at approximately 3:30 p.m. The walkthrough of the Site and adjacent areas was conducted after the conclusion of a heavy rain event, but cloudy skies and showers took place during the walkthrough of the Site and nearby beach, which ended approximately at 4:10 p.m.

2. **CALRINCON CORP.**<sup>4</sup>

CALRINCON CORP. ("CRC") is a corporation registered in the Puerto Rico Department of State ("DOS") under registration number 116094. The president of the CRC is Mr. Carlos Rodríguez Camacho. **Figure 3** below depicts the information found about CRC at the DOS web site.

**Figure 3**

The screenshot displays the 'CORPORATION INFORMATION' page for CALRINCON CORP. on the DOS website. The page features a navigation menu on the left with categories like 'Corporations and Entities', 'Annual Filings', and 'Certificates'. The main content area has tabs for 'Details', 'Articles', 'Annual Filings', and 'Certificates'. The 'Details' tab is selected, showing a table of 'General Information' and a 'Resident Agent' section.

General Information			
Name	CALRINCON CORP.		
Register No.	116094	Status	ACTIVE
Class	Corporation		
Type	For Profit	Jurisdiction	Domestic

Resident Agent			
Name	Rodríguez Camacho, Carlos		
Street Address	Barrio Calveche Km. 0.9 RINCON, PR 00677	Mailing Address	Barrio Calveche Km. 0.9 RINCON, PR 00677

3. **KARIMAR CONSTRUCTION, INC.**

Karimar Construction, Inc. ("Karimar") is a for-profit corporation registered in DOS under registration number 104891. The president of the Karimar is Mr. Wilson Valentin. **Figure 4** below depicts the information found about Karimar at the DOS web site.

<sup>4</sup> A review of the Certificate of Correction of the Certificate of Incorporation, dated October 10, 2000, revealed that the name of the corporation was changed from Cal Corp. to CALRINCON CORP. This certificate is found at <https://prcorpfilng.f1hst.com/CorpInfo/CorporationInfo.aspx?c=116094-111>.

Figure 4

**CORPORATION INFORMATION**  
**KARIMAR CONSTRUCTION, INC.**

Return to Search Results

I want to:

**Details**   Articles   Annual Filings   Certificates

**General Information**

Name	KARIMAR CONSTRUCTION, INC.		
Register No.	134891	Status	ACTIVE
Class	Corporation		
Type	For Profit	Jurisdiction	Domestic

**Resident Agent**

Name	VALENTIN ACEVEDO, WILSON		
Street Address	PO BOX 8000 AGUADA, PR 00602	Mailing Address	PO BOX 8000 AGUADA, PR 00602

Return to Search Results

4. **GENERAL DESCRIPTION OF THE SITE**

Based on the walkthrough and land survey (Figure 2, above), the size of the Site is approximately 7.4 acres. The Site is bordered to the north by private land, to the east by an unnamed creek, to the south by the Caribbean Sea, and to the west by a municipal street and other lands. The Site has a gentle slope towards the beach adjacent to the Site.

5. **THE UNNAMED CREEK**

On October 8, 2018, the EPA Inspector evaluated the hydrological areas near the Site, and found that the unnamed creek receives stormwater runoff from the Site and other areas. **Figure 5** and **Figure 6** depict the unnamed creek, a portion of the hydrological areas associated with the unnamed creek, and the discharge location of the unnamed creek into the beach and Caribbean Sea. The source of information that the EPA Inspector used is found at "[http://gis.otg.pr.gov/apps/pr\\_map/](http://gis.otg.pr.gov/apps/pr_map/)".

6. **APPLICABLE STATUTORY AND REGULATORY PROVISIONS**

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.

Figure 5

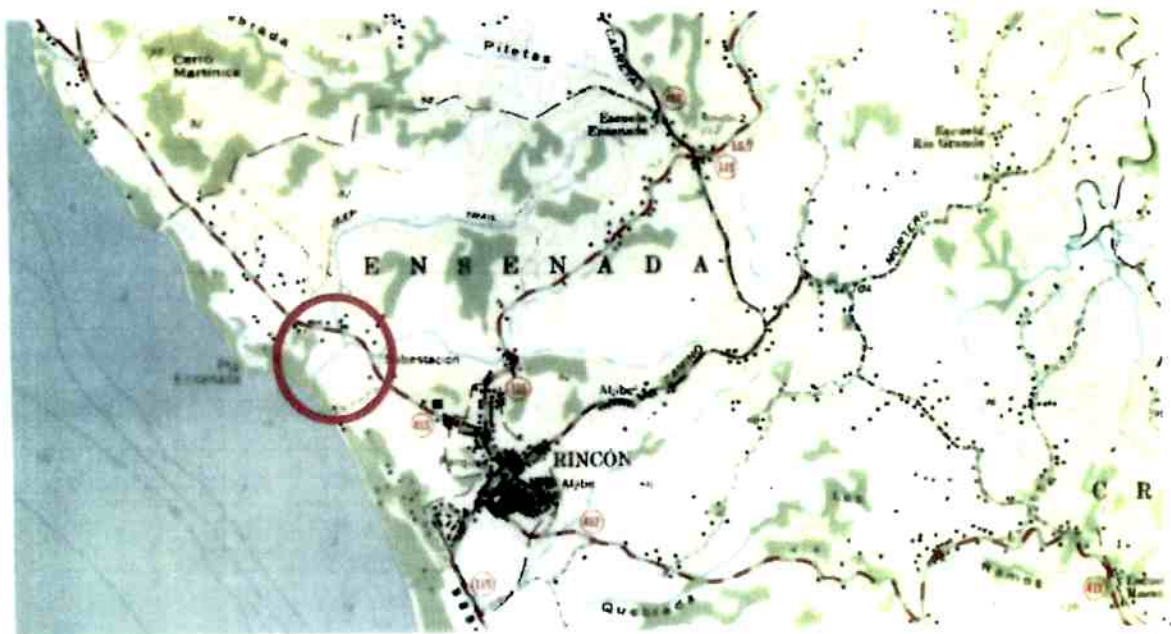
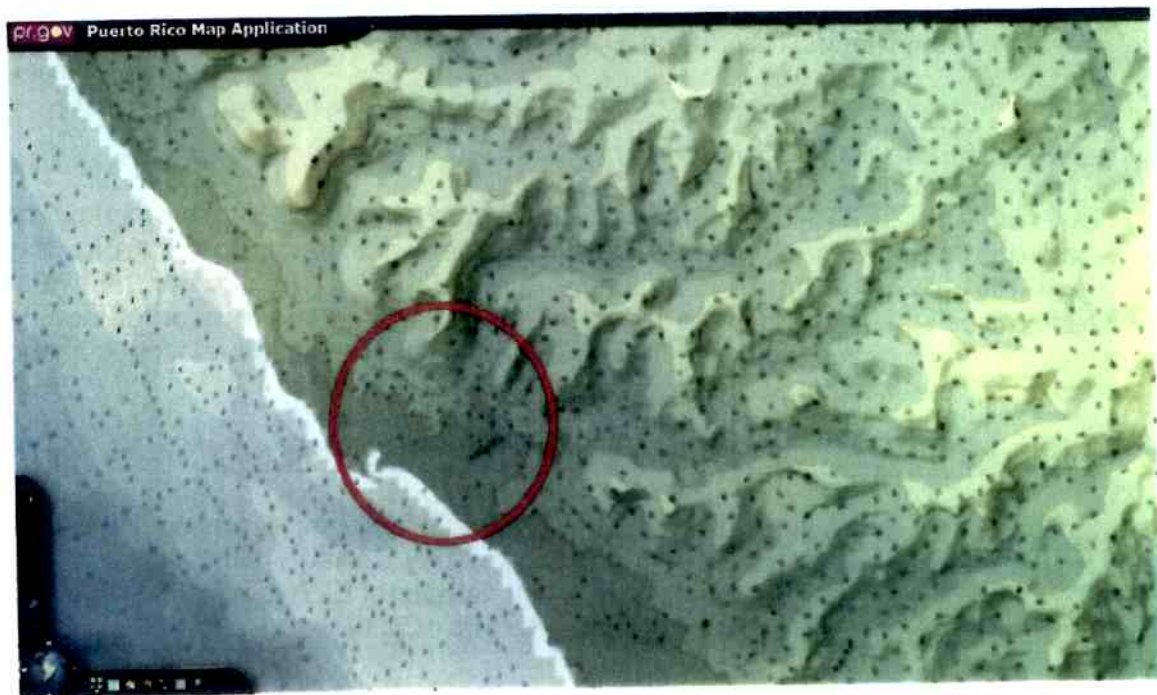


Figure 6



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). Storm water discharges from small construction sites were included in the definition of storm water discharges associated with industrial activity. Those regulations are codified 40 C.F.R. §§ 122.26(b)(15).<sup>5</sup>

## 7. NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

On January 19, 2017, EPA issued and published the NPDES General Permit for Stormwater Discharges from Construction Activities ("CGP"). The CGP became effective on February 16, 2017 and expires on February 16, 2022. The CGP establishes, among others, Notice of Intent ("NOI") requirements, development of a Storm Water Pollution Prevention Plan, performance of inspections, completion of inspection reports, documentation and implementation of corrective actions, and other conditions.

On October 8, 2018, the EPA Inspector conducted a review of the EPA NOI database. The review revealed that an NOI has not been submitted for the Site.<sup>6</sup>

## 8. WALKTHROUGH OF THE SITE AND BEACH AREA

Mr. Morales accompanied the EPA Inspector during a walkthrough of the Site and beach area after a heavy storm event that took place between 2:35 p.m. and 3:28 p.m. The walkthrough was conducted during cloudy skies and on-and-off rain precipitation. The EPA Inspector and Mr. Morales accessed the Site thru a dirt road located between the Project and Site.<sup>7</sup> The following provides findings and observations of the walkthrough.

- a. Earth movement activity [soil clearing and grading (fill material)] at portions of the Site was observed. **Figure 7** depicts the approximately location of this observation. **Picture 1** and **Picture 2** depict portions of the Site where the earth movement was observed. This Report includes other pictures depicting the swale shown in **Picture 1**.
- b. The surface areas where the fill material was placed were not compacted and lacked erosion controls (**Picture 1** and **Picture 2**).
- c. Several soil piles were observed without any erosion controls at areas where the fill material was deposited.

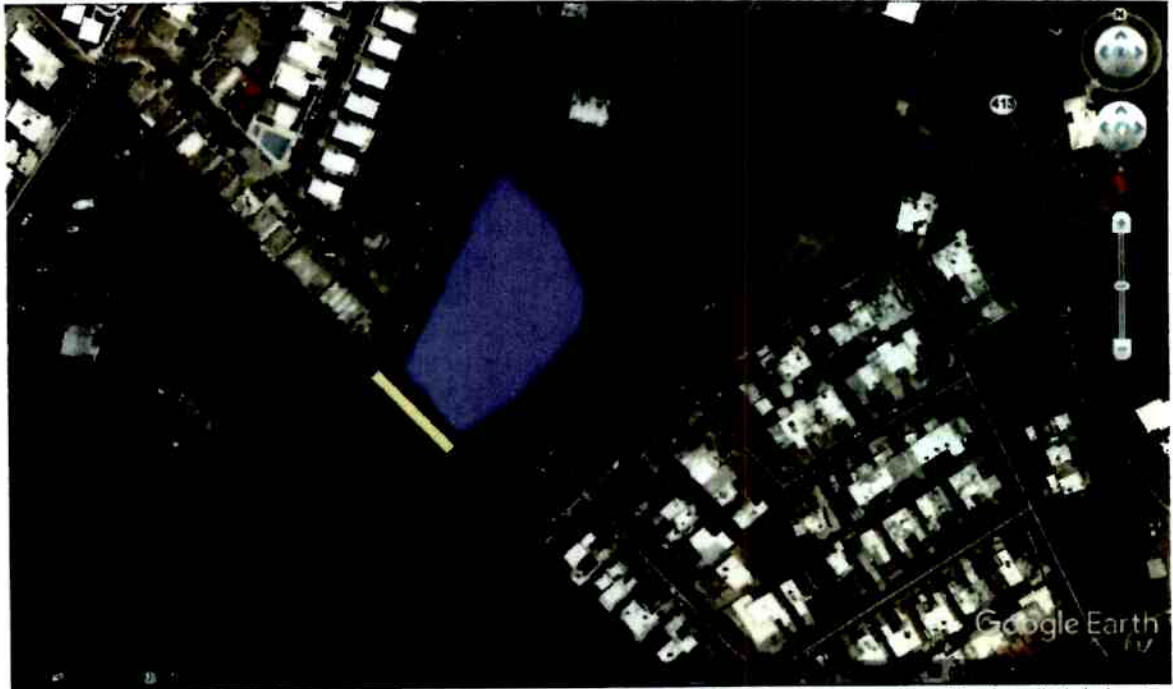
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<sup>5</sup> Construction activities include clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

<sup>6</sup> The eNOI database is found at <https://e-enterprise.gov/eenterprise-new>.

<sup>7</sup> For more information about the dirt road and storm water runoff observed at portions of the Site, refer to the Project Inspection Report prepared by the EPA Inspector, dated October 10, 2018.

**Figure 7**



Note: The area marked in yellow depicts a right of way (former train pathway). A stormwater collection ditch is located immediately above. This ditch conveys runoff into the unnamed creek.

**Picture 1**





Picture 2



- d. The entrances to the Site from Road 413 and Project did not have erosion controls for off-site tracking of sediments.
- e. Perimeter runoff and erosion controls for retention of sediments were not observed.
- f. Most of the stormwater runoff from areas north of the right of way ultimately flow into a swale that conveys stormwater into the unnamed creek. See pictures included in this Report.
- g. Upon walking along the perimeter on the north and west areas, it was observed water from the unnamed creek touching the bottom areas of the slopes where the fill material was deposited. **Pictures 3 to 6** depict these observations.
- h. **Picture 1, Picture 7 and Picture 8** depict the swale located between the right of way and the south side where fill material was deposited.
- i. **Picture 9** depicts the intersection between the swale depicted in Pictures 1 and 7-8 and the unnamed creek.

**Picture 3**



Note: See water touching the slope. This is the north side of the area where fill material was deposited.

**Picture 4**



Note: See water touching the slope. This is the north-east side of the area where fill material was deposited.

**Picture 5**



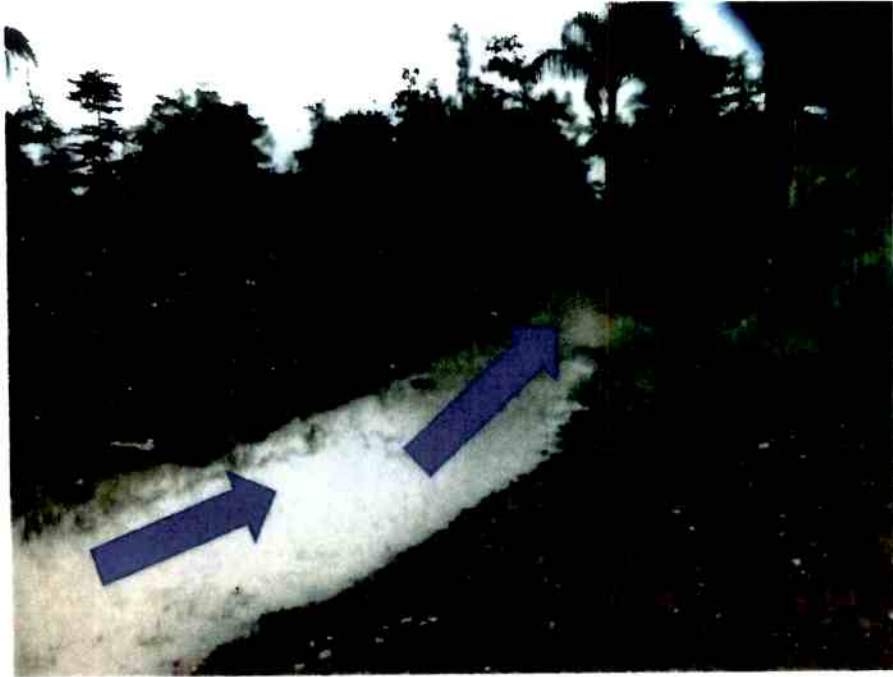
Note: See water touching the slope. This is the east side of the area where fill material was deposited. The creek runs along this side of the area where fill material was deposited.

**Picture 6**



Note: See water touching the slope. This is the east side of the area where fill material was deposited. The creek runs along this side of the area where fill material was deposited. The flow of the creek is depicted on this picture.

Picture 7



Picture 8



Picture 9



- j. The EPA Inspector observed the unnamed creek flowing into Caribbean Sea. **Picture 10** depicts the unnamed creek flowing into the Caribbean Sea.

Picture 10



**9. PHOTODOCUMENTATION**

The pictures that the EPA Inspector took at the Project, Site and beach were thirty-nine (39), and were unaltered transferred to the EPA Inspector computer. The pictures above were altered in size, and figures (i.e., arrows) and notes were added to identify the location where the observations were made.

The EPA Inspector used an EPA-owned camera Nikon, Model Coolpix P530, EPA Serial Number S77499.

**10. EXIT MEETING**

Upon completion of the walkthrough of the Site and beach, the EPA Inspector had a telephone conversation with Mr. Carrero. The EPA Inspector indicated to Mr. Carrero, among others, the following:

- a. that water flow from the unnamed creek was touching slopes of the soil deposited at the Site;
- b. that a meeting at EPA was warranted to further discuss the findings of the Inspection, which he agreed to meet at CEPD on Wednesday, October 10, 2018;
- c. to bring the contractor that conducted the fill at the Site to the meeting; and
- d. provided information such as the EPA Inspector telephone number, CEPD's location, and email.

Mr. Carrero indicated that the fill activities at the Site happened recently.

**End of Report**