

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

ENVIRONMENTAL
PROTECTION AGENCY-REG. II

2013 DEC 30 P 2: 54

REGIONAL HEARING
CLERK

In the Matter of:
JR Corona, Inc.
P.O. Box 1297
San Lorenzo, Puerto Rico 00754

Respondent

JR Corona, Inc. Dairy Farm
NPDES Tracking No. PRU021007
JR Corona, Inc. Swine Farm
NPDES Tracking No. PRU021008

DOCKET NUMBER
CWA-02-2012-3354

**CONSENT AGREEMENT
AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency (EPA), having issued the Complaint herein on September 28, 2012, against JR Corona, Inc., (Respondent), and

Complainant and Respondent (collectively, the Parties) having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (CA/FO) without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby agreed and ordered as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 309(g)(2)(A) of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1319(g)(2)(A).
2. Respondent is an owner/operator of an animal feeding operation located at State Road 928 Km 3.2, Valenciano Abajo Ward, Juncos, Puerto Rico (the Facility). The Facility is composed of the JR Corona, Inc., Swine Farm and the JR Corona,

Inc., Dairy Farm. Respondent is a “person” within the meaning of Section 502(5) of the Act.

3. On September 28, 2012, EPA issued a Complaint against Respondent alleging that it was discharging pollutants into an unnamed creek which discharges into Rio Valenciano which flows into Rio Gurabo, a tributary of the Rio Grande de Loiza which flows into the Atlantic Ocean, all of which are waters of the United States, without an NPDES permit in violation of Section 301(a) of the Act.
4. On September 20, 2011, an EPA representative conducted a Compliance Evaluation Inspection (the “Inspection”) at the Facility to determine if Respondent’s operation of the Facility was in compliance with the Act and the applicable NPDES regulations. At the time of the Inspection EPA found that: Respondent’s Facility did not have an NPDES permit; there were discharges from the Facility into the unnamed creek; Respondent did not have in place adequate operations of waste control facilities in order to prevent the discharge of animal waste to the unnamed creek; neither crops, vegetation, forage growth, nor post harvest residues were sustained over any portion of the Facility’s feeding areas; the manure storage lagoon and tank showed signs of exceeded volume capacity and significant evidence of overflows; and Respondent had failed to properly operate and maintain the manure storage treatment systems, which resulted in the discharge of pollutants into the unnamed creek.
5. The Inspection revealed that Respondent’s Facility is an animal feeding operation (AFO) as that term is defined in 40 C.F.R. 122.23(b)(1) and as that phrase is used in Section 502(14) of the Act.
6. Based on the size of the Facility, the distance from the Facility’s manure storage to the unnamed creek, and the slope and condition of the land across that distance, wastewater containing pollutants gathered from open feeding areas will discharge into the unnamed creek as a result of significant precipitation event.
7. On September 7, 2012, EPA issued a compliance order against Respondent to address the violations mentioned above. To EPA’s knowledge, manure discharges occurred at least on one instance on September 20, 2011, the date when EPA inspected the Facility. During this period of time, the Facility discharged pollutants directly into the unnamed creek and into Rio Valenciano. Respondent failed to provide effective operation and maintenance to the manure storage lagoon and the manure storage tank that resulted in discharges into the unnamed creek which discharges into Rio Valenciano.
8. Respondent asked for an extension of time to file its Answer to the Complaint.
9. On October 10, 2012, Respondent submitted information and documents regarding Complainant’s allegations.
10. On March 22, 2013, Respondent submitted its answer to the complaint.

