

US EPA ARCHIVE DOCUMENT

**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

DATE OF NOTICE: December 16, 2016

PUBLIC NOTICE NUMBER: 2017-2

COMMENT PERIOD: Thirty (30) days after issuance of this Public Notice

ACTION: Notice of Proposed Assessment of a Clean Water Act
Section 309(g) Class II Administrative Penalty, and
Opportunity to Comment

SUMMARY: EPA is providing notice of proposed administrative penalty assessment for alleged violations of the Clean Water Act (the "Act"). EPA is also providing notice of opportunity to comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g) of the Act, EPA is authorized to issue an order assessing a civil penalty for violations of the Act. EPA may issue such order after the commencement of a Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(a) of the Act.

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties or the Revocation and Suspension of Permits (CROP), pursuant to 40 C.F.R. Part 22. The procedures through which the public may submit

written comments on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a Respondent may request a hearing, are set forth in the CROP. The deadline for submitting public comment on a proposed Class II penalty order is thirty (30) days after issuance of public notice.

On the date identified below, EPA commenced the following Class II proceedings for the assessment of penalties:

In the matter of Del Valle Group, P. O. Box 2319, Toa Baja, Puerto Rico 00951-3114; Docket Number CWA-02-2017-3451; filed on December 9, 2016 with Regional Hearing Clerk Karen Maples, U.S. EPA, Region 2, 290 Broadway, New York, New York 10007-1866, (212) 637-3247; the proposed penalty is \$67,605.00; for failure to apply for and obtain National Pollutant Discharge Elimination System (“NPDES”) permit coverage for its discharges of pollutants from the San Germán Surf and water Fun Park Construction Project (Project) located in san Germán, Puerto Rico; for its discharges of pollutants from the Project into a water of the United States without NPDES permit coverage; and for non-compliance with the NPDES General Permit for Construction Activities, in violation of Sections 301(a) and 402(p) of the Act.

FOR FURTHER INFORMATION: persons wishing to receive a copy of the CROP, review the Complaint or other documents filed in the proceedings, comment upon a proposed assessment, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk

identified above. Unless otherwise noted, the administrative records for the proceedings are located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative records, subject to provisions of law restricting public disclosure of confidential information.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to forty (40) calendar days after issuance of this notice.

Dated: December 16, 2016

Carmen R. Guerrero-Pérez, Director

Caribbean Environmental Protection Division