

US EPA ARCHIVE DOCUMENT

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

AGENCY: United States Environmental Protection Agency (EPA), Region 2
Caribbean Environmental Protection Division
City View Plaza II, Suite 7000
48 RD. 165 Km. 1.2
Guaynabo, PR 00968-8069

ACTION: Notice of Proposed Administrative Penalty Assessment and Opportunity to Comment

SUMMARY: The U.S. Environmental Protection Agency (EPA) is authorized under Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. §1319(g), to assess a civil penalty after providing the person subject to the penalty with notice of the proposed penalty and the opportunity for a hearing, and after providing interested members of the public with notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under Section 309(g) of the CWA, any person who violates Section 301 of the CWA, may be assessed a Class I civil penalty of up to \$37,500 by EPA. Class I proceedings for Section 309(g) of the CWA are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination, or Suspension of Permits" (CROP), which have been codified in the Code of Federal Regulations as Title 40, Part 22. The Code of Federal Regulations and the Federal Register are available at most libraries and the EPA internet site www.epa.gov.

Section 22.13(b) of the CROP sets forth procedures for simultaneous commencement and conclusion of administrative civil penalty assessment proceedings where the parties agree to settlement of one or more causes of action. This is accomplished through issuance of a consent agreement and final order pursuant to Sections 22.18(b)(2) and 22.18(b)(3) of the CROP. The subject penalty assessment noticed herein follows the procedures set forth in Section 22.13(b).

The procedures by which the public may submit written comments on a proposed Class I penalty assessment or participate in a Class I penalty proceeding are set forth in Section 22.45(c) of the CROP. The deadline for submitting comments on a proposed Class I penalty assessment is thirty (30) days after issuance of the public notice.

Pursuant to Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), EPA is hereby providing notice to the public of the following proposed Class I administrative penalty assessment: In the Matter of NBTS Housing, LLC, 442 Cesar Gonzalez Street, San Juan, Puerto Rico 00918; Docket Number CWA-02-2017-3351; with a proposed penalty of \$7,800.00; for discharges of pollutants into a water of the United States without a National Pollutant Discharge Elimination System (NPDES) storm water permit in violation of Sections 301(a) and 402(p) of the CWA.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the proposed Expedited Storm Water Settlement Agreement, or review the public record for this proceeding or other documents related to this proceeding, should contact the enforcement case manager, José A. Rivera, at: USEPA Region 2, Caribbean Environmental Protection Division, City View Plaza II, Suite 7000, 48 RD. 165 Km. 1.2, Guaynabo, Puerto Rico 00968-8069; Tel.: (787) 977-5842; and e-mail: rivera.jose@epa.gov. The public record for this proceeding is at the address given above, and is available for public inspection during normal business hours.

Persons wishing to comment upon the proposed penalty assessment should direct comments to Ms. Karen Maples, Regional Hearing Clerk, U.S. EPA, Region 2, 290 Broadway, 16th Floor, New York, NY 10007-1866, with a copy of such correspondence to Mr. José A. Rivera at the address given above.

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

Dated: February 3, 2017

Carmen R. Guerrero-Pérez, Director
Caribbean Environmental Protection Division