

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, New York 10007-1866**

Date of Notice: July 23, 2018

Public Notice Number: 18-13

Comment Period: Thirty (30) days after issuance of this Public Notice

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

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 \$187,500 by EPA. Class II 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](http://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 assessments noticed herein follows the procedures set forth in Section 22.13(b) of the CROP.

The procedures by which the public may submit written comments on a proposed Class II penalty assessment or participate in a Class II penalty proceeding are set forth in Section 22.45(c) of the CROP. The deadline for submitting comments on a proposed Class II 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 II administrative penalty assessment.

<b>DESCRIPTION OF PENALTY ASSESSMENT</b>	
Case Name	In the Matter of L.P.C. & D., Inc.
Docket Number	CWA-02-2018-3451
Proposed Penalty	\$60,000.00
Site Location	Conector Los Filtros, Roads PR-833 and PR-199, Guaynabo, Puerto Rico
Nature of alleged violation	Discharge of pollutants without an NPDES permit in violation of Sections 301(a) and 402(p) of the Act, 33 U.S.C. §§ 1311(a) and 1342(p).

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the proposed Consent Agreement and Final Order, or review the public record for this proceeding or other documents related to this proceeding, should contact José A. Rivera, Team Leader, Clean Water Act Team, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, City View Plaza II – Suite 7000, #48 165 Road Km. 1.2, Guaynabo, Puerto Rico 00968, Telephone Number (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 business hours.

TO COMMENT: 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, 16<sup>th</sup> 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 proceedings prior to forty (40) days after issuance of this notice.

Dated: July 23, 2018

Carmen R. Guerrero Pérez, Director

Caribbean Environmental Protection Division