



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

DATE OF NOTICE: October 9, 2020

PUBLIC NOTICE NUMBER: 2021-2

COMMENT PERIOD: Thirty (30) calendar 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.

Pursuant to Section 309(g) of the Act, 33 U.S.C. §1319(g), 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 is required to provide public notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(a) of the Act.

Class II proceedings are conducted following EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties or the Revocation and Suspension of Permits ("CROP") at 40 C.F.R. Part 22. The procedures through which the public may submit written comments on a proposed Class II administrative penalty or participate in a Class II administrative penalty 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 administrative penalty is thirty (30) calendar days after the issuance of public notice.

On October 5, 2020, EPA commenced the following Class II administrative penalty proceeding for the assessment of an administrative penalty against:

ALFAYA ESTATE, LLC
P. O. Box 1580
Moca, Puerto Rico 00676

and

KARIMAR CONSTRUCTION, INC.
P. O. Box 8000
Aguada, Puerto Rico 00602.

The Docket Number for this case is **CWA-02-2020-3452**, which was filed on October 5, 2020, with:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, New York, New York 10007-1866
Email: maples.karen@epa.gov

The proposed penalty is **\$118,865.00**, for Respondents' failure to apply for and obtain National Pollutant Discharge Elimination System ("NPDES") permit coverage for its discharges of pollutants from the Desarrollo de 9 Villas Residential Project in Rincón, Puerto Rico, into a water of the United States; and for Respondents' discharges of pollutants from such project into a water of the United States without NPDES permit coverage, in violation of Sections 301(a) and 402(p) of the Act.

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 by writing an electronic mail to the address indicated above.

Unless otherwise noted, and in consideration of the current COVID-19 emergency and considering the executive orders issued by the Governor of the Commonwealth of Puerto Rico, the administrative records for this proceeding can be obtained by contacting the following EPA official by email or phone:

José A. Rivera, BSCE
Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
Caribbean Environmental Protection Division
US Environmental Protection Agency, Region 2
Telephone Number: (787) 977-5842
E-mail: rivera.jose@epa.gov

All information submitted by Respondents is available as part of the administrative record, 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: October 9, 2020

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