

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION**

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**Centro Europa Building, Suite 417  
1492 Ponce de León Avenue  
San Juan, Puerto Rico 00907-4127**

**DATE OF NOTICE:** January 25, 2006

**PUBLIC NOTICE NUMBER:** 06-09

**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 CFR 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 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 Swiss Chalet, Inc. and Metropolitan Builders, Inc;**  
**located at 105 José de Diego Avenue, Condado, Puerto Rico; Docket**  
**Number CWA-02-2006-3402; filed on December 9, 2005 with Regional**  
**Hearing Clerk Karen Maples, U.S. EPA, Region 2, 290 Broadway, New**  
**York, New York 10007-1866, (212) 637-3110; proposed penalty:**  
**\$155,600, for failure to timely apply for a National Pollutant Discharge**  
**Elimination System (“NPDES”) permit, in violation of Section 308(a)**  
**of the Clean Water Act (the “Act”), and for storm water and**  
**contaminated groundwater discharges without an NPDES permit, in**  
**violation of Section 301(a) of the Act.**

**FOR FURTHER INFORMATION:** persons wishing to receive a copy of the CROP, 40 CFR Part 22, 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 comments, EPA will issue no final order assessing penalties in this proceeding prior to 30 days from the date specified below.

Dated: January 25, 2006

Carl-Axel P. Soderberg, Director

Caribbean Environmental Protection Division