

PUBLIC NOTICE: 06-43

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA),

Division of Enforcement and Compliance Assistance,

290 Broadway, 20th Floor, NY, NY 10007

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON
THE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(g), EPA IS AUTHORIZED TO ISSUE ORDERS
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA
MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR
CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(g)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S
“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”, 40 CFR PART 22. THE PROCEDURES THROUGH
WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED
CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE
PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET
FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING
PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS
AFTER ISSUANCE OF PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE
FOLLOWING CLASS I PROCEEDINGS FOR THE ASSESSMENT OF PENALTIES:
IN THE MATTER OF CLEMA DEVELOPMENT CORPORATION, PO BOX 190249,
SAN JUAN, PUERTO RICO 00919-2049, DOCKET NO. CWA-02-2006-3320; FILED ON
-----June 7, 2006--- WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA,
REGION II, 290 BROADWAY, 16th FLOOR, NEW YORK, NEW YORK 10007 (212)
637-3110; PROPOSED PENALTY: \$4,000 FOR FAILURE TO APPLY AND OBTAIN A
NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM
CONSTRUCTION ACTIVITIES AS REQUIRED BY THE STORM WATER
REGULATIONS.**

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS 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 RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

EPA HAS PROVIDED THE RESPONDENT WITH AN EXPEDITED SETTLEMENT OFFER IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER. IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL TAKE FINAL ACTION IN THIS PROCEEDING PRIOR TO THIRTY (30) DAYS AFTER ISSUANCE OF THIS NOTICE.

DATED: 6/7/06

DORE LAPOSTA, DIRECTOR

DIVISION OF ENFORCEMENT AND

COMPLIANCE ASSISTANCE