

PUBLIC NOTICE: 06-56

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND OPPORTUNITY TO COMMENT

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, 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 (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 date identified below, EPA commenced the following Class II proceedings for the assessment of penalties: In the matter of **Puerto Rico Aqueducts and Sewer Authority**, P.O. Box 7066, San Juan Puerto Rico, 00916-7066, Docket No. CWA-02-2006-3420; Filed on July 18, 2006 with Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3110; Proposed Penalty: **\$157,500** as a result of our determination that Respondent: (1) failed to provide proper Operation and Maintenance at its Miramar Wastewater Collection System (an appurtenance of the Puerto Nuevo Regional Wastewater Treatment Plant), (2) unlawfully discharged untreated pollutants (wastewater) into waters of the United States, and (3) for not reporting EPA instances of non-compliance, in violation of Section 301(a) of the Clean Water Act (the "Act"), 33 U.S.C. § 1311. The Miramar Wastewater Collection System is located in the Santurce Ward, San Juan, Puerto Rico.

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 Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3110. 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 no final action in this proceeding prior to thirty (30) days after issuance of this Notice.

**Dated: Carl-Axel P. Soderberg, P.E., Director
Caribbean Environmental Protection Division**