

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

Date of Notice: March 7, 2007  
Public Notice Number: 25 - 07  
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 I 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), any person who violates Sections 301 and 308 of the CWA, may be assessed a Class I civil penalty of up to \$32,500 by EPA. Class I 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 assessment noticed herein follows the procedures set forth in Section 22.13(b).

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

Case Name: In the Matter of Cervecería India, Inc.

Docket Number: CWA-02-2007-3325

Proposed penalty: \$20,000.00

Name and address of Respondent: Cervecería India, Inc.

P.O. Box 1690

Mayagüez, Puerto Rico 00681-1690

Location of alleged violations: Cervecería India Brewery Facility  
Post Street N, State Road 2, Algarrobo Ward  
Mayagüez, Puerto Rico 00681

Receiving Body of Water: RÍO YAGÜEZ

Nature of alleged violation: Respondent failed to timely re-apply for a National Pollutant Discharge Elimination System permit in violation of the NPDES permit application regulations at 40 CFR 122.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consent Agreement and proposed Final Order, or review the public record for this proceeding or other documents related to this proceeding, should contact the enforcement case manager, José A. Rivera, at USEPA, Caribbean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce de León Avenue, San Juan, Puerto Rico 00907, Tel.: (787) 977-5842, Fax: (787) 289-7982 and e-mail: [rivera.jose@epa.gov](mailto: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 proceeding prior to forty (40) days after issuance of this notice.

Dated: March 7, 2007

Carl-Axel P. Soderberg, Director

Caribbean Environmental Protection Division