



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: November 1, 2019

PUBLIC NOTICE NUMBER: 2020E - 6

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

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 I penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(a) of the Act.

Class I 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 C.F.R. Part 22. The procedures through which the public may submit written comments on a proposed Class I administrative penalty or participate in a Class I 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 I administrative penalty is thirty (30) days after issuance of public notice.

On September 23, 2019, EPA commenced the following Class I administrative penalty proceedings for the assessment of penalties against:

Constructora Del Viví, Inc.
P. O. Box 472
Utuaado, Puerto Rico 00641

The Docket Number for this case is **CWA-02-2019-3351**, which was filed on September 24, 2019, with:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, New York, New York 10007-1866
Tel.: (212) 637-3110

The proposed penalty is \$32,141.00, for Respondents' failure to apply for and obtain National Pollutant Discharge Elimination System ("NPDES") permit coverage for its discharges of pollutants from Sand and Gravel Mining Site in Utuado, Puerto Rico, into a water of the United States; and for Respondent's discharges of pollutants from the Mining Site 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 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 comment, EPA will not take final action in this proceeding prior to forty (40) calendar days after issuance of this notice.

Dated: November 1, 2019

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