



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: October 16, 2020

PUBLIC NOTICE NUMBER: 2021-04

COMMENT PERIOD: Thirty (30) calendar days after issuance of this Public Notice

ACTION: Notice of Proposed Assessment of a Clean Water Act Section 309(g)(2)(A) 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.

Pursuant to Section 309(g) of the Act, 33 U.S.C. §1319(g), 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 is required to provide public notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(a) of the Act.

Class I proceedings are conducted following EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties or the Revocation and Suspension of Permits ("CROP") at 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) calendar days after the issuance of public notice.

On October 5, 2020, EPA commenced the following Class I administrative penalty proceeding for the assessment of an administrative penalty against:

KARIMAR CONSTRUCTION, INC.
P. O. Box 8000
Aguada, Puerto Rico 00602.

The Docket Number for this case is **CWA-02-2020-3352**, which was filed on October 5, 2020, with:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, New York, New York 10007-1866
Email: maples.karen@epa.gov

The proposed penalty is **\$20,050.00**, for Respondent's failure to timely apply for and obtain National Pollutant Discharge Elimination System ("NPDES") permit coverage for its discharges of pollutants from the Aguada Sea Beach Apartments Development in Aguada, Puerto Rico, into a water of the United States; and for Respondent's discharges of pollutants from such project 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 by writing an electronic mail to the address indicated above.

Unless otherwise noted, and in consideration of the current COVID-19 emergency and considering the executive orders issued by the Governor of the Commonwealth of Puerto Rico, the administrative records for this proceeding can be obtained by contacting the following EPA official by email or phone:

Jaime Lopez,
Senior Enforcement Officer/Physical Scientist
Clean Water Act Team
Multimedia Permits and Compliance Branch
Caribbean Environmental Protection Division
US Environmental Protection Agency, Region 2
Telephone Number: (787) 977-5851
E-mail: lopez.jaime@epa.gov

All information submitted by Respondent is available as part of the administrative record, 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: October 16, 2020

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