



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 2
 290 BROADWAY
 NEW YORK, NY 10007-1866

SEP - 9 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5943 0668

U.S. ENVIRONMENTAL
 PROTECTION AGENCY-REG. II
 2010 SEP 14 P 3:11
 FEDERAL HEARING
 CLENN

Marie De La Baume, President
 Haciendas De La Baume, Inc.
 P.O. 40098
 San Juan, Puerto Rico 00948

Re: Final Expedited Settlement Agreement/CAFO
 Docket No. CWA-02-2010-3311
 Haciendas de la Baume, PR 101, Km 18.4 Boqueron Ward, Cabo Rojo, PR
 NPDES No. PRR10BA40

Dear Mrs. De La Baume:

Enclosed is a copy of the signed Expedited Settlement Offer (“ESO”) Agreement entered into as part of the Consent Agreement and Final Order (“CAFO”).

On June 18, 2010, United States Environmental Protection Agency (“EPA” or “Agency”) issued Haciendas de la Baume, Inc (“Respondent”) an Expedited Settlement Offer for the amount of \$7,350.00 as a result of our determination that Respondent violated Section 301 of the Clean Water Act (“the Act” or “CWA”), 33 U.S.C. §1311.

By letter dated July 15, 2010, Respondent agreed to the terms of the settlement as specified in the Expedited Storm Water Settlement Agreement.

On or before August 16, 2010 Haciendas de la Baume, Inc. contacted EPA and requested an installment plan. EPA has agreed to an installment plan consisting of two payments as stated in the table below. You must pay \$3,675 within thirty (30) days of receipt of this CAFO and \$3,678.02 within (60) days of receipt of this CAFO.

INSTALLMENT PAYMENTS PLAN				
No interest for first 30 days				
	Due by	Payment	Principal	Interest
Payment 1	CAFO file Date+30 Days	\$3,675.00	\$3,675.00	0.00
Payment 2	CAFO file Date + 60 days	\$3,678.02	\$3,675.00	\$3.02
Total:		\$7,353.02	\$7,350.00	\$3.02

You must send your original check and a copy of the Agreement, via certified mail, to:

**Regional Hearing Clerk
U.S. EPA, Region 2
In the Matter of : Haciendas De La Baume, Inc.
Docket No.: CWA-02-2010-3311
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000**

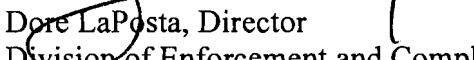
The payment for the penalty amount must be in the form of a bank, cashiers or certified check payable to the "Treasurer, United States of America" with EPA and the Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check must also be sent via certified mail, express mail or equivalent to Chief, Compliance Section, Water Compliance Branch, 290 Broadway, 20th Floor, New York, NY 10007 for our records.

Please note that once full payment is made this settles all civil penalties claims against you for the Clean Water Act violations described in the CAFO.

If you have any questions concerning the above, please contact Mr. Murray Lantner, P.E., Environmental Engineer at (212) 637-3976.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

**Regional Hearing Clerk
U.S. EPA, Region 2
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If you have any questions concerning the above, please contact Mr. Murray Lantner, P.E., Environmental Engineer at (212) 637-3976.

Sincerely,

**Original signed by
Patrick Durack**

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

bcc: Henry Mazzucca, DECA-WCB (w/enclosure)
John Ciorciari, OPM-FMB (w/enclosure)
Patrick Harvey, DECA-CAPS (w/enclosure)
Karen Maples, Regional Hearing Clerk (w/enclosure) ✓
Blake Edwards, Specialist, Cincinnati Finance Center



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – REGION 2
Division of Enforcement and Compliance Assistance
290 Broadway
New York, New York 10007-1866

U.S. ENVIRONMENTAL
 PROTECTION AGENCY-REG.II
 2010 SEP 14 P 3:11
 REGIONAL HEARING
 CLERK

EXPEDITED STORM WATER SETTLEMENT AGREEMENT
Haciendas de la Baume, Inc., Docket Number: CWA-02-2010-3311, NPDES No. PRR10BA40

Haciendas de la Baume ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. §1362(5), and 40 C.F.R. §122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" (herein the "Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with the Clean Water Act and Permit in violation of Section 301(a) and 402 of the Clean Water Act, 33 U.S.C. §1311 and §1342, as described in the attached table.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. §1311, and that EPA has jurisdiction over the allegations and any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the allegation(s) specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. §1319(g)(2)(A), and by 40 C.F.R. §22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of **\$7,350.00** Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s); (2) a hearing pursuant to Section 309(g) (2) of the Act, 33 U.S.C. §1319(g) (2); and (3) appeal pursuant to Section 309(g) (8), 33 U.S.C. §1319(g) (8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the NPDES permitting program.


Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective ("So Ordered") it will send a bank, cashiers or certified check for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

Regional Hearing Clerk
 U.S. EPA, Region 2
 In the Matter of: Haciendas de la Baume, Inc.
 Docket No.: CWA-02-2010-3311
 Cincinnati Finance Center
 PO Box 979077
 St. Louis, MO 63197-9000

This Agreement settles EPA's civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement. However, EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed ("Approved") by the Director of the Division of Enforcement and Compliance Assistance unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g) (4) (C) of the Act, 33 U.S.C. §1319(g) (4) (C), and Part 22.

APPROVED BY EPA:

 Date: 7/26/10
 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

APPROVED BY RESPONDENT in accordance with 40 C.F.R. §122.22:

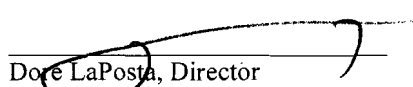
Name: Ms. Marie de la Baume
 Title: President, Haciendas de la Baume, Inc., (Owner/Operator)

Signature:  Date: JULY 14, 2010

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g) (4) (A) of the Act, 33 U.S.C. §1319(g) (4) (A), and EPA has received no comments concerning this matter.

Having determined that this CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

 Date: 9/9/10
 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

PUBLIC NOTICE: 2010 - 23

July 28, 2010

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)

Administrative civil penalty 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 administrative penalty action or participate in an administrative penalty 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 this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On date identified below, EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Haciendas de la Baume, Inc., Cabo Rojo, PR 00632, Docket NO.CWA-02-2010-3311; Filed on July 27, 2010 with Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247; Proposed Penalty: **\$7,850.00** for failure to comply with and obtain in a timely manner a NPDES General Permit for Storm Water Discharges from Construction Activities at the Haciendas de la Baume, residential development site located on PR- 101, Km 8.4 Boqueron Ward, Cabo Rojo, Puerto Rico 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 Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New