



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

**EXPEDITED SETTLEMENT AGREEMENT**

Docket Number: CWA-02-2020-3351, NPDES Permit No. PRR100090

The undersigned representatives of the United States Environmental Protection Agency (EPA) and **RL Partners, LLC** (Respondent), enter into this Expedited Settlement Agreement (Agreement) to resolve Respondent's civil penalty liability for allegedly discharging storm water without a permit from Respondent's "Aguadilla Sugar Pier Construction Project" ("Project" or "Site") into the Atlantic Ocean.

The EPA finds that: (1) Respondent discharged storm water from the Site that disturbed more than 1 acre, without authorization by any construction storm water permit issued pursuant to Section 402 of the Clean Water Act (Act), 33 U.S.C. § 1342, in violation of Section 301 of the Act, 33 U.S.C. § 1311; (2) Respondent is a "person", as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5); and (3) Respondent is responsible for the alleged violations specified in the attached Expedited Settlement Offer Worksheet – Findings and Alleged Violations (Form). The Form is incorporated into this Agreement by reference.

The EPA also finds, and Respondent admits, that the EPA has jurisdiction over this matter pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. Part 22. Respondent neither admits nor denies the violations alleged in the Form.

Respondent agrees to pay a civil penalty of **\$16,200**. Respondent waives the rights (1) to contest the allegations in the Form and (2) to appeal any final order an EPA authorized officer may issue to ratify this Agreement (Final Order). The civil penalty will be due no later than 10 days after the issuance of the Final Order and shall be made in accordance with the attached Expedited Settlement Agreement Payment Instructions.

By signing this Agreement, Respondent certifies that: (1) the alleged violations listed in the Form have been corrected, and Respondent has submitted true and accurate documentation to the EPA of such correction; and (2) consistent with Section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations of Section 301(a) of the Act alleged in the Form. This Agreement does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or

criminal sanctions for any violations of law or to issue an administrative compliance order, e.g., for any uncorrected violations listed in the Form. Nothing in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

Prior to requesting that an EPA authorized officer issue the Final Order, the EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. The EPA will address any comments on this Agreement in accordance with Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

The parties consent to service of this Expedited Settlement Agreement and Final Order by e-mail at the following valid e-mail addresses: [rivera.jose@epa.gov](mailto:rivera.jose@epa.gov), and [alfredocintron2@hotmail.com](mailto:alfredocintron2@hotmail.com)

Attachments:

1. Expedited Settlement Offer Worksheet – Findings and Alleged Violations
2. Payment Instructions

APPROVED BY THE EPA:

Date: SEPT. 30/2020

**Carmen R. Guerrero Pérez**  
Director  
Caribbean Environmental Protection Division

APPROVED BY RESPONDENT:

Name (print): JUAN M. LÓPEZ

Title (print): MEMBER

Signature:

Date: August 6, 2020

FINAL ORDER: 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 the EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,  
IT IS SO ORDERED:

Date: SEPT. 30 / 2020



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**Carmen R. Guerrero Pérez**  
**Director**  
**Caribbean Environmental Protection Division**