



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CITY VIEW PLAZA II, SUITE 7000  
GUAYNABO, PUERTO RICO 00968-8069

101715

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Rafael Portela  
President  
Bayamon Towne Center, Inc.  
P.O. Box 3014  
Caguas, Puerto Rico 00726

**Re: Docket No. CWA-02-2015-3359  
Bayamon Towne Center, Inc.  
NPDES 2012 CGP Tracking Number PRR12A658**

U.S. Environmental  
Protection Agency-Reg 2  
2015 OCT 14 PM 12:37  
REGIONAL HEARING  
CLERK

Dear Mr. Portela:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered as part of the Consent Agreement and Final Order ("CAFO") issued to you. This serves as your notification that the ESO Agreement is effective ("SO ORDERED"). Please note that this settles any civil penalties claims against you for the Clean Water Act violations issued in the CAFO.

Within ten (10) days from receipt of this letter you must send a check for the amount of \$5,850.00 and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk  
U.S. EPA, Region 2  
In the matter of Bayamon Towne Center, Inc..  
Docket No.: CWA-02-2015-3359  
Fines and Penalties  
Cincinnati Finance Center  
PO 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's Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must be sent via certified mail to EPA's Caribbean Environmental Protection Division for our records. If you have any questions concerning the above, please contact Mr. Jaime Lopez at (787) 977-5851.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jose C. Font', with a stylized flourish at the end.

Jose C. Font, Director  
Caribbean Environmental  
Protection Division

cc: Wanda Garcia, EQB

2015 OCT 14 PM 12:38

REGIONAL HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2

Caribbean Environmental Protection Division  
City View Plaza II - Suite 417  
#48 165 RD. Km. 1.2

Guaynabo, Puerto Rico 00968-8069

2015 JUL -3 AM 11:33

RECEIVED

EXPEDITED STORM WATER SETTLEMENT AGREEMENT  
Bayamon Towne Center, Inc.  
Docket Number: CWA-02-2015-3359

Bayamon Towne Center, Inc. (herein the "Respondent") is a "person," within the meaning of § 502(5) of the Clean Water Act ("the Act" or "CWA"), 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 hereby incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent operated in violation of Section 301(a) of the Act, 33 U.S.C. § 1311, and failed to comply with the National Pollutant Discharge Elimination System ("NPDES") storm water permit (2012 CGP) authorized under Section 402 of the Act, 33 U.S.C. § 1342, as noted on the attached Form.

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) specified in the Form for a penalty of \$5,850.00. 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) of the Act, 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 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" to:

Regional Hearing Clerk  
U.S. EPA, Region 2  
In the Matter of Bayamon Towne Center  
Docket No.: CWA-02-2015-3359  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000


REGIONAL HEARING CLERK  
U.S. Environmental Protection Agency-Reg 2  
2015 OCT 14 PM 12:38

This Agreement settles EPA's civil penalty claims against Respondent for the CWA violation(s) specified in the 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 in the public interest.

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 Caribbean Environmental Protection Division unless a petition to set aside the Order is filed by a commenter pursuant to § 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C) and Part 22.

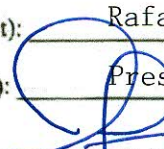
If Respondent does not sign and return this Agreement as presented within 30 days of the date of its receipt, the proposed Agreement is withdrawn without prejudice to EPA's ability to issue any order or file any enforcement action for the violation(s) identified in the Form.

APPROVED BY EPA:

  
Jose C. Font  
Director  
Caribbean Environmental Protection Division

Date: Sept 30, 2015


APPROVED BY RESPONDENT:

Name (print): Rafael Portela  
Title (print): President  
Signature:   
Date: 07/30/15

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:

  
Jose C. Font  
Director  
Caribbean Environmental Protection Division

Date: Sept 30, 2015