



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

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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2013 JUL 31 A 1:22
REGIONAL HEARING
CLERK

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Pedro F. Diez
President
Vissepó & Diez Construction Corporation
P. O. Box 3607
Mayaguez, Puerto Rico 00681-3607

**Re: In the Matter of Vissepó & Diez Construction Corporation
Expedited Settlement Agreement
Docket Number CWA-02-2013-3358**

Dear Mr. Diez:

Enclosed is a copy of the signed Expedited Settlement Agreement (ESA) entered as part of the Consent Agreement and Final Order (CAFO) issued to Vissepó & Diez Construction Corporation (VD). This serves as a notification that the ESA is effective ("SO ORDERED"). Please note that this settles any civil penalties claims against VD for the Clean Water Act violations cited in the CAFO.

Within ten (10) calendar days from receipt of this letter, please send a check for the amount of \$11,850.00 and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 2
In the matter of Vissepó & Diez Construction Corporation
Docket Number CWA-02-2013-3358
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
Saint 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 ESA written on the check.

A copy of the check payment of the penalty amount must be sent via certified mail to Mr. José A. Rivera of this Division for our records. If you have any questions concerning the above, please contact Mr. Rivera at (787) 977-5842 or rivera.jose@epa.gov.

Sincerely,

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

José C. Font
Director
Caribbean Environmental Protection Division

Enclosure

cc: Wanda García, EQB (w/ enclosure)
Karen Maples, Regional Hearing Clerk (w/o enclosure)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2

290 Broadway
New York, New York 10007

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2013-3358

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. 11
2013 JUL 31 A 7:22
REGIONAL HEARING CLERK

Vissepó & Diez Construction Corporation ("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.

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000.

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

A copy of the check shall be sent to the EPA address above.

Respondent "discharged pollutants" from a "point source" into a "water of the United States" without a National Pollutant Discharge Elimination System permit in violation of Sections 301(a) and 402(p) of the Act, 33 U.S.C. §§ 1311(a) and 1342(p).

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. 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.

EPA finds, and Respondent admits, that Respondent is subject to Sections 301(a) and 402(p) of the Act, 33 U.S.C. §§ 1311(a) and 1342(p), and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

This Agreement is binding on the parties signing below and effective thirty (30) calendar days from the date it is signed by the Presiding Officer 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 40 C.F.R. Part 22 or upon filing with the Regional Hearing Clerk.

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 \$11,850.00. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (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).

APPROVED BY EPA:
[Signature] Date: 7-24-13
José C. Font
Director
USEPA Region 2, Caribbean Environmental Protection Div.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

APPROVED BY RESPONDENT:
Name (print): Pedro F. Diez Macías
Title (print): Vice-President
Signature: [Signature] Date: 05/21/2013

Respondent certifies that, within ten (10) calendar days of receiving notice from EPA that the Agreement is effective (thirty (30) days from the date it is signed by the EPA Official), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

[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 Agreement is authorized by law, IT IS SO ORDERED:
[Signature] Date: 7-24-13
José C. Font
Director
USEPA Region 2, Caribbean Environmental Protection Div.