

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

Caribbean Properties Investment, Inc.

and

VPI Construction Corp.

Bahía Marina Resort Development

RESPONDENTS

**JOINT SET OF STIPULATED FACTS,
EXHIBITS AND TESTIMONY**

DOCKET NUMBER CWA-02-2008-348

2011 FEB 22 P 12:01
REGIONAL HEARING
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U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II

JOINT SET OF STIPULATED FACTS, EXHIBITS AND TESTIMONY

COME NOW the parties to the instant action, through the undersigned attorneys and respectfully submit a *Joint Set of Stipulated Facts, Exhibits and Testimony* in compliance with the *Order Scheduling Hearing*, dated February 17, 2011, issued by the Administrative Law Judge, Honorable Barbara A. Gunning.

I. Stipulated Facts

The parties stipulate the following facts:

- A. Respondents, Caribbean Properties Investments, Inc. and VPI Construction Corp. are corporations organized and authorized to do business under the laws of the Commonwealth of Puerto Rico.
- B. The Project is located at Punta Soldado Road, Km. 2.4, Camino Fulladosa, Playa Sardinias II Ward, Culebra, Puerto Rico.
- C. The construction activities at the Project involved, among others, land disturbance, site preparation, utilities installation, and construction of residential units and recreational areas.
- D. Earth movement activities at the Project involved clearing, grading and excavation.

- E. On January 10, 2007, an EPA official performed an inspection of the Project (1st Inspection).
- F. The Environmental Protection Agency (EPA) issued the Administrative Compliance Order CWA-02-2007-3073, dated September 11, 2007, against Respondents.
- G. On December 19, 2007, an EPA official performed a second inspection of the Project (2nd Inspection).

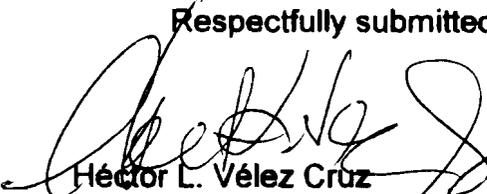
II. Stipulated Exhibits

The parties stipulate the following exhibits:

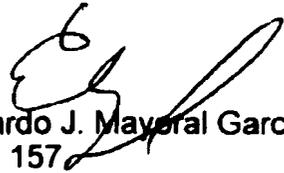
- A. Administrative Complaint, Docket No. CWA-02-2008-3461, dated September 26, 2008, with letters addressed to Mr. José E. Mayoral, President, Caribbean Properties Investment, Inc. and VPI Construction Corp. dated September 29, 2008.
- B. Letter addressed to Wanda García, Director of the Water Quality Bureau, PR Environmental Quality Board (EQB), dated September 29, 2008, with Certified Mail Receipt.
- C. Respondent's Answer to the Administrative Complaint and Request for Hearing, dated June 3, 2010.
- D. EPA September 12, 2007 letter addressed to Mr. José E. Mayoral, President, Caribbean Properties Investment, Inc. and VPI Construction Corp., notifying violations of the CWA, with Certified Mail Receipt, and with the Administrative Compliance Order, Docket Number CWA-02-2007-3073.
- E. Respondent's August 29, 2006 letter to EPA submitting a Notice of Intent Form seeking NPDES coverage for its activities at the site.
- F. EPA letter addressed to Respondent, dated September 11, 2006, regarding deficiencies found in Respondent's Notice Of Intent Form seeking NPDES coverage for its activities at the site.
- G. EPA's NPDES NOI Application Search Results for the town of Culebra, Puerto Rico, printed on July 10, 2008, from EPA's National Storm Water Processing Center Database performed by Mr. Jaime Lopez.
- H. EPA's "Final NPDES General Permit for Storm Water Discharges from Construction Activities", issued on July 1, 2003, and published in the Federal Register (68 FR 39087), as modified, and Fact Sheet.
- I. Aerial Photo of the Project depicting the point source and distance to the receiving bodies of water.

- J. Mr. Jaime López's Resume.
- K. Mr. José A. Rivera's Resume.

Respectfully submitted in San Juan, Puerto Rico, on February 17, 2011.



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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Joint Set of Stipulated Facts, Exhibits and Testimony* in compliance with the *Order Scheduling Hearing*, dated February 17, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Federal Express** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866.
Fax (212) 637-3202

Copy by facsimile, **certified mail** to:

Attorney for Respondents:
Eduardo J. Mayoral García, Esq.
PMB 157
P.O. Box 194000

Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
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Franklin Court
Washington, D.C. 20005
Ph: 202.564.6255 / Fax (202) 565-0044

2/17/2011 
Date Name