



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Caribbean Environmental Protection Division, Region 2

City View Plaza II Building, 7th Floor

Route 165 Guaynabo, Puerto Rico 00968

November 18, 2021 @ 8:18 am

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2021-3354

EPA – Region II

Regional Hearing Clerk

I. The United States Environmental Protection Agency ("EPA" or "Complainant") and Barceloneta Concrete Products, Inc. ("Respondent") (collectively, the "Parties") enter into this Expedited Settlement Agreement ("Agreement") to resolve Respondent's civil penalty liability for unauthorized discharge(s) of stormwater in violation of Section 301(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1311, as alleged in the attached "Industrial Non-filer Expedited Settlement Worksheet" ("Settlement Form"), which is hereby incorporated by reference. Complainant finds that Respondent is responsible for the alleged violations specified in the Settlement Form and that Respondent is a "person," within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

II. EPA also finds, and Respondent admits, that Respondent is subject to Section 301 of the Act, 33 U.S.C. § 1311, 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 specific violations alleged in the Settlement Form.

III. 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).

IV. Respondent agrees to pay a civil penalty in the amount of \$5,000. Respondent waives the right: (1) to contest the finding(s) specified in the Settlement Form; (2) to 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).

V. Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the Respondent has addressed the alleged violations identified in the Settlement Form and has either a) developed and implemented a Stormwater Pollution Prevention Plan and submitted to EPA a Notice of Intent to be covered by the applicable NPDES industrial stormwater permit; or b) taken specific action to meet eligibility requirements for a waiver from industrial stormwater permit requirements as allowed by, and submitting the relevant forms (such as the No Exposure Certification form) to, the permit authority.

VI. Respondent certifies that, within ten (10) calendar days after the issuance of the Final Order, Respondent will submit payment of the civil penalty amount specified above in accordance with the Expedited Settlement Agreement Payment Instructions which is hereby incorporated by reference.

VII. This Agreement settles EPA's civil penalty claims against Respondent for the alleged 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 alleged violation(s) described in the Settlement Form. EPA has determined this Agreement to be appropriate.

VIII. This Agreement is binding on the Parties signing below and effective upon filing with the Regional Hearing Clerk.

IX. APPROVED BY RESPONDENT:

Name (print): Edgar W. Stokes Abreu

Title (print): Presidente

Signature: [Signature] Date: June 23, 2021

X. APPROVED BY EPA:

Carmen Guerrero Perez Date: Nov 17, 2021
Carmen R. Guerrero Pérez, Director
Caribbean Environmental Protection Division

XI. More than forty (40) calendar 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/addressed the comments] concerning this matter.

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

Carmen Guerrero Perez

Date: Nov 17, 2021

Carmen R. Guerrero Pérez, Director
Caribbean Environmental Protection Division