



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2
Division of Enforcement and Compliance Assistance
290 Broadway
New York, New York 10007-1866

U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 2
 2008 MAR 20 PM 1:55
 REGIONAL HEARING CLERK

EXPEDITED STORM WATER SETTLEMENT AGREEMENT
Docket Number: CWA-02-2008-3304, NPDES No. PRR10BB76

Comas & Comas Contractors 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.

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

Respondent had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. §1311 and failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. §1342, as described in the attached table.

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) alleged in this Agreement for a penalty of **\$5,400**. 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), 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.

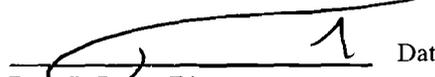
Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective ("So Ordered") it will send a bank, cashiers or certified check for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

Regional Hearing Clerk
 U.S. EPA, Region 2
 In the Matter of Comas & Comas Contractors Corporation, Cuartel
 Unidad Maritima
 Cincinnati Finance Center
 PO Box 979077
 St. Louis, MO 63197-9000

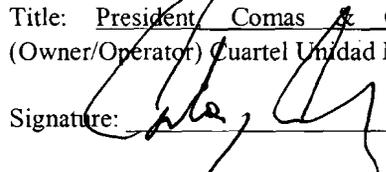
This Agreement settles EPA's civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement. However, EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other 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 appropriate.

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 Division of Enforcement and Compliance Assistance 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 Part 22.

APPROVED BY EPA:


 Date: 1/3/08
 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

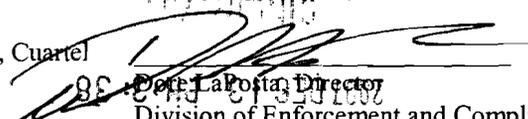
APPROVED BY RESPONDENT in accordance with 40 C.F.R. §122.22:

Name: Carlos J. Comas
 Title: President Comas & Comas Contractors Corporation
 (Owner/Operator) Cuartel Unidad Maritima
 Signature: 
 Date: 6/12/07

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,

SO ORDERED


 Date: 3/19/08
 Dore LaPosta, Director
 Division of Enforcement and Compliance Assistance

RECEIVED EPA

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Comas & Comas Contractors Corporation
P.O. Box 6447
Mayaguez, Puerto Rico 00681

NPDES Unpermitted: PRR10BC86

Respondent

Proceeding to Assess Civil Penalty
Pursuant to Section § 309 (g) of the
Clean Water Act, 33 U.S.C. § 1319 (g)

Docket No.CWA-02-2008-3304

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

Carlos J. Comas, President
Comas & Comas Contractors Corporation
P.O. Box 6447
Mayaguez, Puerto Rico 00681

I [hand carried/mailed] the original and a copy of this "CONSENT AGREEMENT AND FINAL ORDER" to the following person at the address listed below:

U.S. Environmental Protection Agency
Regional Hearing Clerk (16th Floor)
290 Broadway
New York, N.Y. 10007-1866

Date: 3/18/08
New York, New York


[Signature of Sender]

MAR 14 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5931 4265

Mr. Carlos J. Comas
President
Comas & Comas Contractors Corporation
P.O. Box 6447
Mayaguez, Puerto Rico 00681

Re: Docket No. CWA-02-2008-3304
Cuartel Unidad Maritima, Calle La Cruz-Playa, Ponce, Puerto Rico
NPDES Storm Water Construction General Permit tracking No. PRR10BB76

Dear Mr. Comas:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered into as part of the Consent Agreement and Final Order ("CAFO").

Your payment of \$5,400 has already been received by EPA, therefore no further action is required by you on this matter. Thank you for your early submittal of the payment and please ensure that you maintain compliance with EPA's Construction General Storm Water Permit at your construction projects. Please see <http://cfpub.epa.gov/npdes/stormwater/const.cfm> for additional information.

If you have any questions feel free to contact Henry Mazzucca, P.E., Chief, Compliance Section at (212) 637-4229.

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

cc: Wanda E. García Hernández, Director, PREQB (w/enclosure)
bcc: Teresita Rodriguez, CEPD (w/enclosure)
Henry Mazzucca, DECA-WCB (w/enclosure)
John Ciorciari, OPM-FMB (w/enclosure)
Patrick Harvey, DECA-CAPS (w/enclosure)
Karen Maples, Regional Hearing Clerk (w/enclosure) ✓
Michelle Angel, Financial Assistant, Cincinnati Finance Center