



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

K. Hoff
U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II
2007 JUL -9 PM 3:25
REGIONAL HEARING CLERK

JUN 27 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5931 1165

Eng. Neftali Lluch
Principal
NLL Construction, SE
P.O. Box 922
Lajas, Puerto Rico 00667

Re: Docket No. CWA-02-2007-3310, Escuela Intermedia Urbana, PR-166, Km 11.0,
San German, Puerto Rico
NPDES Storm Water Construction General Permit Tracking No. PRU201350
Expedited Settlement Consent Agreement and Final Order

Dear Eng. Lluch:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement embodied by this Consent Agreement and Final Order ("CAFO").

Your payment of \$7,750 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: Eng. Wanda E. García Hernández, Director, Water Quality Area, PREQB
Teresita Rodriguez, Chief, Multi-Media Permits and Compliance Branch, CEPD
Michelle Angel, EPA Finance, Cincinnati



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY-Region 2

Division of Enforcement and Compliance Assistance

290 Broadway

New York, New York 10007-1866

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2007-3310, NPDES No. PR0001350

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II
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REGIONAL HEARING CLERK

N. LL. Construction, S.E. ("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" ("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, as described in the worksheet.

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 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.

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 **\$7,750**. 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).

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.

Respondent certifies that it has submitted 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:

Regional Hearing Clerk
U.S. EPA, Region 2

In the Matter of N.L.L. Contractors, S.E.
P.O. Box 360188M
Pittsburgh, PA 15251

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.

This Agreement is binding on the parties signing below and effective [thirty (30) 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 Part 22] or [upon filing with the Regional Hearing Clerk].

APPROVED BY EPA:

[Signature] Date: 5/3/07
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

APPROVED BY RESPONDENT:

Name (print): Neftali Lluch, P.E.
Title Principal, N. LL. Construction, S.E.
Signature: [Signature] Date: 4/18/2007

[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 JUNE 27, 2007
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

In the Matter of: NLL Construction, SE
Docket No. CWA-02-2007-3310

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed signed Expedited Settlement Offer (ESO) Agreement entered into as part of the CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addresses below:

Original and One Copy
BY Hand:

Office of Regional Hearing Clerk
U.S. Environmental Protection
Agency - Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

Eng. Neftali Lluch, Principal
NLL Construction, SE
P.O. Box 922
Lajas, Puerto Rico 00667

Dated: 6/29/07
New York, New York


Secretary



JUN 27 2007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 JUL -9 PM 3:24
REGIONAL HEARING
CLERK

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Article Number: 7005 3110 0000 5931 1165

Eng. Neftali Lluch
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Division of Enforcement and Compliance Assistance

290 Broadway

New York, New York 10007-1866

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2007-3310, NPDES No. PRU201350

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II 2007 JUL -9 PM 3:26 REGIONAL HEARING CLERK

N. LL. Construction, S.E. ("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.

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APPROVED BY EPA:

[Signature] Date: 5/3/07
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

APPROVED BY RESPONDENT:

Name (print): Neftali Lluch, P.E.
Title: Principal, N. LL. Construction, S.E.
Signature: [Signature] Date: 4/18/2007

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Division of Enforcement and Compliance Assistance