

February 21, 2024 @ 10:30 am

USEPA – Region II

Regional Hearing Clerk



EPA REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

February 15, 2024

Via Electronic Mail and
Certified Mail with Return Receipt Requested

Mr. Héctor Rodríguez Valle
P.O. Box 1239
Hormigueros, Puerto Rico 00660
Email: hector.rodriguez790@gmail.com

**Re: Notice of Proposed Assessment of a Civil Penalty
In the Matter of Héctor Rodríguez Valle and Transporte Rodríguez Asfalto, Inc.
TRA Recycling Plant Construction Project
Docket Number CWA-02-2024-3451**

Dear Mr. Rodríguez Valle:

Enclosed is a Complaint which the United States Environmental Protection Agency ("EPA" or "Agency") is issuing to you and Transporte Rodríguez Asfalto, Inc. (collectively, "Respondents"), as a result of EPA's determination that Respondents violated Sections 301(a) and 402(p) of the Clean Water Act (the "Act"), 33 U.S.C. §§ 1311 and 1342, for their failure to apply for and obtain National Pollutant Discharge Elimination System ("NPDES") permit coverage for its discharges of pollutants from the "TRA Recycling Plant Construction Project" located in Aguada, Puerto Rico (the "Project"), and for their discharges of pollutants from the Project into a water of the United States without NPDES permit coverage. This Complaint is filed pursuant to the authority in Section 309(g) of the Act, 33 U.S.C. § 1319(g) and EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the "CROP"). The Complaint proposes that a penalty of **\$145,418.00** be assessed against Respondents for the violations.

Enclosed please find a copy of the CROP. Also enclosed, is a copy of the "Standing Order: Authorization of EPA Region 2 Electronic Filing System for Filing and Serving Documents Electronically in Proceedings Governed by 40 C.F.R. Part 22", instituted by the Agency during the COVID-19 pandemic emergency, which establishes procedures for electronic filing and service of documents in administrative proceedings governed by the procedural rules set forth in the CROP.

CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PR 00968

Whether or not Respondents request a hearing, Respondents may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. Respondents may represent itself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person, by telephone or video conference. An attorney from EPA Region 2's Office of Regional Counsel will normally be present at any informal conference. Please note that a request for an informal conference does not substitute the requirement of filing a written Answer to this Complaint within thirty (30) days of your receipt of this Complaint, nor does it extend the thirty (30) days period by which Respondent must file an Answer requesting a hearing.

If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file a written Answer, according to the Standing Order, within thirty (30) calendar days of your receipt of the enclosed Complaint. If you do not file an Answer within thirty (30) calendar days of receipt of this Complaint, you may be judged to have defaulted, as provided for in Section 22.17 of the CROP. If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact:

Suzette M. Meléndez-Colón, Esq.
Assistant Regional Counsel
Office of Regional Counsel – Caribbean Team
U.S. Environmental Protection Agency, Region 2
City View Plaza II Suite 7000
#48, Rd. 165, Km. 1.2
Guaynabo, PR 00968-8069
(787) 977-5822
melendez-colon.suzette@epa.gov.

We urge your prompt attention to this matter.

Sincerely,

Héctor L. Vélez Cruz, Esq.
Acting Director

Enclosures

cc: Ángel Meléndez, Director, DNER - Water Quality Area
(copy via email angel.melendez@drna.pr.gov w/ enclosures)