



September 30, 2025 4:48 pm

USEPA – Region II
Regional Hearing Clerk

REGION 2 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION

September 30, 2025

Via Email and Certified Mail with Return Receipt Requested

Mr. Alexis Medina
President
Desarrolladora Yahir, Inc.
P. O. Box 2133
San Sebastián, Puerto Rico 00685
Email: desarrolladora.yahir.inc@gmail.com

**Re: Notice of Proposed Assessment of a Civil Penalty
In the Matter of Desarrolladora Yahir, Inc. and A & M Group, Inc.
Tres Palmas Sunset View Construction Project
Docket Number CWA-02-2025-3451**

Dear Mr. Alexis Medina:

Enclosed is a Complaint which the United States Environmental Protection Agency ("EPA" or "Agency") is issuing to you and A & M Group, 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. This is due to A & M Group, Inc.'s failure to apply for and obtain National Pollutant Discharge Elimination System ("NPDES") permit coverage for its discharges of pollutants from the Tres Palmas Sunset View Construction Project located in Rincón, Puerto Rico, and Desarrolladora Yahir, Inc.'s failure to comply with the terms and requirements of the NPDES Construction General Permit ("CGP") for stormwater discharges from construction activities, and their discharges of pollutants from the construction site into a water of the United States. This Complaint is filed pursuant to the authority contained in Section 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of **\$86,578.00** be assessed against Respondents for the violations.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after there has been an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint. Enclosed please find a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22, which the Agency follows in cases of this kind.

Please note the requirements for an Answer to the Complaint at Section 22.15 of the CROP. EPA has instituted procedures for electronic filing and service of documents in administrative proceedings

governed by the procedural rules set forth in the CROP. 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” (the “Standing Order”) is enclosed.

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.

Whether or not you request a formal hearing, you 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. You may represent yourself 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 for a written Answer or effect what you may choose to say in an Answer, nor does it extend the thirty (30) calendar days by which you must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the CROP.

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
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Guaynabo, PR 00968-8069
(787) 977-5822
melendez-colon.suzette@epa.gov

We urge your prompt attention to this matter.

Sincerely,

Carmen R. Guerrero Pérez
Director

Enclosures

cc: Wanda García, PRDNER (copy w/enclosure)