



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CITY VIEW PLAZA II BUILDING, 7<sup>TH</sup> FLOOR  
ROUTE 165 GUAYNABO, PUERTO RICO 00968

September 30, 2020

Mr. Giancarlo Santos  
Alfaya Estate, LLC  
P. O. Box 1580  
Moca, Puerto Rico 00676

Filed October 05, 2020 @ 12:38pm  
USEPA – Region II  
Regional Hearing Clerk

**Re: Notice of Proposed Assessment of a Civil Penalty  
In the Matter of Alfaya Estate, LLC and Karimar Construction, Inc.  
Desarrollo de 9 Villas Residential Project  
Docket Number CWA-02-2020-3452**

Dear Mr. Santos:

Enclosed is a Complaint which the United States Environmental Protection Agency (“EPA” or “Agency”) is issuing to Alfaya Estate, LLC (“Respondent Alfaya”) and Karimar Construction, Inc. (“Respondent Karimar”), 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 “Desarrollo de 9 Villas Residential Project” located in Rincón, 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 contained in Section 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of **\$118,865.00** be assessed against Respondents for the violations.

Respondent Alfaya has the right to a hearing to contest the factual allegations in the Complaint. If Respondent Alfaya admits the allegations, or they are found to be true after there has been an opportunity for a hearing on them, Respondent Alfaya has 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. Due to the COVID-19 pandemic, 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 Respondent Alfaya wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint, Respondent Alfaya must file a written Answer, according to the Standing Order, within thirty (30) calendar days of Respondent Alfaya's receipt of the enclosed Complaint. If Respondent Alfaya does not file an Answer within thirty (30) calendar days of receipt of this Complaint, Respondent Alfaya 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 Respondent Alfaya requests a formal hearing, Respondent Alfaya 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. Respondent Alfaya 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 for a written Answer or effect what Respondent Alfaya may choose to say in an Answer, nor does it extend the thirty (30) calendar days by which Respondent Alfaya 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  
City View Plaza II Suite 7000  
#48, Rd. 165, Km. 1.2  
Guaynabo, PR 00968-8069  
(787) 977-5822  
[melendez-colon.suzette@epa.gov](mailto:melendez-colon.suzette@epa.gov).

We urge your prompt attention to this matter.

Sincerely,

Carmen R. Guerrero Pérez  
Director  
Caribbean Environmental Protection Division

Enclosures

cc: Ángel Meléndez, PRDNER (copy w/ enclosure)  
Rafael Machargo, PRDNER (copy w/ enclosure)