

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

CSM COROZAL DEVELOPMENT INC.

CANIVETTE CORPORATION

Respondents

MOTION

DOCKET NUMBER
CWA-02-2008-3455

REGIONAL HEARING
CLERK

2012 NOV 16 A 11:50

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

**MOTION FOR EPA TO BE ALLOWED TO WITHDRAW CLAIMS AGAINST
RESPONDENT CANIVETTE CORPORATION**

To the Honorable Presiding Officer:

COMES NOW the Complainant to the instant matter and very respectfully avers and prays as follows:

1. That on June 6, 2008, Complainant issued an Administrative Complaint, Findings of Violation, and Notice of Opportunity to Request a Hearing (Complaint) against CSM Corozal Development, Inc. (CSM) and Canivette Corporation (Canivette) (collectively, Respondents), pursuant to Section 309(g)(2)(B) of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1319(g)(2)(B).
2. That on June 30, 2008, Canivette received the Complaint, the cover letter attached thereto, and 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" (Rules of Practice), at 40 C.F.R Part 22. (See, Exhibit 1).
3. Pursuant to 40 C.F.R. § 22.15, Respondent Canivette "shall file an original and one copy of a written answer to the complaint with the Regional Hearing Clerk

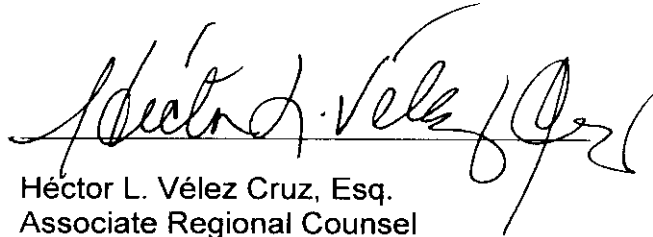
and shall serve copies of the answer on all other parties[.]” within 30 days after service of the Complaint.

4. In the instant matter, Respondent Canivette’s answer to the Complaint was due on Wednesday, July 30, 2008.
5. Since then, EPA has tried to contact Respondent Canivette in several instances through several means (i.e. in person, phone calls, etc.), even to re-serve the Complaint, with no success.
6. That as of the date of this Motion, more than four years have elapsed,¹ and Respondent Canivette has not filed its answer to the Complaint.
7. On July 13, 2012, EPA and Respondent CSM reached an agreement dispositive of all matters asserted in the Administrative Complaint, including a penalty. (See, *Draft Consent Agreement and Final Order, Exhibit 2*).
8. EPA believes that the most appropriate course is to seek permission to withdraw all claims of the Complaint against Respondent Canivette that EPA filed in the above captioned matter without prejudice, since all matters asserted have been properly addressed by Respondent CSM. If this motion is granted, EPA and Respondent CSM can proceed to file an executed Consent Agreement and Final Order in settlement of the above captioned matter within the next two (2) weeks.
9. Pursuant to Section 22.14(d) of the Rules of Practice, Complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed. 40 C.F.R. § 22.14(d).
10. **THEREFORE**, the Complainant petitions this Court to grant its motion to withdraw EPA’s claims of the Complaint against Respondent Canivette.

¹ Since July 30, 2008, four years and three months have elapsed.

11. **WHEREFORE**, Complainant prays that this Court will grant the aforementioned motion to withdraw claims of the Complaint against Respondent Canivette.

Respectfully submitted in San Juan, Puerto Rico, on this 15th day of November, 2012.



Héctor L. Vélez Cruz, Esq.
Associate Regional Counsel
Office of Regional Counsel, Caribbean Team
US Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
#48 RD. 165 km 1.2
Guaynabo, PR 00968-8069
Telephone (787) 977-5850
Fax: (787) 729-7748

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

CSM COROZAL DEVELOPMENT INC.

CANIVETTE CORPORATION

Respondents

MOTION

DOCKET NUMBER
CWA-02-2008-3455

CERTIFICATE OF SERVICE

I hereby certify that on this day I have caused to be sent the foregoing **Motion For EPA to Be Allowed to Withdraw Claims Against Respondent Canivette Corporation**, dated August 13, 2012, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original by **Overnight and Fax** to:

Helen S. Ferrara
Regional Judicial Officer
U.S. EPA, Region 2
290 Broadway - Room 1626
New York, NY 10007-1866
Ph: 212-637-3233; Fax: 212-637-3199

Original and copy by **Overnight** to:

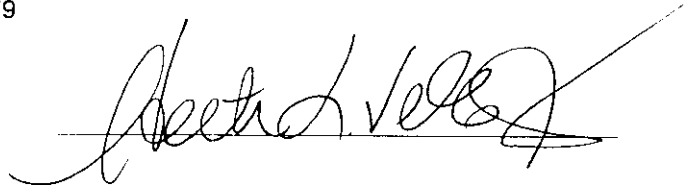
Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by **Certified Mail, Return Receipt Requested** to:

Roberto Abesada-Aguet, Esq.
Attorney for CSM Corozal Development, Inc.
Correa Acevedo Law Offices, P.S.C.
Centro Internacional de Mercadeo, Torre II
#90 Carr. 165, Suite 407
Guaynabo, PR 00968
Ph: 787-273-8300; Fax: 787-273-8379

Date

11/15/2012



Motion To Withdraw Claims
In the Matter of CSM Corozal Development, Inc. and Canivette Corporation
Docket Number CWA-02-2009-3455

EXHIBIT
Complainant's
1

UNITED STATES POSTAL SERVICE
FIRST CLASS MAIL PERMIT NO. G-10
30 JUN 2008 PM 2 L

• Sender: Please print your name, address, and ZIP+4 in this box •

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway - 16th Floor
New York, NY 10007-1866

RE: Re-issuance of Los Proceres Residential
Development CWA-02-2008-3455 due to the
Post Office returning to ORC-PR incorrect address



| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input type="checkbox"/> Agent <i>[Signature]</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>Marivick Lopez 6/29/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>1. Article Addressed to: Jose Aquino President, Canivette Corporation P.O. Box 329 Naguabo, PR 00718-0329</p> | <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> |
| <p>2. Article Number (Transfer from service label) 7000 0520 0023 0254 4464</p> | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CENTRO EUROPA BUILDING, SUITE 417
1492 PONCE DE LEON AVENUE, STOP 22
SAN JUAN, PR 00907-4127

JUN 11 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

José Aquino
President, Canivette Corporation
P.O. Box 399
Naguabo P.R. 00718-0329

**Re: Notice of Proposed Assessment of a Class II Civil Penalty
Docket Number CWA-02-2008-3455
In the Matter of CSM Corozal Development, Inc. and Canivette Corporation
Los Próceres Housing Development in Corozal, Puerto Rico**

Dear Mr. Aquino:

Enclosed is a Complaint which the United States Environmental Protection Agency (EPA) is issuing to CSM Corozal Development, Inc. and Canivette Corporation (Respondents) as a result of our determination that Respondents failed to comply with the "National Pollutant Discharge Elimination System General Permit for Discharges from Large and Small Construction Activities" (the "construction permit") at the Los Próceres Residential Development facility, located at State Road 818 Km. 2.6 Cibuco Ward, Corozal, Puerto Rico, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

This Complaint is filed pursuant to the authority contained in § 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of **\$82,908** be assessed against the Respondents for the violations.

The Respondents have the right to a hearing to contest the factual allegations of the Complaint. If the Respondents admits the allegations, or they are found to be true after there has been an opportunity for a hearing on them, the Respondents have the right to contest the penalty proposed in the Complaint. I have enclosed 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), which the Agency follows in cases of this kind. The CROP is codified at 40 C.F.R. Part 22. Please note the requirements for an Answer at Section 22.15 of the CROP. If the Respondents wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, the Respondents must file an original and a copy of a written Answer within thirty (30) days of the Respondents' receipt of the enclosed Complaint to the EPA Regional Hearing Clerk at the following address:

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

Internet Address (URL) • <http://www.epa.gov>

))

If the Respondents do not file an Answer within thirty (30) days of receipt of this Complaint, the Respondents may be judged to have defaulted (see Section 22.17 of the CROP). If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

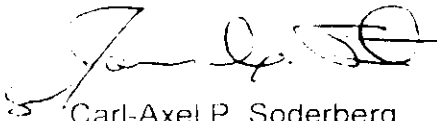
Whether or not the Respondents request a formal hearing, the Respondents may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. The Agency also encourages the use of Supplemental Environmental Projects (SEPs), where appropriate, as part of the settlement. Enclosed is a copy of the EPA SEP Policy for your consideration. The Respondents may represent themselves or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. An attorney from the Agency'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 the Respondents may choose to say in an Answer, nor does it extend the thirty (30) days by which the Respondents 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:

Héctor L. Vélez, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
Centro Europa Building, Suite 417
1492 Ponce de León Avenue
San Juan, Puerto Rico 00907-4127
Tel.: (787) 977-5850 / Fax: (787) 729-7748.

We urge your prompt attention to this matter.

Sincerely,



Carl-Axel P. Soderberg
Director
Caribbean Environmental Protection Division

Enclosures

cc: Wanda Garcia, EQB (w/o enclosures)

)

)

bcc: Karen Maples, Regional Hearing Clerk (with the original and one copy of
the Complaint)
D. McKenna, DECA/WCB (w/ enclosures)
P. Harvey, DECA/CAPS (w/ enclosures)
H. Vélez, ORC (w/ enclosures)
H. Ortiz, CEPD-ESB (w/ enclosures)
NPDES File (w/ enclosures)

))

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

CSM COROZAL DEVELOPMENT, INC.
P. O. Box 2399, Toa Baja
Puerto Rico 00951

CANIVETTE CORPORATION
Maizales Ward, P. O. Box 399
Naguabo P.R. 00718-0329.

**LOS PROCERES RESIDENTIAL
DEVELOPMENT**

Proceeding pursuant to Section 309(g) of
the Clean Water Act, 33 U.S.C.
§1319(g)(2)(B).

RESPONDENTS

DOCKET NUMBER CWA-02-2008-3455

NPDES PERMIT PRU201847

PROCEEDING PURSUANT TO SECTION
309(G) OF THE CLEAN WATER ACT, 33
U.S.C. § 1319(G), TO ASSESS CLASS II
CIVIL PENALTY

**COMPLAINT, FINDINGS OF VIOLATION, NOTICE OF PROPOSED
ASSESSMENT OF A CIVIL PENALTY, AND NOTICE OF
OPPORTUNITY TO REQUEST A HEARING**

I. Statutory Authority

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing (Complaint) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g)(2)(B) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(g)(2)(B). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Caribbean Environmental Protection Division (CEPD) of EPA, Region 2 (Complainant).
2. Pursuant to Section 309(g)(2)(B) of the Act, and in accordance with 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 a copy of which is attached, Complainant hereby requests that Regional Administrator assess a civil penalty against CSM Corozal Development, Inc. and Canivette Corporation (hereinafter, the "Respondents"), for their failure to apply for and obtain NPDES permit coverage prior to commencement of construction

))

activities at the "Los Próceres Residential Development" (the "Project") and for their illegal discharges of pollutant (storm water) into waters of the United States without NPDES permit coverage, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311.

II. Statutory and Regulatory Background

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides in part that "[e]xcept as in compliance with this Section and Sections ...402, and 404 of the Act, the discharge of any pollutant by any person shall be unlawful."
4. Section 308(a)(A) of the Act, 33 U.S.C. § 1318(a)(A), establishes that whenever required to carry out the objective of the Act, the Administrator shall require the owner or operator of any point source to:
 - a. establish and maintain such records;
 - b. make such reports;
 - c. install, use and maintain such monitoring equipment or methods;
 - d. sample such effluents; and
 - e. provide such other information as may be required.
5. Section 502 of the Act, 33 U.S.C. § 1362, and its implementing regulations, contain the following definitions:
 - a. Section 502(5) defines "person" as an individual, corporation, partnership or association;
 - b. Section 502(7) defines "navigable waters" as the waters of the United States, including the territorial seas;
 - c. Section 502(6) defines "pollutant" as including, among others, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water;
 - d. Section 502(14), defines "point source" as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged; and

- e. Section 502(12) defines in part "discharge of a pollutant" as any addition of any pollutant to navigable waters from any point source.
6. Section 402 of the Act, 33 U.S.C. § 1342, defines the National Pollutant Discharge Elimination System as the national program for, among other things, issuing and enforcing permits.
7. Section 402 of the Act authorizes the Administrator to promulgate regulations for the implementation of the NPDES requirements.
8. Pursuant to the Act, on April 1, 1983, EPA promulgated regulations to implement the NPDES program, under EPA Administered Permit Programs: the NPDES, at 40 C.F.R. Part 122, as amended.
9. Pursuant to the NPDES regulations at 40 C.F.R. § 122.5(b), the NPDES program requires permits for the discharge of any pollutant from any point source into waters of the United States.
10. The NPDES regulations under 40 C.F.R. § 122.2 define such terms:
- a. "Pollutant" in part, as dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, chemical wastes, rock, sand and others.
 - b. "Facility", as any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to the regulations of the NPDES program.
 - c. An "owner" or "operator" as the owner or operator of any facility or activity subject to regulation under the NPDES program.
 - d. "Point Source" as any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, from which pollutants are or may be discharged.
 - e. "Discharge" as the discharge of a pollutant or combination of pollutants into waters of the United States from any point source.
 - f. "Waters of the United States" means all waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, among others, and their tributaries.
 - g. "NPDES" means National Pollutant Discharge Elimination System under Section 402 of the Act, 33 U.S.C. § 1342. National Pollutant Discharge Elimination System means the national program for, among other things, issuing and enforcing permits.

11. The NPDES regulations, under 40 C.F.R. § 122.26, Storm water discharges, define the following terms:
- a. "Small construction activity" as, construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than 1 acre and less than 5 acres. 40 C.F.R. § 122.26(b)(15)(i).
 - b. "Municipal Separate Storm Sewer" as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by a State, or other public body created by or pursuant to State law. 40 C.F.R. § 122.26(b)(8)(i).
12. For the purposes of the NPDES storm water general permit for construction activities and in the context of storm water associated with construction activity (57 FR 41190 and 63 FR 7859), the term "Operator" means any party associated with a construction project that meets either of the following two (2) criteria:
- a. The party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or
 - b. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions.
13. For the purposes of the NPDES storm water general permit for construction activities and in the context of storm water associated with construction activity (68 FR 39087 - Appendix A) the term "commencement of construction activities" means the initial disturbance of soils associated with clearing, grading, excavation activities or other construction-related activities.

III. Findings of Violation

A. Findings of Fact

14. Respondents, CSM Corozal Development, Inc. (CSM) and Canivette Corporation (Canivette) are corporations organized and authorized to do business under the laws of the Commonwealth of Puerto Rico.
15. Each Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
16. CSM is the owner/operator and Canivette is an operator, as defined in 40 C.F.R. § 122.2, of a housing construction project known as "Los Próceres Residential Development".

-)
-)
17. Respondents' Project is located at State Road 818 Km. 2.6 Cibuco Ward, Corozal, Puerto Rico.
 18. The Project is a residential development which consists of the construction of thirty two (32) single family house units.
 19. The construction activities at the Project are best described by the Standard Industrial Classification code 1521 (single-family housing construction).
 20. The construction activities at the Project involve, among others, land disturbance, site preparation, utilities installation, and construction of houses and recreational areas.
 21. Earth movement activities at the Project involve clearing, grading and excavation on approximately 10.93 acres of land.
 22. Respondents began clearing activities at the Project on or about April 1, 2006.
 23. Respondents' Project is a "construction activity" as defined in 40 C.F.R. § 122.26(b)(14)(x).
 24. The Project is a "point source" within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2.
 25. The Respondents discharge storm water containing "pollutants" from the Project into the Cibuco River.
 26. The Cibuco River is water of the United States, pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2.
 27. Owners or operators of construction activities are required to apply and obtain NPDES permit coverage for storm water discharges associated with construction activities. 40 C.F.R. § 122.26(b)(14)(x).
 28. Respondents' Project is covered by the NPDES permit application regulations for construction activities. 40 C.F.R. § 122.26(b)(14)(x).
 29. An owner or operator of a construction site is required to submit an individual permit application no later than ninety (90) days, before the date on which construction is to commence, unless the owner or operator obtains authorization under an NPDES storm water general permit for construction activities. 40 C.F.R. § 122.21.
 30. Respondents are the owners and/or operators of the Project, as defined in 40 C.F.R. § 122.2. Respondents are subject to the provisions of the Act, 33 U.S.C. § 1251, et seq., and the applicable NPDES permit application regulations found at 40 C.F.R. Part 122. Respondents were required to apply for and obtain

))

NPDES permit coverage for the storm water discharges from the Project pursuant to 40 C.F.R. § 122.26(b)(14)(x).

31. On July 1, 2003, EPA issued the "NPDES General Permit for Discharges from Large and Small Construction Activities" (the "Construction Permit").
32. The Construction Permit was published in the Federal Register on July 1, 2003 (68 FR 39087). The Construction Permit became effective on July 1, 2003 and shall expire at midnight, July 1, 2008.
33. Section 2.3.A of the Construction Permit establishes application deadlines for owners or operators of new projects. Such owners or operators were required to file a complete and accurate NOI form prior to commencement of construction activities.
34. Section 3.1.A of the Construction Permit requires Respondents to prepare a SWPPP prior to submission of the NOI.
35. Section 3.1.D of the Construction Permit requires Respondents to implement the SWPPP as written from commencement of construction activity until final stabilization is complete.
36. On October 23, 2007, a duly authorized EPA enforcement officer performed an inspection at the Project to determine Respondents' compliance with the Act and the applicable NPDES regulations.
37. The findings of the inspection were included in the NPDES Water Compliance Inspection Report, dated October 23, 2007. The findings of the inspection revealed that:
 - a. Respondents did not submit an individual NPDES permit application at least ninety (90) days before the date on which construction activities commenced as required by 40 C.F.R. § 122.21, nor did they file a complete and accurate NOI form prior to commencement of construction activities as required by Part 2 of the Construction Permit.
 - b. Respondents did not have a SWPPP;
 - c. Respondents did not implement adequate storm water pollution prevention measures at the Project as required under Part 3 of the Construction Permit;
 - d. uncontrolled storm water runoffs from the Project were being discharged into the Cibuco River in violation of Part 3 of the Construction Permit;
 - e. Respondents did not adequately install and maintain the erosion and sediment control measures and other protective measures at the Project as required under Part 3 of the Construction Permit;

- f. large off-site accumulations of sediment that had escaped from the Project were observed impacting the adjacent land and the Cibuco River. Such sediment accumulations were not removed at a frequency sufficient to minimize off-site impacts as required by Section 3.13.B of the Construction Permit;
 - g. waste materials (i.e. trash, construction debris, wastewater resulting from concrete washout activities, among others) were not collected and stored as required by Section 3.13.C of the Construction Permit and were exposed to storm water reaching the Cibuco River;
 - h. off site storm waters were flowing through disturbed areas of the Project;
 - i. unstable slopes were observed throughout the Project;
 - j. Respondents did not conduct the inspections in accordance with Section 3.10 of the Construction Permit; and
 - k. Respondents did not post a sign or other notice at the Project concerning the NOI and the location of the SWPPP as required by Section 3.12.B of the Construction Permit; among others.
38. On December 05, 2007, Respondents submitted to EPA a SWPPP for the Project. EPA reviewed the SWPPP and determined that it was incomplete. It did not provide for the following as required under Part 3 of the Construction Permit:
- a. combination of sediment and erosion control measures to achieve maximum pollutant removal;
 - b. placement of velocity dissipation devices to provide a non-erosive flow velocity; among other storm water pollution prevention measures;
 - c. a legible site map that indicated: (1) direction(s) of storm water flow and approximate slopes anticipated after major grading activities; (2) areas of soil disturbance and areas that will not be disturbed; (3) locations of major structural and nonstructural BMPs identified in the SWPPP; (4) locations where stabilization practices are expected to occur; (5) locations of off-site material, waste, borrow or equipment storage areas; (6) locations where storm water discharges in to a surface water; and (7) areas where final stabilization has been accomplished and no further construction-phase permit requirements apply; and
 - d. description of measures to prevent the discharge of solid materials into waters of the United States; among others.
39. On May 14, 2008, an EPA official conducted a review of the EPA National Storm Water Processing Center database¹ and the EPA files and it revealed that as of such date Respondent had not filed an NOI form as required by the Construction

¹ <http://www.epa.gov/npdes/stormwater>

))

Permit. Respondent failed to obtain NPDES permit coverage for its construction activities at the Project, therefore, it did not have permit coverage for the discharges of pollutant (storm water) from its Project into the Unibón River, a water of the United States.

B. Conclusions of Law

40. As set forth above, Respondents are liable for the violations of Sections 301(a) of the Act, 33 U.S.C. § 1311(a), as specified below:
- a. **Claim 1 – Failure to apply for coverage under the NPDES permit.**
Respondents did not submit an individual NPDES permit application as required by 40 C.F.R. § 122.21, nor did they file a complete and accurate NOI form prior to commencement of construction activities as required by Part 2 of the Construction Permit.
 - b. **Claim 2 – Illegal discharges of pollutant (storm water) into waters of the United States without NPDES permit coverage.**
Respondents discharged pollutants from the Project into waters of the United States without the NPDES permit coverage, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a). The period of violations is from April 1, 2006 (date when clearing activities began at the Project) to October 23, 2007 (date when EPA performed an inspection at the Project).
41. The EPA will notify the Commonwealth of Puerto Rico regarding this proposed action by mailing a copy of this Complaint and Notice and offering an opportunity for the Commonwealth to confer with EPA on the proposed penalty assessment.

IV. Notice of Proposed Order Assessing a Civil Penalty

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA, Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties (Final Order) to Respondents assessing a penalty of **\$82,908**. The proposed penalty has been determined in accordance with the applicable factors under Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). EPA is required to take in consideration the nature, circumstances, extent and gravity of the violation (or violations), and Respondents' prior compliance history, degree of culpability, economic benefit or savings accruing to Respondents by virtue of the violations, and Respondents' ability to pay the proposed penalty. EPA has also taken in consideration the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, which requires EPA to adjust penalties for inflation on a periodic basis.

Based on the Findings set forth above, Respondents have been found to have violated in numerous occasions the NPDES regulations and the Act. Respondents failed to

))

perform inspections, prepare and implement a storm water pollution prevention plan, as required by the Construction Permit. Respondents are culpable for the violations. EPA took into account Respondents' knowledge of the NPDES regulations, the Construction Permit, and the risks to human health and the environment posed by the uncontrolled discharges of storm water runoff from the Project into the Cibuco River, a water of the United States.

The violations discussed in this Complaint are serious since Respondents' failure to develop and implement storm water pollution prevention at the Project caused a significant amount of sediments to reach surface water that could cause direct and indirect negative effects on human health and the environment. Respondents knew of their obligations under the NPDES regulations, Construction Permit, and the Act. Respondents do not have a prior history of violations under the NPDES program. EPA may issue a final Order Assessing Administrative Penalties thirty (30) days after Respondents' receipt of this Notice, unless Respondents, within that time files an answer to the Complaint and, requests a hearing on this Notice pursuant to the following section.

V. Procedures Governing This Administrative Litigation

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, which have been codified at 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering the Complaint

Where Respondents intend to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondents are entitled to judgment as a matter of law, Respondents must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

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

Respondents shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a).

Respondents' Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondents has any knowledge. 40 C.F.R. § 22.15(b). Where Respondents lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1)

))

the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondents dispute (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief, and (4) whether Respondents request a hearing. 40 C.F.R. § 22.15(b).

Respondents' failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondents, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity to Request a Hearing

If requested by Respondents in the Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondents do not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

Should Respondents request a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should Respondents not request a hearing, EPA will issue a Final Order, and only members of the public who submit timely comment on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a hearing thereon. EPA will grant the petition and will hold a hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure to Answer

If Respondents fail in the Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondents fails to file a timely [i.e., in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)] Answer to the Complaint, Respondents may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondents constitute, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondents' right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondents for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondents without further proceedings thirty (30) days after the Default Order

))

becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondents, and to collect the assessed penalty amount, in federal court.

VI. Informal Settlement Conference

Whether or not Respondents requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondents may comment on the charges made in this complaint, and Respondents may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondents have taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondents' ability to continue in business, and/or (4) any other special facts or circumstances Respondents wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondents, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if Respondents can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondents are referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondents may have regarding this Complaint should be directed to the EPA attorney named in Section VIII, Paragraph 2, below.

The parties may engage in settlement discussions irrespective of whether Respondents have requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondents' requesting a formal hearing do not prevent them from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondents' obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. § 22.18(b)(2). In

))

accepting the Consent Agreement, Respondents waive their right to contest the allegations in the Complaint and waives any right to appeal the Final Order that is to accompany the Consent Agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Respondents' entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in such Consent Agreement terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Respondents' entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. Resolution of this Proceeding Without Hearing or Conference

Instead of filing an Answer, Respondents may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondents file with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA Assistant Regional Counsel identified on Section VIII, paragraph 2. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "**Treasurer, United States of America**", in the full amount of the penalty assessed in this complaint to the following addressee:

**Regional Hearing Clerk
U. S. Environmental Protection Agency, Region 2
PO Box 360188
Pittsburgh, Pennsylvania 15251.**

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondents elect to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order in accordance with 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.45(c)(3), no Final Order shall issue until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondents shall constitute a waiver of Respondents' right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondents' obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VIII. Filing of Documents

1. The original and one copy of the Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

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

2. A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

**Héctor L. Vélez Cruz, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
1492 Ponce de León Ave., Suite 417
San Juan, Puerto Rico 00907-4127
Telephone: (787) 977-5850
Fax: (787) 729-7748.**

IX. General Provisions

1. Respondents have a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act will affect Respondents' continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

ISSUED THIS 6th DAY OF June, 2008.



CARL-AXEL P. SODERBERG, P.E.

Director,
Caribbean Environmental Protection Division
United States Environmental Protection Agency - Region 2
1492 Ponce de León Ave., Suite 417
San Juan, Puerto Rico 00907-4127



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2**

IN THE MATTER OF:

CSM COROZAL DEVELOPMENT INC.

CANIVETTE CORPORATION

Respondents

**CONSENT AGREEMENT
AND
FINAL ORDER**

DOCKET NUMBER CWA-02-2008-3455

CONSENT AGREEMENT AND ORDER

Complainant, the United States Environmental Protection Agency ("EPA" or "Complainant"), having issued the Complaint herein on June 11, 2008, to CSM Corozal Development Inc. (CSM) and Canivette Corporation (Canivette) (herein together "Respondents"), and

Complainant and Respondent CSM having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (CA/FO) without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby agreed, and ordered as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319.

2. The Complaint alleges that Respondents violated Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342, at the Los Próceres Residential Development (the "Project"), as follows:
 - a. Respondents did not submit an individual National Pollutant Discharge Elimination System (NPDES) permit application as required by 40 C.F.R. § 122.21, nor did Respondents file a complete and accurate Notice of Intent (NOI) form prior to commencement of construction activities as required by Part 2 of EPA's July 1, 2003 NPDES General Permit for Discharges from Large and Small Construction Activities" (the "Construction Permit"); and
 - b. Respondents discharged pollutants into waters of the United States without authorization of an NPDES permit.
3. EPA notified the Commonwealth of Puerto Rico regarding this action and offered an opportunity for the Commonwealth of Puerto Rico to confer with EPA on the proposed penalty assessment, pursuant to 40 C.F.R. Part 22. This action was public noticed. No public comment was received.
4. Respondent CSM filed its answer to the Complaint on July 11, 2011. In its answer, Respondent CSM denied certain facts, admitted others, raised affirmative defenses and requested a hearing in this matter.
5. Respondent Canivette never filed an answer to the Complaint.
6. This CA/FO shall apply to and be binding upon Respondent CSM, its officers, directors, employees, successors and assigns, including, but not limited to, subsequent purchasers.
7. Respondent CSM stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent CSM. Respondent CSM waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual or legal allegations contained in the Complaint, consents to the terms of this CA/FO.
8. Respondent CSM hereby waives its rights to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

II. TERMS OF SETTLEMENT

9. Pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00). Respondent CSM shall pay this civil penalty in accordance with paragraphs 11-14 of this Consent Agreement.
10. For purposes of settlement, Respondent CSM consents to the issuance of this Consent Agreement and consent to the payment of the civil penalty cited in the foregoing Paragraph.

II. A. Penalty

11. Respondent CSM shall pay the penalty of FIFTEEN THOUSAND DOLLARS (\$15,000.00) by cashiers' or certified checks, payable to the "Treasurer of the United States of America" or by wire transfers.
12. No later than sixty (60) days after the date of signature on the Final Order (at the end of this document), Respondent CSM shall pay an initial penalty of FIVE HUNDRED DOLLARS (\$500.00).
13. No later than one hundred fifty days (150) days after the date of signature on the Final Order, Respondent CSM shall pay a penalty of SEVEN THOUSAND DOLLARS (\$7,000.00).
14. No later than five hundred ten days (510) days after the date of signature on the Final Order, Respondent CSM shall pay a penalty of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00).
15. Respondent CSM shall clearly identify, the form of payment selected, the name and docket number of this case, set forth in the caption on the first page of this document
 - a. Respondent CSM shall mail the checks to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000.

OVERNIGHT MAIL:
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087.

- b. Alternatively, Respondent CSM shall make wire transfers to:

WIRE TRANSFERS:
Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045.

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."

16. Respondents shall also send copies of each payment to each of the following:

Héctor Ortiz
Environmental Engineer
Multimedia, Permits and Compliance Branch
Caribbean Environmental Protection Agency
U.S. Environmental Protection Agency Region 2
City View Plaza II, Suite 7000
#48 RD. 165 km 1.2
Guaynabo, PR 00968-8069
Fax number: (787) 289-7104.

Héctor L. Vélez Cruz, Esq.
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
#48 RD. 165 km 1.2
Guaynabo, PR 00968-8069
Fax number: (787) 729-7748,

and

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

Payments must be received at the above address as specified in paragraphs 11 - 14, above.

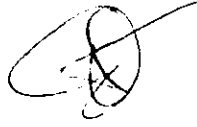
- a. failure to pay the penalty in full according to the above provisions will result in a referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection;
 - b. further, if the payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date;
 - c. in addition, pursuant to Section 309(g)(9) of the Clean Water Act, 33 U.S.C. § 1319(g)(9), if payment is not received by the due date, a quarterly nonpayment penalty will be imposed for each calendar quarter during which such nonpayment persists. The quarterly nonpayment penalty is 20% of the aggregate amount of penalties and quarterly nonpayment penalties which are unpaid as of the beginning of such quarter; and
 - d. Respondent also may be required to pay attorneys fees and costs for collection proceedings in connection with nonpayment.
17. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from the Respondent CSM's federal or state taxes.

II. B. General Provisions

18. The Respondent CSM waives any right they may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Director or the Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the accompanying Final Order.

19. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent CSM's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent CSM's violation of any applicable provision of law.
20. This Consent Agreement and Order shall not relieve Respondent CSM of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.
21. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to the Clean Water Act for the violations alleged in the Complaint. Nothing in this Consent Agreement and Final Order is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondents. Compliance with this Consent Agreement and Final Order shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondents to comply with such laws and regulations.
22. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.
23. Each party shall bear its own costs and attorney's fees in connection with the action resolved by this Consent Agreement and Order.

Respondent CSM Corozal Development Inc.:

A handwritten signature in black ink, consisting of a large, stylized letter 'C' with a vertical line through it, and a horizontal line extending to the right.

BY: _____
NAME OF SIGNATORY
TITLE OF SIGNATORY

DATE: 7/13/2012

Complainant:

BY: _____

DATE: _____

José C. Font, Acting Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency - Region 2
City View Plaza II, Suite 7000
#48 RD. 165 km 1.2
Guaynabo, PR 00968-8069

III. FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency Region 2, ratifies the foregoing Consent Agreement. The Consent Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2, New York, NY.

Date

Helen Ferrara
Regional Judicial Officer
United States Environmental
Protection Agency-Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:
CSM COROZAL DEVELOPMENT INC.
CANIVETTE CORPORATION
Respondents

**CONSENT AGREEMENT
AND
FINAL ORDER**

DOCKET NUMBER CWA-02-2008-3455

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Consent Agreement and Final Order**, dated June , 2012, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region 2
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Overnight Mail** to:

Attorney for Respondent:
CSM Corozal Development Inc.:
Roberto Abesada Aguet, Esq.
Centro Internacional de Mercadeo
Torre II, Suite 407
#90 Carr. 165
Guaynabo, PR 00968
Fax (787) 273-8371
Email: ra@correaacevedo.com

Copy by facsimile, **Overnight Mail** to:

Helen Ferrara
Regional Judicial Officer
U. S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Date

Name



BANCO POPULAR.

BANCO POPULAR DE PUERTO RICO
PO Box 362708 San Juan, Puerto Rico 00936-2708
Rio Hondo 250 20120706

OFFICIAL CHECK CUSTOMER RECEIPT AND AGREEMENT

Check No. 103125000018896

Date: 07/06/2012

Payee: UNITED STATES SECRETARY OF TRE
ASURE

Amount: \$500.00
Fee: \$8.00
Total: \$508.00

Remitter: CSM COROZAL DEVELOPMENT INC

250 PR46000 0312 07/06/2012 14:10 BankChecksCHCK

NOTICE TO CUSTOMERS:

You usually cannot stop payment of the attached check after you send it to the payee. If it is lost, stolen, or destroyed, notify Source Bank immediately. You may be required to buy an indemnity or surety bond before a replacement or refund is issued.

CHK 001 / 05 08

THIS DOCUMENT HAS A VOID PANTOGRAPH - BORDER CONTAINS MICROPRINTING AND A TRUE WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK



BANCO POPULAR.

BANCO POPULAR DE PUERTO RICO
PO Box 362708 San Juan, Puerto Rico 00936-2708
Rio Hondo 250 20120706

215

OFFICIAL CHECK

Check No. 103125000018896

Date 07/06/2012

PAY: FIVE HUNDRED DOLLARS AND 00/100



Over \$25,000.00 Two Signatures Required

TO THE UNITED STATES SECRETARY OF TRE
ORDER OF ASURE

REMITTER: CSM COROZAL DEVELOPMENT INC
FDIC Member and Federal Reserve System

[Handwritten Signature]
Authorized Signature

⑈ 25000018896⑈ ⑆ 02150201⑆ 000⑈ 010316⑈

