

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 JUN -8 AM 9:06
REGIONAL HEARING
CLERK

IN THE MATTER OF:

CARAM CONSTRUCTION, INC.
1316 Fernández Juncos Ave.
San Juan, Puerto Rico 00910

RESPONDENT

**LA ALBORADA RESIDENTIAL
DEVELOPMENT**

NPDES Permit Number **PRR10BB83**

**PROCEEDING TO ASSESS A
CLASS II CIVIL PENALTY**

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

DOCKET NO. CWA-02-2009-3452

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

I. STATUTORY AND REGULATORY AUTHORITIES

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative 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 (Act or CWA), 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 CFR Part 22, a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against CARAM Construction, Inc., (Respondent), as a result of Complainant's determination that the Respondent is in violation of Sections 301 and 402 of the Act, 33 U.S.C. §1311 and §1342, respectively, for the unlawful discharge of pollutants into navigable waters without authorization by a National Pollutant Discharge Elimination System (NPDES) permit.

3. Section 301(a) of the Act, 33 U.S.C. §1311(a), provides in part that "except 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 of the Act, 33 U.S.C. §1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. §1342.
5. Section 402 of the Act, 33 U.S.C. §1342, authorizes the Administrator to issue a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the Act and such conditions as the Administrator determines are necessary.
6. Section 402 (p) of the Act, 33 U.S.C. §1342(p), requires a permit with respect to a discharge associated with industrial activity.
7. The Administrator of EPA has promulgated regulations at 40 CFR §122.26(a)(1)(ii) and §122.26(b)(14), which require operators to obtain a NPDES permit for storm water discharges associated with industrial activity, including construction activity. 40 CFR §122.5(b) requires permits for the discharge of any pollutant from any point source into bodies of water of the United States.
8. The regulations at 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15)(i) regulate storm water discharges associated with construction sites which include clearing, grading and excavation activities that result in the disturbance of one (1) or more acres of total land area.
9. Construction sites that are less than one acre, but are part of a common plan that is greater or equal to one acre are required to apply for coverage under the Construction General Permit. See 40 CFR §122.26(a)(1)(ii) and §122.26(b)(14)(x) and §122.26(b)(15)(i).
10. The Act and its implementing regulations and applicable NPDES permit contain the following definitions:
 - a) "Navigable waters" means the waters of the United States and territorial seas, pursuant to Section 502(7) of the Act, 33 U.S.C. §1362(7). "Waters of the United States" means, but are not limited to, waters which are currently used or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide and including wetlands, rivers, streams (including intermittent streams) (40 CFR §122.2).
 - b) "Pollutant" means, but is not limited to, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, and industrial, municipal and agricultural waste discharged into water, pursuant to Section 502(6) of the Act, 33 U.S.C. §1362(6).

- c) "Point source" means "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, ..." pursuant to Section 502(14) of the Act, 33 U.S.C. §1362(14).
- d) "Discharge of a pollutant" means any addition of any pollutant to navigable waters from any point source, pursuant to Section 502(12) of the Act, 33 U.S.C. §1362(12).
- e) "Person" means, but is not limited to, an individual, corporation, partnership or association, pursuant to Section 502(5) of the Act, 33 U.S.C. §1362(5).
- f) "Operator" for the purpose of the NPDES storm water general permit for construction activities and in the context of storm water associated with construction activity, is defined at Appendix A of the CGP to mean any party associated with a construction project that meets either of the following two (2) criteria:
 - i. The party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or
 - ii. 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. See Appendix A of the CGP or "construction permit".

11. EPA issued the "NPDES General Permit for Discharges from Large and Small Construction Activities", Permit No. PRR100000 on July 1, 2003 (CGP). This permit was published in the Federal Register (68 FR 39087). It became effective on July 1, 2003 and it expires on July 1, 2008.

- a) Part 3.1 of the CGP requires that a Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to the submission of the Notice of Intent (a/k/a application for inclusion in the CGP).
- b) Part 3.10 of the CGP requires that inspections be conducted at least once every 7 calendar days, or at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- c) Part 3.12 of the CGP requires that the SWPPP be retained at the construction site.
- d) Part 3.2.A of the CGP requires the operator that has control over construction plans and specifications to ensure that the SWPPP indicates the areas of the

project where it has operational control over project specifications, including the ability to make modifications in specifications.

- e) Part 3.3 C of the construction permit indicates that the SWPPP must contain a legible site map, showing the entire site, identifying:
 - i. direction(s) of the storm water flow and approximate slopes anticipated after major grading activities (Part 3.3.C.1);
 - ii. locations of major structural and nonstructural best management practices (“BMPs”) identified in the SWPPP (Part 3.3.C.3);
 - iii. locations of off-site material, waste, borrow or equipment storage areas (Part 3.3.C.5);
 - iv. locations where storm water discharges to a surface water (Part 3.3.C.7); and
 - v. areas where final stabilization has been accomplished and no further construction-phase permit requirements apply (Part 3.3.C.8).
- f) Part 3.4 of the CGP requires the implementation of controls to reduce pollutants.
- g) Part 3.6 of the CGP requires all erosion and sediment control and protective measures identified in the SWPPP to be maintained in effective operating condition.
- h) Part 3.8 requires that copies of the CGP and the signed certified NOI that was submitted to EPA must be included in the SWPPP.
- i) Part 3.10.A of the CGP requires the SWPPP to specify the inspection schedule to be followed, after taking into consideration the inspection schedules in Sections 3.10.A through C.
- j) Part 3.10.D and G of the CGP requires inspections to be conducted by qualified personnel and an inspection report to be completed for each inspection performed.
- k) Part 3.10.E of the CGP requires inspections to be performed in all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation looking for evidence of, or the potential for, pollutants entering the storm water conveyance system.
- l) Part 3.13.A of the CGP requires that all control measures must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices.

- m) Part 3.13.B of the CGP requires that if sediments escape the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- n) Part 3.13.D of the CGP requires that stabilization measures be provided, as soon as practicable, in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- o) Part 3.13.E of the CGP requires the implementation of a combination of sediment and erosion control measures to achieve maximum pollutant removal.
- p) Part 3.13.F of the CGP requires that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

II. JURISDICTIONAL FINDINGS

- 12. CARAM Construction, Inc., (Respondent) is a person within the meaning of Section 502(5) of the CWA, 33 U.S.C. §1362(5).
- 13. At all relevant times, Respondent was the operator of the construction site.
- 14. The construction site, known as the Alborada Residential Development Project (the "Project") is located at Intersections of State Road 155 and State Road 645, Km. 59.0, Quebrada Arenas Ward, in the Municipality of Vega Baja, Puerto Rico (the site). The Project is a residential development, which consists of the construction of fifty-five (55) single family units.
- 15. Construction activities at the site are best described by the Standard Industrial Classification Code 1521 (single-family housing construction). The construction site disturbed approximately 19.25 acres of land.
- 16. Respondent's site was and is, at all relevant times, a point source as defined Section 502 (14) of the Act, 33 U.S.C. §1362(14).
- 17. The construction activities at the Project involve, among others, land disturbance, site preparation, utilities installation, and construction of houses and recreational areas.
- 18. Earth movement activities at the Project involve clearing, grading and excavation on approximately 19.25 acres of land.
- 19. Respondent began clearing activities at the Project on or about August 15, 2006.

20. Respondent discharged storm water containing “pollutants” from the Project into Hicatea Creek.
21. The Hicatea Creek is a 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.
22. 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).
23. CARAM obtained permit coverage under the construction permit on August 17, 2006. The NPDES Permit Number received was **PRR10BB83**.

III. FINDINGS OF VIOLATION

24. Complainant re-alleges Paragraphs 12-23 above.
25. On March 30, 2007 and April 12, 2007, a representative of EPA Region 2 conducted Compliance Evaluation Inspections (CEIs) at the site.
26. At the time of the inspections, the EPA representative observed that storm water runoff with sediments was being discharged into the Hicatea Creek, a water of the United States. The SWPPP failed to provide for a combination of sediment and erosion control measures to achieve maximum pollutant removal as required in Part 3.13 of the CGP.
27. At the time of the inspections, the EPA representative found that Respondent failed to:
 - a) implement erosion, sediment and storm water management controls at the development, as required in Part 3 of the construction permit;
 - b) conduct inspections required in accordance with Part 3.10 of the CGP;
 - c) provide temporary stabilization to slopes and other areas where cleaning, grading and excavation activities occurred at the site, in accordance with Part 3.13.D of the CGP;
 - d) provide adequate sediment and erosion control measures in accordance with the SWPPP and Part 3.13.E of the CGP;
 - e) provide and maintain adequate storm water management practices, such as a sedimentation basin as required by its SWPPP and Part 3.13 of the CGP; and
 - f) remove control off-site accumulations of sediment that impacted the Hicatea Creek. Such sediment accumulations were not removed at a frequency that would help minimize off-site impacts as required by Section 3.13.B of the CGP.

28. On August 14, 2007, an Administrative Order (CWA-02-2007-3070) was issued against Respondent, under Sections 308 and 309 of the CWA.
29. The Administrative Order required Respondent to remedy certain violations based on the findings made during the above inspections.
30. Based on the Findings in Paragraph 24 – 27 above, Respondent violated Sections 301 of the Act, 33 U.S.C. §1311, by failing to comply with the terms of CGP, Permit Number PRR10BB83.

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 Respondent in the amount of **\$66,988.00**. 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 Respondent's prior compliance history, degree of culpability, economic benefit or savings accruing to Respondent by virtue of the violations, and Respondent's 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, Respondent has violated on numerous occasions the NPDES regulations and the Act. Respondent failed to perform inspections, prepare and implement a storm water pollution prevention plan, as required by the construction permit. Respondent is culpable for the violations. EPA took into account Respondent's 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 Hicatea Creek, a water of the United States.

The violations discussed in this Complaint are serious since CARAM's 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. Respondent knew of its obligations under the NPDES regulations, construction permit, and the Act. Respondent does not have a prior history of violations under the NPDES program. EPA may issue a final Order Assessing Administrative Penalties thirty (30) days after Respondent's receipt of this Notice, unless Respondent, 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 ACTION

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 CFR Part 22. A copy of these rules accompanies this Complaint.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent 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 CFR § 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**

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 CFR § 22.15(a). Respondent's 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 the Respondent has any knowledge.

40 CFR § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in the Answer, the allegation is deemed denied. 40 CFR § 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 Respondent disputes (and thus intend to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a Hearing. 40 CFR § 22.15(b).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondent, 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 Respondent in its Answer, a Hearing upon the issues raised by the Complaint and Answer may be held. 40 CFR § 22.15(c). If, however, Respondent does not request a Hearing, the Presiding Officer (as defined in 40 CFR § 22.3) may hold a Hearing if the Answer raises issues appropriate for adjudication. 40 CFR § 22.15(c).

Any Hearing in this proceeding will be held at a location determined in accordance with 40 CFR § 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 CFR Part 22.

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

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 CFR § 22.27(c). 40 CFR § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in Federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal Hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 CFR § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint and Respondent may also provide whatever additional information is believed to be relevant to the disposition of this matter, including: (1) actions Respondent has 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 Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise.

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

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Lourdes del Carmen Rodriguez, 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) 977-5819
Fax: (787) 729-7748**

The parties may engage in settlement discussions irrespective of whether Respondent has requested a Hearing. 40 CFR § 22.18(b)(1). Respondent's requesting a formal Hearing does not prevent Respondent 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 CFR § 22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 CFR § 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 CFR § 22.18(b)(2). In accepting the Consent Agreement, Respondent waives any 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 CFR § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 CFR § 22.18(b)(3).

Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order terminates this administrative litigation and these civil proceedings against Respondent (note that a new enforcement action may be initiated based on continued non-compliance). Entering into a settlement agreement does not extinguish, waive, satisfy or otherwise affect Respondent's 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, Respondent may choose to pay the total amount of the proposed penalty (**\$66,988.00**) within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 CFR § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA Attorney identified in Section VI above. 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:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center

PO Box 979077
St. Louis, MO 63197-9000

Pursuant to 40 CFR §22.18(a)(3), if Respondent elects 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 CFR § 22.18(a)(3). In accordance with 40 CFR § 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 (note that a new enforcement action may be initiated based on continued non-compliance). Further, pursuant to 40 CFR § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's 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 Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. FILING OF DOCUMENTS

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

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

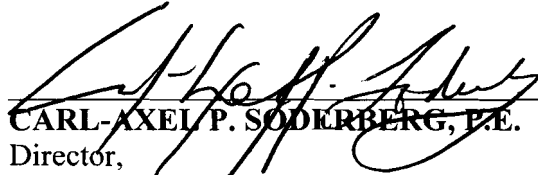
Lourdes del Carmen Rodriguez, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
1492 Ponce de León Ave., Suite 417
San Juan, Puerto Rico 00907-4127
Telephone: (787) 977-5819
Fax: (787) 729-7748

VIII. GENERAL PROVISIONS

1. Respondent has 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 there under, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act will affect Respondent's 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 2nd DAY OF June, 2009.



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

To: Mr. Mark González
President
CARAM Construction, Inc.
1316 Fernández Juncos Ave.
San Juan, Puerto Rico 00910

cc: Wanda García
Director
Water Quality Area
PR Environmental Quality Board
P.O. Box 11488
San Juan, PR 00910

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

CARAM CONSTRUCTION, INC.
1316 Fernández Juncos Ave., San Juan,
Puerto Rico 00910

RESPONDENT

**LA ALBORADA RESIDENTIAL
DEVELOPMENT**

NPDES Permit Number **PRR10BB83**

**PROCEEDING TO ASSESS
A CLASS II
CIVIL PENALTY**
DOCKET NO. CWA-02-2009-3452

I certify that on this date I served the foregoing fully executed Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing, bearing the above referenced docket number, on the persons listed below, in the following manner:

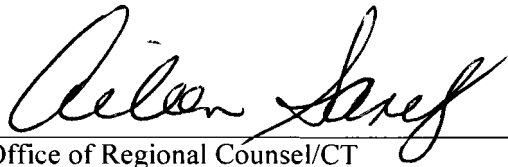
Original and One Copy
By Express Mail:

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:

Mr. Mark González
President
CARAM Construction, Inc.
1316 Fernández Juncos Ave.,
San Juan, Puerto Rico 00910

Dated: 6/3/09


Office of Regional Counsel/CT