



U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
SEP 18 P 3 12
REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

SEP 17 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Adriel Longo
President
Desarrollos Caminitos, Inc.
100 Grand Boulevard Paseos G01
San Juan, Puerto Rico 00926

**Re: Docket No. CWA-02-2012-3353
Caminitos Residential Development
NPDES 2008 CGP Number PRR10BU17
NPDES 2012 CGP Number PRR12A156**

Dear Mr. Longo:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered as part of the Consent Agreement and Final Order ("CAFO") issued to you. This serves as your notification that the ESO Agreement is effective ("SO ORDERED"). Please note that this settles any civil penalties claims against you for the Clean Water Act violations issued in the CAFO.

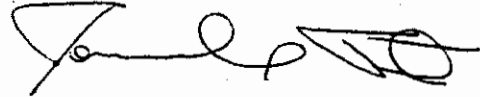
Within ten (10) days from receipt of this letter you must send a check for the amount of \$4,700.00 and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 2
In the matter of Desarrollos Caminitos, Inc.
Docket No.: CWA-02-2012-3353
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The payment for the penalty amount must be in the form of a bank, cashiers or certified check payable to the "Treasurer, United States of America" with EPA's Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must be sent via certified mail to EPA's Caribbean Environmental Protection Division for our records. If you have any questions concerning the above, please contact Mr. Jaime Lopez at (787) 977-5851.

Sincerely,



Jose C. Font
Acting Director
Caribbean Environmental
Protection Division

cc: Roberto Ayala, EQB

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2
Caribbean Environmental Protection Division
City View Plaza II - Suite 417
#48 165 RD. Km. 1.2
Guaynabo, Puerto Rico 00968-8069

U.S. ENVIRONMENTAL
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EXPEDITED STORM WATER SETTLEMENT AGREEMENT
Desarrollos Caminitos, Inc.
Docket Number: CWA-02-2012-3353

Desarrollos Caminitos, Inc. (herein the "Respondent") is a "person," within the meaning of § 502(5) of the Clean Water Act ("the Act" or "CWA"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" (herein the "Form"), which is hereby incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent operated in violation of Section 301(a) of the Act, 33 U.S.C. § 1311, and failed to comply with the National Pollutant Discharge Elimination System ("NPDES") storm water permit (2008 CGP) authorized under Section 402 of the Act, 33 U.S.C. § 1342, as noted on the attached Form.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over the allegations and any "person" who "discharges pollutants" from a "point source" to "waters of the United States". Respondent neither admits nor denies the allegation(s) specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) specified in the Form for a penalty of \$4,700. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s); (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8) of the Act, 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the NPDES permitting program.

Respondent certifies that within 10 days of receiving notice from EPA that the Agreement is effective ("SO ORDERED") it will sent a bank, cashiers or certified check for the amount specified above, payable to the "Treasurer, United States of America" to:

Regional Hearing Clerk
U.S. EPA, Region 2
In the Matter of Desarrollos Caminitos, Inc.
Docket No.: CWA-02-2012-3353
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

This Agreement settles EPA's civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement. However, EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be in the public interest.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed ("APPROVED") by the Director of the Caribbean Environmental Protection Division unless a petition to set aside the Order is filed by a commenter pursuant to § 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C) and Part 22.

If Respondent does not sign and return this Agreement as presented within 30 days of the date of its receipt, the proposed Agreement is withdrawn without prejudice to EPA's ability to issue any order or file any enforcement action for the violation(s) identified in the Form.

APPROVED BY EPA:



Jose Font
Acting Director
Caribbean Environmental Protection Division

Date: Sept 11, 2012

APPROVED BY RESPONDENT in accordance with 40 C.F.R. § 122.22:

Name: Mr. Adriel Longo

Title: President

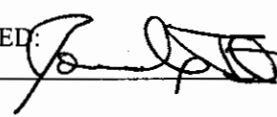
Signature: 

Date: June 27, 12

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

Having determined that this CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:


Jose Font
Acting Director
Caribbean Environmental Protection Division

Date: Sept 11, 2012



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

DATE: September 10, 2012

SUBJECT: **Desarrollos Caminitos, Inc.**
Docket No. CWA-02-2012-3353
Caminitos Residential Development
NPDES 2008 CGP Number PRR10BU17
NPDES 2012 CGP Number PRR12A156

FROM: Jaime López *Jaime Lopez*
Environmental Scientist
Multimedia Permits and Compliance Branch

THROUGH: José A. Rivera *José A. Rivera*
Acting Chief
Multimedia Permits & Compliance Branch

TO: José C. Font
Acting Director
Caribbean Environmental Protection Division

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Attached for your review and concurrence is a copy of the Expedited Storm water Settlement Agreement (ESA) which assesses the Administrative Penalties in the above-referenced matter, and which has been agreed upon by the Desarrollos Caminitos, Inc. ("Respondent").

Highlights of the ESA

The Order assesses a penalty of \$4,700.00.

Background

The Region applied the Expedited Settlement Offer ("ESO") criteria, in this case for sites that are ESO-eligible. Sites which meet all of the following criteria can be ESO-eligible: (1) construction sites up to fifty acres; (2) sites where the penalty calculated via the ESO worksheet is no more than \$15,000; (3) sites where there is no evidence of significant environmental impact (e.g., turbidity observed in receiving water); (4) sites where the operator is a first-time violator; and (5) sites where there is no evidence of non-allowable storm water discharges (e.g., process wastewater discharge, such as truck washing or discharge from a concrete batch plant operation).

On March 29, 2012, EPA Region 2 issued an Administrative Compliance Order, Docket No. EPA-CWA-02-2012-3111, to the Respondent, , which included formal findings of violation and a schedule of compliance pursuant to Section 309 (a) of the CWA. EPA alleged that Respondent violated Section 301 of the Act, 33 U.S.C. §1311, for its failure to comply with certain requirements of the NPDES Construction General Permit for storm water runoff associated with construction activities during active construction project in Gurabo, Puerto Rico. An ESO assessing an Administrative Penalty was mailed to Respondent, Docket No. EPA-CWA-02-2012-3353. On June 27, 2012, Respondent responded to the ESO, agreeing to the terms. The ESO proposed the assessment of a \$4,700.00 penalty.

This ESO was public noticed on July 20, 2012. The public notice period closed on August 20, 2012. No comments were received.

Penalty Justification

The attached ESO for the Desarrollos Caminito, Inc. imposes a penalty of \$4,700. This penalty is based upon the NPDES Industrial Storm Water Worksheet for Construction (ESO Worksheet).

Recommendation

The penalty addresses the violations under Section 301 of the Clean Water Act, 33 U.S.C. §1311. The violations have been remedied. The compliance schedule in the AO required the Respondent to, review and implement a satisfactory Storm Water Pollution Prevention Plan, and certify that it meets all federal requirements, along with final stabilization of the site. Since these requirements were satisfied after the 309 (a) Order was issued, the Agency is proceeding to use an expedited storm water settlement agreement to streamline the settlement for unpermitted facilities. EPA also sent Respondent a letter, dated May 23, 2012, closing the 309(a) Order.

Attachments

cc: John Ciorciari, OPM/FMB
Blake Edwards, OCFO/OFS/CFC