



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 16 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5967 8084

Jacob Sofer, Chief Executive Officer
Mountainview Realty Group, Inc.
48 Bakertown Road, Suite 500
Monroe, New York 10950

Re: Notice of Proposed Assessment of a Civil Penalty Class I
Mountainview Realty Group, Inc.
Mountainview Condominiums, Mountain Road, Kiryas Joel, New York
Docket No. CWA-02-2013-3311
NPDES Permit No. NYR10V297

Dear Mr. Sofer:

Enclosed is a copy of the final Consent Agreement and Final Order ("CAFO"). As you agreed to in this CA/FO, you must pay the settlement penalty amount of \$3,000 within forty five (45) days of the effective date of the enclosed CA/FO. You must send your original check and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 2
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

In the Matter of: Mountainview Realty Group, Inc.
Docket No.: CWA-02-2013-331

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

A copy of the check reflecting payment of the penalty amount must also be sent via certified mail, express mail or equivalent to the Chief, Compliance Section, Water Compliance Branch, 290 Broadway, 20th Floor, New York, NY 10007, for our records.

Please note that once full payment is made this settles all civil penalty claims against you for the Clean Water Act violations described in the Administrative Complaint and/or CAFO only. If

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2014 JAN 23 A 9:21
REGIONAL HEARING
CLERK

you have any questions concerning the above, please contact Mr. Murray Lantner, P.E.,
Environmental Engineer at (212) 637-3976 or Mrs. Justine Modigliani, P.E., Chief, Compliance
Section (212) 637-4268

Sincerely,



Dore LaPosta, Director

Division of Enforcement and Compliance Assistance

Enclosure

cc: Joseph DiMura, NYSDEC
Gedalye Szegedin, Village Administrator, Village of Kiryas Joel

New York, New York
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2014 JAN 23 A 9:21
REGIONAL HEARING
CLERK

IN THE MATTER OF:

Mountainview Realty Group, Inc.
48 Bakertown Road, Suite 500
Monroe, New York 10950

Respondent

Docket No. CWA-02-2013-3311

Proceeding to Assess Class I
Civil Penalty Under Section
309(g) of the Clean Water Act

NPDES Permit No. NYR10V297

FINAL ORDER
Docket No. CWA-02-2013-3311

U.S. ENVIRONMENTAL PROTECTION
AGENCY REGION II
2013 NOV 19 PM 3:48
DECA-WATER COMPLIANCE SECTION

CONSENT AGREEMENT

A. STATUTORY AUTHORITY

1. This Consent Agreement and Final Order ("CA/FO") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 309(g)(2)(A) of the Clean Water Act ("Act"), as amended, 33 U.S.C. §1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Division of Enforcement and Compliance Assistance of EPA, Region 2. 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 Code of Federal Regulations Part 22, the Director, Division of Enforcement and Compliance Assistance hereby issues this CA/FO.

B. STIPULATIONS AND FINDINGS

Upon Consent of the Parties by their attorneys or other authorized officials, the parties stipulate:

1. EPA issued an Administrative Complaint, Docket No. CWA-02-2013-3311, pursuant to Section 309(g)(2)(A) of the Act, alleging that Respondent was in violation of Section 301(a) of the Act, 33 U.S.C. §1311, and section 402 of the Act, U.S.C §1342, and proposing a penalty of \$7,500. In the

Administrative Complaint, EPA alleged that the Respondent failed to conduct inspections, maintain records, and install and maintain Best Management Practices ("BMPs") as required by the New York State Department of Environmental Conservation's General Permit for Storm Water Discharges from Construction Activity GP-0-10-001 ("CGP" or "Permit").

2. Respondent admits the jurisdictional allegations in the Administrative Complaint as set forth above and admits the specific violations alleged in the Administrative Complaint.

3. Respondent knowingly and explicitly waives its right to a hearing under Section 309(g)(2)(A) of the Act, and to appeal this order under Section 309(g)(8) of the Act, 33 U.S.C. §1319(g)(8).

C. SETTLEMENT TERMS

1. A Class I Civil Penalty of \$3,000 is hereby assessed against Respondent. Respondent shall pay such penalty as follows:

Payment Terms

2. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **\$3,000** payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document.

Such check shall be mailed to:

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

**In the Matter of: Mountainview Realty Group, Inc.
Docket No. CWA-02-2013-3311**

3. Respondent shall also send a copy of this payment to the Chief, Compliance Section, Water Compliance Branch, U.S. Environmental Protection Agency, 290 Broadway, 20th Floor, New York, New York 10007-1866.

4. Payment must be received at the above address on or before 45 calendar days after the effective date hereof, set out below (the date by which payment must be received shall hereafter be referred to as the "due date").

- a. Failure to pay the penalty in full according to the above provisions may result in the referral of this matter to the U.S. Department of Justice for collection.
- b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717,

on the overdue amount from the due payment handling charge of \$15.00 will be assessed for each thirty (30) day period (or any portion thereof) following the due date in which the balance remains unpaid.

- 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 penalties and quarterly nonpayment penalties unpaid as of the beginning of such quarter. You may also be required to pay attorneys' fees and costs for collection proceedings in connection with nonpayment.

D. GENERAL PROVISIONS

1. Issuance of the CA/FO does not constitute a waiver by EPA of its right to enforce legal requirements underlying this penalty assessment, either administratively or judicially pursuant to Section 309(a), (b) and (c). Pursuant to Section 309(g)(7) of the Act, 33 U.S.C. §1319(g)(7), issuance or compliance with this CA/FO does not exempt Respondent from responsibility to comply with all requirements of the Act and of any legal order or permit issued thereunder.
2. Respondent's execution of this CA/FO and payment of the penalty assessed by this CA/FO shall constitute a complete and final release by EPA of the Respondent of any civil penalties under Section 309 of the Act, 33 U.S.C. §1319, for violations alleged in the Administrative Complaint.
3. Respondent knowingly and explicitly waives its rights under Sections 309(g)(2) and (8) of the Act, 33 U.S.C. §§1319(g)(2) and (8), to a hearing on this penalty assessment, and to judicial review of this penalty assessment.
4. Respondent waives any right it may have pursuant to 40 CFR §22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, or Deputy Regional Administrator, where the purpose of such discussion, memorandum or communication is to persuade such officials to accept and issue this CA/FO.
5. Each undersigned representative of the parties to this CA/FO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CA/FO to execute and legally bind that party to it.
6. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CA/FO.

Effective Date

7. The effective date of this order shall be thirty calendar days from the date it is signed by the Division of Enforcement and Compliance Assistance Director, shown below.

Mountainview Realty Group, Inc.

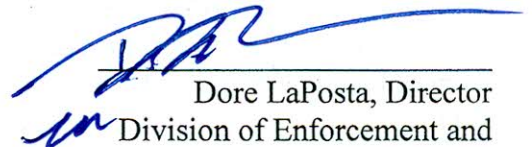
Signature: 

Jacob Sofer, Chief Executive Officer

Date: 11/01/13

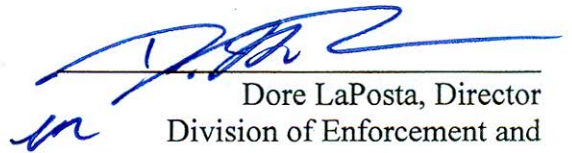
U.S. Environmental Protection Agency
Region 2

Date: 1/16/14



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance

ISSUED AND ORDER THIS 16th DAY OF January 2013 4



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance

Re: Mountainview Realty Group, Inc.
48 Bakertown Road, Suite 500
Monroe, New York 10950

Docket No. CWA-02-2013-3311

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

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NPDES Permit No. NYR10V297

**CONSENT AGREEMENT AND
FINAL ORDER**

DOCKET No. CWA-02-2013-3311


CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of this “**Consent Agreement and Final Order**” to the following person at the address listed below:

Jacob Sofer, Chief Executive Officer
Mountainview Realty Group, Inc.
48 Bakertown Road, Suite 500
Monroe, New York 10950

I [hand carried / mailed] the original and a copy of this “**Consent Agreement and Final Order**” to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Date: 1/16/14
New York, New York


[Signature of Sender]
[NOTE: must be over 18]