

### ~ UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

APR 2 7 2007

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED** 

Article Number: 7005 3110 0000 5972 8376 - 7005 3110 0000 5930 7496

The Honorable Manuel Ortega Mayor of Municipality of Naranjito Apartado 53 Naranjito, Puerto Rico 00719 Mr. Frankie E. Cuadrado Municipality of Naranjito Apartado 53 Naranjito, Puerto Rico 00719

Re:

Docket No. CWA-02-2007-3323

Naranjito Coliseum

PRR10B931

Dear Mayor Ortega and Mr. Cuadrado:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered into as part of the Consent Agreement and Final Order ("CAFO").

As you agreed to in this Expedited Storm Water Settlement Agreement, you must pay the settlement penalty amount (\$15,000) within ten (10) days from the date of receipt of this letter, which contains the agreement which has been "So Ordered" and is effective. You must send your original check and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 2
In the Matter of Municipality of Naranjito
Docket No.: CWA-02-2007-3323
P.O. Box 360188M
Pittsburgh, PA 15251

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 and the Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must also be sent via certified mail to Henry Mazzucca, P.E., Chief, Compliance Section, Water Compliance Branch, 290 Broadway, 20<sup>th</sup> Floor, New York, NY 10007 for our records.

Please note that once full payment is made this settles all civil penalties claims against you for the Clean Water Act violations issued in the CAFO.

REGIONAL HEARING

If you have any questions concerning the above, please contact Mr. Doughlas McKenna at (212) 637-4244.

Sincerely,

Dore LaPosta, Director

Division of Environmental Compliance and Assistance

cc: Wanda E. Garcia Hernandez, Director, Water Quality Area, PREQB



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2

### Division of Enforcement and Compliance Assistance 290 Broadway New York, New York 10007-1866

# EXPEDITED STORM WATER SETTLEMENT AGREEMENT Docket Number: CWA-02-2007-3323, NPDES No. PRR10B931

Municipality of Naranjito ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 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 incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311, and/or failed to obtain a National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342, as described in the attached worksheet.

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) alleged in this Agreement for a penalty of \$15,000. 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), 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 ten (10) days of receiving notice from EPA that the Agreement is effective ("So Ordered") it will send a bank, cashiers or certified check for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

Regional Hearing Clerk
U.S. EPA, Region 2
In the Matter of Municipality of Naranjito
Docket No.: CWA-02-2007-3323
P.O. Box 360188M, Pittsburgh, PA 15251

Late payment submittals will be penalized and accrue interest.

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 appropriate.

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 Division of Enforcement and Compliance Assistance unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. \$1319(g)(4)(C), and Part 22.

APPROVED BY EPA:

Dore LaPosta, Director

Division of Enforcement and Compliance Assistance

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

Name: Manuel Ortega

Signatuf (

Title: Mayor Municipality of Naranjito (Owner/Operator

More than 40 days have elapsed since the issuance of public notice pursuant to Section \$99(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,

Date: 4/27057

IT IS SO ORDERED:

Dore LaPosta, Director

Division of Enforcement and Compliance Assistance

## **Expedited Settlement Offer Worksheet Deficiencies Form**

Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4



		LEGAL NAME AND MAILING ADDRESS OF OP	ERATOR	Telephone Numbe	r N	PDES P	err	mit Number		
1		Municipality of Naranjito	<del></del>		P	RR1089	31			
		Apartado Postal 53				•	_			
		Naranjito, Puerto Rico 00719	•	Inspector Name:	С	iotola				
١.				Inspector Agency:	Įΰ	IS EPA				
L	١.	_		Entrance Interview (	Cond	ucted:				
				Exit Interview Condu	ucted	i:	.	Yes ·		
		LOCATION AND ADDRESS OF SITE		Exit Interview given	to:P	ablo Mel	en	dez, Project	Ма	nager
2		Naranjito Municipal Coliseum	<del></del> -	Exit Interview time:				Date:	(	04/11/2005
		PR-147, Km 5.8								
		Naranjilo, Puerto Rico 00719								
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l	1									
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		FACILITY DESCRIPTION / CONTACT NAMES								
	Π		ite Contact (ESO Worksheet recipient):	Rene Acosta Colon			_			
			of Authorized Official (40 CFR 122.22):		tega					
1			Inspection Date:				_			
			Start Construction Date:				_	·		
		Es	timated Completion Construction Date:				_			
			nitted, Number of Months Unpermitted:					<u> </u>		
			r Body (Indicate whether 303(d) listed):				_		_	
	1		res to be Disturbed in Whole Common Plan:				_	-		
		Has Operator Requested Rainfall Erosivity			_					
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			•	Citation C		eficien-		Dollar		
		PERMIT COVERAGE	Findings		*	cies		Amount		Tota
3	Г	Operator unpermitted for months (#	NOI Submitted December 13, 2005	CWA 301	Ť		ΧĪ	\$500.00	=	\$10,500
ľ		months unpermitted equals number of violations)	constructed started 3/1504	J		~'		\$555.55		\$10,000
	_			<del></del>			_	l		
		SWPPP REVIEW	· '							
4		SWPPP not prepared (If no SWPPP, leave		CGP 3.1.A		1 1	Т	\$4,500.00	=	\$4,500
		elements 5 - 30 blank)		00.0.1		. 1	- [	<b>4</b> 1,000.00		4 1,000
5		SWPPP prepared but prepared after construction		CGP 3.1.A			प्रो	\$75.00	=	
·		start (# of months = # of violations)						\$10.00		
6		SWPPP does not identify all potential sources of		CGP 3.1.B			-	\$250.00	=	
_		pollution to include: porta-pottys, fuel tanks,		\				V=00.00	-	
		staging areas, waste containers, chemical storage								
		areas, concrete cure, paints, solvents, etc				ļ	- 1			
		l i i i i i i i i i i i i i i i i i i i		00000			4		+	
7		SWPPP does not identify all operators for the		CGP 3.3.A				\$500.00	-	
		project site and the areas of the site over which								
	_	each operator has control				$\longrightarrow$	+		$\perp$	
8		SWPPP does not have site description, as follows:				*	•	20 to	1	
	L				·		4	1	$\perp$	
		Nature of activity in description		CGP 3.3.B.1			$\perp$	\$100.00		
		Intended sequence of major activities		CGP 3.3.B.2			$\perp$	\$100.00	_	
		Total disturbed acreage		CGP 3.3.B.3			_[	\$100.00	=	
		General location map		CGP 3.3.B.4				\$100.00		
	Ε	Site map		CGP 3.3.C			Т	\$500.00	=[	
ĺ	F	Site map does not show drainage patterns, slopes,		CGP 3.3.C.1-8			X	\$50.00		
J		areas of disturbance, locations of major controls,				- 1				
		structural practices shown, stabilization practices,			- 1		- }	l		
		offsite materials, waste, borrow or equipment							1	
		storage ageas, surface waters, discharge points,		1			.			
		areas of final stabilization (count each omission		1	-1	1				
Į		under 8F as 1 violation)	. 1						1	
	<u> </u>	·		COD 2 2 5		+	+	<b>REOD OC</b>		
	ن	Location/description industrial activities, like		CGP 3.3.D				\$500.00	=	
		concrete or asphalt batch plants			$\perp$		4		-	
9		SWPPP does not:	·		1		4			
1	Α	Describe all pollution control measures (e.g.		CGP 3.4.A	-	- 1		\$750.00	=	
- 1		BMPs)			- 1		- [	ĺ.		

	В	Describe sequence for implementation	CGP 3.4.A \$250.00	=
-	С	Detail operator(s) responsible for implementation	CGP 3.4.A \$250.00	=
10		SWPPP does not describe interim stabilization	CGP 3.4.B \$250.00	=
11		practices SWPPP does not describe permanent stabilization practices	CGP 3.4.B \$250.00	=
12		SWPPP does not describe a schedule to implement stabilization practices	CGP 3.4.B \$250.00	=
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)	CGP 3.4.C.1-3 X \$250.00	=
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas	CGP 3.4.D \$500.00	=
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed	CGP 3.4.E \$500.00	=
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit	CGP 3.4.F \$500.00	=
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust.	CGP 3.4.G \$500.00	=
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials	CGP 3.4.H \$250.00	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials	CGP 3.4.I \$500.00	=
20		SWPPP does not identify allowable sources of non storm water discharges listed in subpart 1.3.8 of the CGP	CGP 3.5 \$500.00	=
21	-	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges	CGP 3.5 \$500.00	=
22		Endangered Species Act documentation is not in SWPPP	CGP 3.7 \$500.00	=
23		Historic Properties (Reserved)		
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)	CGP 3.8 X \$250.00	=
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)	CGP 3.9 \$750.00	=
26	:	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans	CGP 3.9 \$250.00	=
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates	. CGP 3.10.G \$500.00	=
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)	CGP 3.11.C X \$50.00	=
29		Copy of SWPPP not retained on site  A SWPPP not made available upon request	CGP 3.12.A \$500.00 CGP 3.12.C \$500.00	
30		SWPPP not signed/certified	CGP 3.12.D \$500.00	
	L		Subtotal SWPPP Deficiencie	s \$4,50

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Signature   Sign	35			UGP 3.10.E.	\$50.00 =
mearby locations are not inspected   S50,00   =					<del> </del>
Signostic not property signed/certified   CGP 3.10.E.   S50.00   =	36			CGP 3.10.E.	\$50.00 =
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discharge, BMP(s) requiring maintenance, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)  39  Inspection reports not properly signet/certified (count each failure to to sign/certify as 1 violation)  39  Inspection reports not properly signet/certified (count each failure to to sign/certify as 1 violation)  39  Inspection reports not properly signet/certified (count each failure to to sign/certify as 1 violation)  39  Inspection reports not properly signet/certified (count each failure to to sign/certify as 1 violation)  30	- 1				1 11 11
that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)  39				[	1 11 11
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Count each failure to to sign/certify as 1 violation)	- [	(count each omission under 30 as 1 violation)		1 1	
Count each failure to to sign/certify as 1 violation)	20	Inspection congress and proposity signed to differ		CGP 2 10 C	V 050 00 =
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anticipated storm event  (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts  Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source  CGP 3.13.B  \$500.00 =  \$500.00 =	41	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:		CGP 3.12.B CGP 3.12.B Subte	\$50.00 = \$50.00 = otal Records Deficiencies
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BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts  Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source  BMP as one violation  CGP 3.13.B  \$500.00 =  CGP 3.13.C  \$500.00 =	41	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next		CGP 3.12.B  CGP 3.12.B  Subte	\$50.00 =
When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts  Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source  CGP 3.13.B \$500.00 = CGP 3.13.C \$500.00 = CGP 3.13.C	41	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event		CGP 3.12.B  CGP 3.12.B  Subte	\$50.00 =
at a frequency necessary to minimize off-site impacts  44 Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source  45 CGP 3.13.C \$500.00 =	41	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each		CGP 3.12.B  CGP 3.12.B  Subte	\$50.00 =
at a frequency necessary to minimize off-site impacts  44 Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source  45 CGP 3.13.C \$500.00 =	41	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  EEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event  (count each failure to select, install, maintain each BMP as one violation		CGP 3.12.B CGP 3.12.B  Subtraction  CGP 3.13.F  CGP 3.6.B	\$50.00 =
impacts  Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source  CGP 3.13.C \$500.00 =	41	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  EEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event  (count each failure to select, install, maintain each BMP as one violation		CGP 3.12.B CGP 3.12.B  Subtraction  CGP 3.13.F  CGP 3.6.B	\$50.00 =
44 Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source	41 42	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BESTMANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed		CGP 3.12.B CGP 3.12.B  Subtraction  CGP 3.13.F  CGP 3.6.B	\$50.00 =
chemicals exposed to storm water are not prevented from becoming a pollutant source	41 42	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BESTMANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event  (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site		CGP 3.12.B CGP 3.12.B  Subtraction  CGP 3.13.F  CGP 3.6.B	\$50.00 =
prevented from becoming a pollutant source	41 42 43	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.12.B CGP 3.12.B  CGP 3.13.F  CGP 3.6.B  CGP 3.13.B	\$50.00 =
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(e.g. screening outfalls, pickup daily, etc.)	41 42 42	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts  Litter, construction debris, and construction chemicals exposed to storm water are not		CGP 3.12.B CGP 3.12.B  CGP 3.13.F  CGP 3.6.B  CGP 3.13.B	\$50.00 =
<u> </u>	41 42 42 43	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts  Litter, construction debris, and construction chemicals exposed to storm water are not		CGP 3.12.8 CGP 3.12.B  Subtraction  CGP 3.13.F  CGP 3.6.B  CGP 3.13.B	\$50.00 =
	41 42 42 43	Sign/notice not posted  A Does not contain copy of complete NOI  B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign  BEST MANAGEMENT PRACTICES  No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water  Control measures are not properly:  A Selected, installed and maintained  B Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation  When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts  Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source		CGP 3.12.8 CGP 3.12.B  Subtraction  CGP 3.13.F  CGP 3.6.B  CGP 3.13.B	\$50.00 =

45	Stabilization measures are not initiated as soon as		CGP 3.13.D		\$500.0	0 =	
	practible on portions of the site where construction						
	activities have temporarily or permanently ceased			1 1			
- 1	within 14 days after such cessation				11	11	
		·					
-	*Exceptions:	1_					
	(a) Snow or frozen ground conditions						
	(b) Activities will be resumed within 14 days						
-	(c) Arid or Semi-arid areas (<20 inches per	-					
46	Common Drainage of 10+ acres does not have a		CGP 3.13.E.1		\$1,000.0	0 =	
	sedimentation basin for the 2 year, 24 hour storm,			1 (			
	or 3600 cubic ft. storage per acre drained						
-	A Where sedimentation basin not attainable, smaller	-	CGP 3.13.E.2		\$1,000.0	0 =	
	sediment basins, sediment traps, or erosion				]   ' ' ' '		
	controls not implemented for downslope			1 1			_
	B Sediment not removed from sediment basin or	1	CGP 3.6.C		\$500.00	] = [	
	traps when design capacity reduced by 50% or						
	more				11		
17	Common Drainage less than 10 acres does not		CGP 3.13.E.3		\$500.00	) =	
	have sediment traps, silt fences, vegetative buffer						
	strips, or equivalent sediment controls for all down			.			
	slope boundaries (not required if sedimentation					II	
	sediment basin meeting criteria in 46 above)						
-	A Sediment not removed from sediment trap when	1	CGP 3.6.C	++	X \$500.00	) =	
	design capacity reduced by 50% or more						
						_	
				Subtotal	BMP Deficienc	ies	
	SMALL BUSINESS EVALUATION	<u> </u>		Subtotal	BMP Deficienc	ies	
8	SMALL BUSINESS EVALUATION Is the Owner/Operator a Small Business?			Subtotal	BMP Deficienc	ies[_	
18	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small			Subtotal	BMP Deficienc	ies	
18	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person,			Subtotal	BMP Deficienc	ies	
18	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that			Subtotal	BMP Deficienc	ies	
18	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all			Subtotal	BMP Deficienc	ies	
48	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small			Subtotal	BMP Deficienc	ies	
48	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should			Subtotal	BMP Deficienc	ies	
18	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an			Subtotal	BMP Deficienc	ies	
48	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see			Subtotal	BMP Deficienc	ies	
18	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is			Subtotal	BMP Deficienc	ies	
8	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see			Subtotal	BMP Deficienc	ies	
8	Is the Owner/Operator a Small Business?  A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is				BMP Deficienc		\$15,00

In the Matter of: Municipality of Naranjito **Docket No. CWA-02-2007-3323** 

## **CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing fully executed signed Expedited Settlement Offer (ESO) Agreement entered into as part of the CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addresses below:

Original and One Copy

BY Hand:

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. Frankie E. Cuadrado Municipality of Naranjito

Apartado 53

Naranjito, Puerto Rico 00719

Copy by Certified Mail,

Return Receipt Requested:

The Honorable Manuel Ortega

Mayor of Municipality of Naranjito

Apartado 53

Naranjito, Puerto Rico 00719

Dated

New York, New York

Secretary