

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2011 SEP 27 A 11: 52  
REGIONAL HEARING  
CLERK

IN THE MATTER OF:

**Estancias de Cerro Mar, Inc.**

Docket No. CWA-02-2011-3356

**Respondent**

Palmas de Cerro Gordo Pump Station  
Call Box 1370  
Dorado, Puerto Rico 00908-9932

Proceeding Pursuant Section 309(g) of the  
Clean Water Act, 33 U.S.C. §1319(g) to  
Assess Class II Civil Penalty

**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 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)(A) of the Clean Water Act (Act), 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 of the Caribbean Environmental Protection Division of EPA, Region 2 (Complainant).
2. Pursuant to Section 309(g)(2)(A) 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 the Regional Administrator assess a civil penalty against Estancias de Cerro Mar, Inc. (Respondent), as a result of Complainant's determination that Respondent illegally discharged pollutants (sewage) into the Atlantic Ocean, a water of the United States, without a "National Pollutant Discharge Eliminations System (NPDES) Permit, in violation of Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311 and 1342.
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 402 of the Act, 33 U.S.C. § 1342, defines the National Pollutant Discharge Elimination System (NPDES) as the national program for, among other things, issuing and enforcing permits.
5. Section 402 of the Act, 33 U.S.C. § 1342, authorizes the Administrator to issue a 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. 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. Pursuant to the NPDES regulations at 40 C.F.R. § 122.21, 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.
11. Pursuant to the NPDES regulations at 40 CFR § 122.26(a)(1)(ii) and § 122.26(b)(14), operators are required to obtain a NPDES permit for storm water discharges associated with industrial activity, including construction activity.
12. The Act, its implementing regulations and applicable NPDES permit contain the following definitions:
  - a. "Person" as an individual, corporation, partnership or association. Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 CFR § 122.2;
  - b. "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. Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 CFR § 122.2;

- c. "Navigable waters" as the waters of the United States, including the territorial seas. Section 502(7) of the Act, 33 U.S.C. § 1362(7); "Waters of the United States" means all waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, among others, and their tributaries. 40 CFR § 122.2;
- d. "Discharge of a pollutant" as any addition of any pollutant to navigable waters and/or waters of the United States from any point source. Section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 CFR § 122.2;
- e. "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. Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 CFR § 122.2;
- f. "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. 40 CFR § 122.2;
- g. "Owner" or "operator" as the owner or operator of any facility or activity subject to regulation under the NPDES program. 40 CFR § 122.2; and

## **II. Jurisdictional Findings**

- 13. Respondent is a corporation organized and authorized to do business under the laws of the Commonwealth of Puerto Rico.
- 14. Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
- 15. Respondent is the developer of Palmas de Cerro Gordo Housing Development (the "Project").
- 16. The Project is located at State Road # 690, Km. 5.8 Cerro Gordo Ward, Vega Alta, Puerto Rico.
- 17. The Project is a residential development comprised of approximately 175 residences, parking lots and recreational facilities, constructed by Respondent.
- 18. The Project includes a storm sewer system which consists of a system of conveyances, including roads with drainage systems, municipal streets, catch

basins, curbs, gutters, ditches, man-made channels, or storm drains (the "Storm Sewer System").

19. The Storm Sewer System is designed or used for collecting or conveying storm water, and for discharging it into a body of water.
20. The Storm Sewer System includes, among other appurtenances, a storm water drainage consisting of a below-ground catch basin which collects surface storm water (the "Storm Drain").
21. Respondent's Storm Sewer System and Storm Drain discharge into the Atlantic Ocean.
22. Respondent also constructed at the Project a sanitary wastewater pump station (the "Pump Station") and its associated sewage collection system (manholes, sanitary sewer, etc.).
23. Respondent is the owner and operator of the Pump Station.
24. The Pump Station consists of a concrete building, wet well, bar screens, two underwater pumps and an electrical system, among other equipment.
25. The Pump Station collects the Project's sanitary wastewater sewage. The sanitary wastewater sewage is then discharged into the Puerto Rico Aqueduct and Sewer Authority's sanitary collection system located at State Road # 690, Km. 5.8 Cerro Gordo Ward, Vega Alta, Puerto Rico, which is located north of the Storm Drain.
26. Respondent's Storm Drain 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.
27. Respondent discharged pollutants (untreated sanitary sewage) from the Project (Storm Drain) into an adjacent wetland reaching the Atlantic Ocean.
28. The adjacent wetland and the Atlantic Ocean are waters 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.
29. Respondent is the owner and/or operator of the Project's Pump Station, as defined in 40 C.F.R. § 122.2. Respondent is subject to the provisions of the Act, 33 U.S.C. § 1251, et seq., and the applicable NPDES regulations found at 40 C.F.R. Part 122. Respondent was required to apply for and obtain NPDES permit coverage for any discharges of pollutants from the Project into water of the United States pursuant to 40 C.F.R. Part 122.

### **III. Findings of Violations**

30. Complainant re-alleges Paragraphs 13-29, above.
31. On December 29, 2010, a duly authorized EPA enforcement officer performed an inspection of the Project (Inspection) to determine Respondent's compliance with the Act and the applicable NPDES regulations. The purpose of the Inspection was to investigate a citizen complaint which alleged that sanitary sewer overflows (SSOs) had been occurring from a manhole at the Project reaching the Storm Drain.
32. Respondent's General Manager, Mr. Miguel Rivera, and the Palmas de Cerro Gordo Residents Association's Treasurer, Mr. Miguel Ruiz, accompanied the EPA enforcement officer during the Inspection.
33. The findings of the Inspection were included in the NPDES Water Compliance Inspection Reports, dated January 4, 2011. The findings of the Inspection revealed that:
  - a. The Pump Station's:
    - i. Pump # 2 was out of service;
    - ii. Alternated Power Unit was not operational;
    - iii. Grinders # 1 and # 2 were out of service;
    - iv. Entrance Chamber and Bar Screens were covered with solids and debris;
    - v. Wet Well level was approximately  $\frac{3}{4}$  full of its capacity and floatable solids and scum were observed; and
    - vi. Pump # 1 electrical panel magnet was burned out.
  - b. There was no log book at the Pump Station to document the maintenance activities provided by Respondent and the occurrence of SSOs.
  - c. Respondent's General Manager, Mr. Miguel Rivera, stated that Respondent owns, controls, operates and provides maintenance to the Pump Station.
  - d. Overflows of raw sewage from the manhole located at the Project's E-25 Street were observed entering the Project's storm water drain.

- e. The Palmas de Cerro Gordo Residents Association's Treasurer, Mr. Miguel Ruiz, stated that the ongoing SSO started on December 26, 2010.
  - f. Mr. Miguel Ruiz also stated that eight (8) additional SSO events had occurred during year 2010.
  - g. The Project's storm sewer collection system discharges into an adjacent wetland reaching the Atlantic Ocean.
34. On December 29, 2010, an EPA official also conducted a review of the EPA files (EPA review). The EPA Review revealed that as of such date Respondent had not filed an individual NPDES permit for coverage of its discharges of pollutants into waters of the United States.
35. Based on the observations made by EPA during the Inspection, EPA issued the Administrative Compliance Order CWA-02-2011-3108 ("Compliance Order" or "Order"), dated January 5, 2011, against Respondent to address the violations mentioned above. The Compliance Order incorporated findings of violations, and ordered Respondents to:
- a. cease and desist the discharge of pollutants (untreated sanitary sewage) into waters of the United States, and to submit to EPA a compliance plan and a preventive maintenance program to bring the Project's Pump Station into proper operational conditions.
36. On January 13, 2011, Respondents received the Compliance Order.
37. As of the date of issuance of this Administrative Complaint, Respondent has failed to submit to EPA and implement a Preventive Maintenance Program for the Project's Pump Station and Sanitary Collection System as required by Ordered Provision 7 of the Order.
38. Based on the findings on paragraphs 30-37 above, Respondent is liable for the violations of Sections 301(a) and 402 of the Act, 33 U.S.C. §§ 1311(a) and 1342, as specified below:
- a. **Claim 1 – Illegal discharges of pollutant (untreated sanitary sewage) into waters of the United States without NPDES permit coverage.**  
Respondent discharged pollutants from the Project into waters of the United States without NPDES permit coverage, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), from December 26, 2011 (date when unauthorized discharge of pollutants began), through January 5, 2011 (date when Respondent certified that the unauthorized discharge of pollutants [untreated sanitary sewage] had ceased).

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), and the Debt Collection Improvement Act of 1996, EPA, Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties (Final Order) to Respondents assessing a penalty of **\$10,000.00**. EPA determined the proposed penalty after taking into account the applicable factors identified at 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 Act of 1996, which requires EPA to adjust penalties for inflation on a periodic basis.

Based on the Findings set forth above, Respondent has been found violating Section 301 of the Act, by discharging pollutants (raw sewage) into waters of the United States without a NPDES permit. Respondent failed to take appropriate measures to prevent the SSOs from the Development's Pump Station. Untreated sewage contains very high amounts of pollutants such as Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Coliforms, Phosphorous, Nitrogen, Chlorine, Sulfide, heavy metals, toxics, etc., that could be dangerous to human health if a person becomes in contact with this discharge. The violation is serious. SSOs occurred at least on ten instances from December 26, 2010 thru January 5, 2011. Respondent does not have a prior history of violations under the Act.

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 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 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**

Respondent 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).

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 Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent 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 the defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a hearing. 40 C.F.R. §22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of its 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 C.F.R. § 22.15(c). If, however, Respondent does 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. §§ 51-59, and the procedures set forth in Subpart D of 40 C.F.R. 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 comments 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 its 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 Respondent fails to file a timely [*i.e.* in accordance with the 30-day period set forth in 40 C.F.R. § 2.15(a)] Answer to the Complaint, Respondent may be found in default upon motion. 40 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 22.27(c). 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 C.F.R. § 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 that it believes is 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 Respondents' 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 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 Respondent has requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondent requesting a formal hearing does not prevent it 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 Respondent's 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, Respondent waives its right to contest the allegations in the Complaint and waives its 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).

Respondent's 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. Respondent's 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, Respondent may choose to pay the total amount of the proposed penalty within thirty (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 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 the previous page. 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  
P.O. Box 979077  
St. Louis, MO 63197-9000**

Pursuant to 40 C.F.R. § 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 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 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.

**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 - 16<sup>th</sup> 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. 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 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 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 23 DAY OF September, 2011.

  
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. Michael Spector**  
President  
ESTANCIAS DE CERRO MAR, INC.  
Call Box 1370  
Dorado, Puerto Rico 00646

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

IN THE MATTER OF:

Call Box 1370  
Dorado, Puerto Rico 00908-9932

Assess Class II Civil Penalty

**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 the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits", 40 C.F.R. Part 22, to the following person at the address listed below:

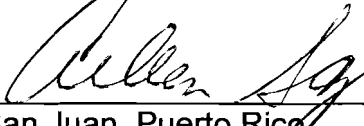
**Mr. Michael Spector  
President  
Estancias de Cerro Mar, Inc.  
Call Box 1370  
Dorado, Puerto Rico 00646.**

I sent the original and a copy of the foregoing Complaint for filing, to:

**Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, R 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866**

Date:

September 26, 2011

  
\_\_\_\_\_  
San Juan, Puerto Rico  
Aileen Sanchez