



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
 CITY VIEW PLAZA, SUITE 7000  
 #48 165 RD. KM 1.2  
 GUAYNABO, PR 00968-8069

062415

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Carmen A. Villar Prados  
 Executive Director  
 Puerto Rico Highways and Transportation Authority  
 P. O. Box 42007  
 San Juan, Puerto Rico 00940-2007

**Re: In the Matter of Puerto Rico Highways and Transportation Authority  
 Road PR-9 Construction Project  
 Expedited Settlement Agreement  
 Docket Number CWA-02-2015-3355**

Dear Ms. Villar Prados:

Enclosed is a copy of the signed Expedited Settlement Agreement ("ESA") entered as part of the Consent Agreement and Final Order ("CAFO") issued to the Puerto Rico Highways and Transportation Authority ("PRHTA"). This letter serves as a notification that the ESA is effective ("SO ORDERED"). Please note that this ESA settles any civil penalties claims against PRHTA for the Clean Water Act violations cited in the CAFO.

Within ten (10) calendar days from receipt of this letter, please send a check for the amount of **ten thousand dollars (\$10,000.00)** and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk  
 U.S. EPA, Region 2  
 In the Matter of Puerto Rico Highways and Transportation Authority  
 Docket Number CWA-02-2015-3355  
 Fines and Penalties  
 Cincinnati Finance Center  
 P. O. Box 979077  
 Saint 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 (CWA-02-2015-3355) of the ESA written on the check.

A copy of the check payment of the penalty amount must be sent via certified mail to the undersigned for our records.

U.S. Environmental Protection Agency-Reg 2  
 2015 JUN 30 PM 12:14  
 REGIONAL HEARING CLERK

If you have any questions concerning the above, please contact José A. Rivera of this Division at (787) 977-5842 or rivera.jose@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'José C. Font', with a stylized flourish at the end.

José C. Font  
Director  
Caribbean Environmental Protection Division

Enclosure

cc: Wanda García, EQB (w/ enclosure)  
Karen Maples, Regional Hearing Clerk (w/o enclosure)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2

290 Broadway
New York, New York 10007

U.S. Environmental Protection Agency-Reg 2
2015 JUN 30 PM 12:14
REGIONAL HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-02-2015-3355

Puerto Rico Highways and Transportation Authority ("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" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent "discharged pollutants" from a "point source" into a "water of the United States" without a National Pollutant Discharge Elimination System permit in violation of Sections 301(a) and 402(p) of the Act, 33 U.S.C. §§ 1311(a) and 1342(p).

EPA finds, and Respondent admits, that Respondent is subject to Sections 301(a) and 402(p) of the Act, 33 U.S.C. § 1311(a) and 1342(p), and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies 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 \$10,000. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (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 any deficiencies identified in the Form have been corrected.

Respondent certifies that, within ten (10) calendar days of receiving notice from EPA that the Agreement is effective (thirty (30) calendar days from the date it is signed by the EPA Official), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000.

A copy of the check shall be sent to the EPA address above.

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. 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) calendar days from the date it is signed by the Presiding Officer 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 40 C.F.R. Part 22 or upon filing with the Regional Hearing Clerk.

APPROVED BY EPA:

[Signature] Date: 6-24-15
José C. Font, Director
USEPA Region 2, Caribbean Environmental Protection Div.

APPROVED BY RESPONDENT:

Name (print): Carmen A. Villar Prados
Title (print): Executive Director
Signature: [Signature] Date: 20/6/15

[More than 40 calendar 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 Agreement is authorized by law, IT IS SO ORDERED:

[Signature] Date: 6-24-15
José C. Font, Director
USEPA Region 2, Caribbean Environmental Protection Div.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

In the Matter of:

**PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY**  
P. O. Box 42007  
San Juan, Puerto Rico 00940-2007

**RESPONDENT**

Proceeding pursuant to Section 309(g)(2)(A) of  
the Clean Water Act, 33 U.S.C. § 1319(g)(2)(A)

**PROCEEDING TO ASSESS A  
CLASS I CIVIL PENALTY  
(Expedited Settlement  
Agreement)**

**DOCKET NUMBER  
CWA-02-2015-3355**

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing **Consent Agreement and Final Order (Expedited Settlement Agreement)**, dated June 24, 2015, and bearing the above-reference docket number, in the following manner to the respective addressees below:

**Consent Agreement and Final Order (Expedited Settlement Agreement) sent via Pouch Mail to:**

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

**Copy of Consent Agreement and Final Order (Expedited Settlement Agreement) via United States Postal Service (certified mail) to:**

**Carmen A. Villar Prados**  
Executive Director  
Puerto Rico Highways and Transportation Authority  
P. O. Box 42007  
San Juan, Puerto Rico 00940-2007.

  
\_\_\_\_\_  
**AILEEN SANCHEZ**

6/24/2015  
Date

Secretary  
Multimedia Permits and Compliance Branch  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
#48 RD. 165 km 1.2  
Guaynabo, Puerto Rico 00968-8069  
phone: (787) 977-5803  
email: sanchez.aileen@epa.gov

