

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Estancias de Cerro Mar, Inc.

RESPONDENT

NOTICE OF ERRATA

DOCKET NUMBER CWA-02-2011-3356

U.S. Environmental
Protection Agency-Reg 2
2014 MAY -7 PM 2:07
REGIONAL HEARING
CLERK

NOTICE OF ERRATA

COMES NOW Complainant, the United States Environmental Protection Agency ("EPA" or the "Agency"), through the undersigned attorney to hereby provide notice of errata and correction as follows:

On April 28, 2014, Complainant filed the executed Consent Agreement and Final Order ("CA/FO") for the above captioned matter and unbeknownst to Complainant's counsel, paragraph 5 stated an incorrect fact.

Paragraph 5 of the filed CA/FO states the following: "Respondent never filed an answer to the complaint admitting or denying the factual allegations contained in the Complaint neither requested the opportunity for a hearing." Instead, paragraph 5 should have read as follows: "After conferring with EPA, on March 26, 2014, Respondent filed an Answer to Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing."

A corrected page 2 of the CA/FO is attached hereto as Appendix A, to reflect the correct language of paragraph 5.

Respectfully submitted, in Guaynabo, Puerto Rico this 6th day of May, 2014.



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Region 2
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APPENDIX A

4. This action was public noticed on October 28, 2011. No public comment was received.
5. After conferring with EPA, on March 26, 2014, Respondent filed an Answer to Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing.
6. This CA/FO shall apply to and be binding upon Respondent, its officers, directors, employees, successors and assigns, including, but not limited to, subsequent purchasers.
7. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual or legal allegations contained in the Complaint, consents to the terms of this CA/FO.
8. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

II. TERMS OF SETTLEMENT

9. Pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of FOUR THOUSAND (\$4,000.00) DOLLARS.
10. For purposes of settlement, Respondent consents to the issuance of this Consent Agreement and consents to the payment of the civil penalty cited in the foregoing Paragraph.

II. A. Penalty

11. No later than thirty (30) days after the Effective Date of this Order, as defined in the Final Order (at the end of this document), Respondent shall pay the amount of FOUR THOUSAND (\$4,000.00) DOLLARS.
12. Respondent shall pay the penalty of FOUR THOUSAND (\$4,000.00) DOLLARS by cashiers' or certified checks, payable to the "Treasurer of the United States of America" or by wire transfers.

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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing Status Report and **NOTICE OF ERRATA**, dated May 6, 2014, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

COPY BY ELECTRONIC MAIL AND ORIGINAL BY UPS TO:

Karen Maples, Regional Hearing Clerk
Region 2
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
maples.karen@epa.gov

COPY BY ELECTRONIC MAIL AND BY UPS TO:

Helen S. Ferrara, Presiding Officer
Region 2
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
ferrara.helen@epa.gov

COPY TO RESPONDENT BY ELECTRONIC MAIL AND CERTIFIED MAIL, RETURN RECEIPT TO:

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May 6, 2014

Date



Name