



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CENTRO EUROPA BUILDING, SUITE 417  
1492 PONCE DE LEON AVENUE, STOP 22  
SAN JUAN, PR 00907-4127

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2008 NOV 13 AM 5:11  
REGIONAL HEARING  
CLERK

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

November 6, 2008

Mr. Adolfo González  
President  
Belcas Development Inc.  
P.O. Box 13460  
San Juan, Puerto Rico 00908

**Re: Docket No. CWA-02-2008-3354  
Belcas Development, Inc.  
Ocean Sixteen Residential Development  
NPDES Storm Water Construction General Permit No. PRR10BD81**

Dear Mr. González:

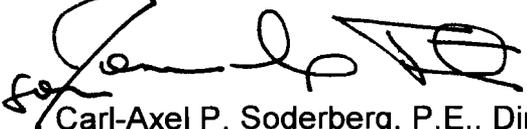
Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered as part of the Consent Agreement and Final Order ("CAFO") issued to you. This serves as your notification that the ESO Agreement is effective ("SO ORDERED"). Please note that this settles any civil penalties claims against you for the Clean Water Act violations issued in the CAFO.

Within ten (10) days from receipt of this letter you must send a check for the amount of \$2,900 and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk  
U.S. EPA, Region 2  
In the Matter of Belcas Development, Inc.  
Docket No.: CWA-02-2008-3354  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. 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 of the Expedited Settlement Agreement written on the check.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl-Axel P. Soderberg', written in a cursive style.

Carl-Axel P. Soderberg, P.E., Director  
Caribbean Environmental Protection Division

cc: Wanda García, EQB

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – REGION 2  
Caribbean Environmental Protection Division  
Centro Europa Building - Suite 417  
1492 Ponce de Leon Avenue  
San Juan, Puerto Rico 00907

EXPEDITED STORM WATER SETTLEMENT AGREEMENT  
BELCAS DEVELOPMENT, INC.  
Docket Number: CWA-02-2008-3354

**BELCAS DEVELOPMENT, INC.** (herein the "Respondent") is a "person," within the meaning of § 502(5) of the Clean Water Act ("the Act" or "CWA"), 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 hereby incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent operated without a NPDES permit in violation of Section 301(a) of the Act, 33 U.S.C. § 1311, and failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit authorized under Section 402 of the Act, 33 U.S.C. § 1342, as noted on the attached Form.

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) specified in the Form for a penalty of **\$2,900**. 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) of the Act, 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 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" to:

**Regional Hearing Clerk**

U.S EPA, Region 2  
In the Matter of Belcas Development, Inc.  
Docket No.: CWA-02-2008-3354  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

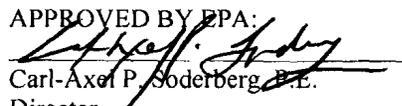
This Agreement settles EPA's civil penalty claims against Respondent for the CWA violation(s) specified in this Agreement.

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 in the public interest.

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 Caribbean Environmental Protection Division unless a petition to set aside the Order is filed by a commenter pursuant to § 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C) and Part 22.

If Respondent does not sign and return this Agreement as presented within 30 days of the date of its receipt, the proposed Agreement is withdrawn without prejudice to EPA's ability to issue any order or file any enforcement action for the violation(s) identified in the Form.

APPROVED BY EPA:

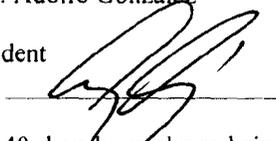
  
Carl-Axel P. Soderberg, P.E.  
Director  
Caribbean Environmental Protection Division

Date: 08-12-08

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

Name: Mr. Adolfo González

Title: President

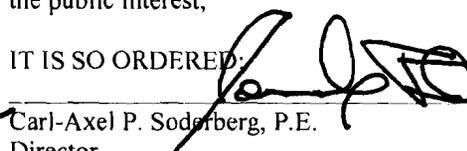
Signature: 

Date: 7/18/08

More than 40 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 CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

  
Carl-Axel P. Soderberg, P.E.  
Director  
Caribbean Environmental Protection Division

Date: 11-06-08

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

**BELCAS DEVELOPMENT, INC.**  
P.O. Box 13460  
San Juan, Puerto Rico 00908

**RESPONDENT**

Ocean Sixteen Residential  
Development

**DOCKET NUMBER CWA-02-2008-3754**

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

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2008 NOV 13 AM 5:11  
REGIONAL HEARING  
CLERK

**CERTIFICATE OF SERVICE**

I certify that on November 10, 2008, I sent a copy of the foregoing Expedited Storm Water Settlement Agreement "CA/FO" to the following persons at the address listed below:

**One Copy for filing by Internal Mail to:**

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866

**A copy by Certified Mail - Return Receipt Requested to:**

Mr. Adolfo González  
President  
Belcas Development Inc.  
P.O. Box 13460  
San Juan, Puerto Rico 00908

Dated: November 10, 2008

Signed by:

  
Edwin Marquez, CEPD-MWPB