



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Caribbean Environmental Protection Division
City View Plaza II, #48 Carr 165 Ste 7000
Guaynabo, Puerto Rico 00968-8073

031918

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Rolando Ortiz
Mayor
Municipality of Cayey
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

**Re: Expedited Settlement Agreement
Rotonda El Polvorín (Second Phase) Construction Project
Docket Number CWA-02-2018-3352**

Dear Mr. Ortiz:

Enclosed is a copy of the signed Expedited Settlement Agreement (ESA) entered as part of the Consent Agreement and Final Order (CA/FO) issued to the Municipality of Cayey (Respondent). This letter serves as a notification that the ESA is effective ("SO ORDERED"). Please note that this ESA settles any civil penalties claims against Respondent for the Clean Water Act violations cited in the CA/FO.

Within ten (10) calendar days from receipt of this letter, please send a check for the amount of \$8,400.00 and a copy of the Agreement, via certified mail, to:

**Regional Hearing Clerk
U.S. EPA, Region 2
In the Matter of Municipality of Cayey
Docket Number CWA-02-2018-3352
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-02-2018-3352) 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.

If you have any questions concerning the above, please contact José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5842 or rivera.jose@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C.R.P.' with a stylized flourish.

Carmen R. Guerrero-Pérez
Director
Caribbean Environmental Protection Division

Enclosure

cc: Wanda García, EQB (via email w/ copy of enclosure)
Karen Maples, Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
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

EXPEDITED STORM WATER SETTLEMENT AGREEMENT
Municipality of Cayey
Docket Number: CWA-02-2018-3352

The **Municipality of Cayey** (Respondent) is a "person," within the meaning of § 502(5) of the Clean Water Act (CWA), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" (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 discharged pollutants into a water of the U.S. without an NPDES permit in violation of § 301(a) and § 402(p) of the CWA, 33 U.S.C. §§ 1311(a) and 1342(p), as noted on the Form.

EPA finds, and Respondent admits, that Respondent is subject to § 301(a) and § 402(p) of the Act, 33 U.S.C. §§ 1311(a) and 1342(p), 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 § 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 **\$8,400.00**. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s); (2) a hearing pursuant to § 309(g)(2) of the CWA, 33 U.S.C. §1319(g)(2); and (3) appeal pursuant to § 309(g)(8) of the CWA, 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 storm water permit application regulations codified at 40 C.F.R. § 122.

Respondent certifies that within 10 days of receiving notice from EPA that the Agreement is effective ("SO ORDERED") it will sent 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 Municipality of Cayey
Docket No.: CWA-02-2018-3352
Fines and Penalties
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P. O. Box 979077
Saint 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 CWA 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 CWA, 33 U.S.C. § 1319(g)(4)(C) and 40 C.F.R. 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:



 Carmen R. Guerrero-Pérez, Director
 Caribbean Environmental Protection Division

Date: MARCH 6 / 2018

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

Name: Rolando Ortiz
 Title: Mayor

Signature:  Date: 23 de agosto 2018

More than 40 days have elapsed since the issuance of public notice pursuant to § 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:



 Carmen R. Guerrero-Pérez, Director
 Caribbean Environmental Protection Division

Date: MARCH 6 / 2018

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

MUNICIPALITY OF CAYEY
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

RESPONDENT

**CONSENT AGREEMENT
AND
FINAL ORDER**

**DOCKET NUMBER
CWA-02-2018-3352**

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Consent Agreement and Final Order (CA/FO)**, and bearing the above-reference docket number, in the following manner to the respective addressees below:

CA/FO sent via Pouch Mail to:

Karen Maples
Regional hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007



Aileen Sanchez

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, PR 00968-8069
phone: (787) 977-5803
email: sanchez.aileen@epa.gov



Date