

DATE OF NOTICE: **October 8, 2025**

PUBLIC NOTICE NUMBER: **2026-01**

COMMENT PERIOD: **November 7, 2025**

ACTION: Notice of Proposed Assessment of a Clean Water Act Section 309(g) Class II Administrative Penalty, and Opportunity to Comment

SUMMARY: EPA is providing notice of proposed administrative penalty assessment for alleged violations of the Clean Water Act (the “Act”). EPA is also providing notice of opportunity to comment on the proposed penalty assessment.

Pursuant to Section 309(g) of the Act, 33 U.S.C. §1319(g), EPA is authorized to issue an order assessing a civil penalty for violations of the Act. EPA may issue such order after the commencement of a Class II penalty proceeding. EPA is required to provide public notice of the proposed assessment pursuant to 33 U.S.C. § 1319(g)(4)(a) of the Act.

Class II proceedings are conducted following EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties or the Revocation and Suspension of Permits (“CROP”) at 40 C.F.R. Part 22. The procedures through which the public may submit written comments on a proposed Class II administrative penalty or participate in a Class II administrative penalty proceeding, and the procedures by which a Respondent may request a hearing, are set forth in the CROP. The deadline for submitting public comment on a proposed Class II administrative penalty is thirty (30) calendar days after the issuance of public notice.

On September 30, 2025, EPA commenced the following Class II administrative penalty proceeding for the assessment of an administrative penalty against:

DESARROLLADORA YAHIR, INC.

P. O. Box 2133
San Sebastián, Puerto Rico 00685

and

A & M GROUP, INC.

P. O. Box 2133
San Sebastián, Puerto Rico 00685

The Docket Number for this case is **CWA-02-2025-3451**, which was filed on September 30, 2025, with:

KAREN MAPLES, Regional Hearing Clerk

U.S. EPA, Region 2
290 Broadway, New York, New York 10007-1866
Email: maples.karen@epa.gov

The proposed penalty is **\$86,578.00**, for A&M Group, Inc.'s failure to apply for and obtain a National Pollutant Discharge Elimination System ("NPDES") permit coverage for discharging pollutants into a water of the United States from the "Tres Palmas Sunset View Construction Project" (the "Project") in Rincón, Puerto Rico; A&M Group, Inc.'s discharge of pollutants from the Project into a water of the United States without an NPDES permit in violation of Sections 301(a) and 402(p) of the Act; and for Desarrolladora Yahir's failure to comply with the requirements and conditions of an NPDES permit issued under Section 402 of the CWA.

Persons wishing to receive a copy of the CROP, review the Complaint or other documents filed in the proceedings, comment upon a proposed assessment, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk by writing an electronic mail ("Email") provided above.

The administrative records for this proceeding can be obtained by contacting the following EPA official by email or phone:

Yolianne Maclay, P.E.
Environmental Engineer
Clean Water Act Team
Multimedia Permits and Compliance Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
Telephone Number: (787) 977-5849
Email: maclay.yolianne@epa.gov

All information submitted by Respondents is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to forty (40) calendar days after issuance of this notice.

Dated: October 8, 2025

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