



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

August 22, 2023 @ 2:29 pm

USEPA – Region II

Regional Hearing Clerk

EXPEDITED STORM WATER SETTLEMENT AGREEMENT

In the Matter of Industrial Investment, LLC

Docket Number: CWA-02-2023-3355

Industrial Investment, LLC (Respondent) is a "person," within the meaning of Section 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 \$2,400.00. 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 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 Industrial Investment, LLC
Docket No.: CWA-02-2023-3355
Fines and Penalties
Cincinnati Finance Center
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:

Signature: Carmen R. Guerrero-Pérez, Director
Caribbean Environmental Protection Division
Date: \_\_\_\_\_

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

Name: Jose L Ortiz Serrano
Title: Managing Member

Signature: [Signature] Date: 31/03/23

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:

Signature: Carmen R. Guerrero Pérez, Director
Caribbean Environmental Protection Division
Date: \_\_\_\_\_