

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region 2

U.S. Environmental
Protection Agency-Reg 2
2016 NOV -3 11: 7: 02
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IN THE MATTER OF:

INVERSIONES DEL MERCADO, INC.
P.O. Box 364386
San Juan, Puerto Rico 00936-4368
NPDES GCP Number PRR10B896

and

JOFA CONTRACTORS, INC.
RR 10 Box 5226
San Juan, Puerto Rico 00926
NPDES GCP Number PRR10BF65

**Posada del Coronel Housing
Development**

RESPONDENTS

**CONSENT AGREEMENT
AND
FINAL ORDER**

DOCKET NUMBER CWA-02-2008-3460

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"), having issued the Complaint referenced herein on September 30, 2008, against Inversiones del Mercado, Inc. (hereinafter referred as "Respondent"), and

Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CA/FO") without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby agreed, and ordered as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319.

2. In the Complaint, EPA alleges that Respondent violated Sections 301 of the Clean Water Act, 33 U.S.C. § 1311 for discharges of pollutants into waters of the United States, by failing to comply with the requirements of EPA's National Pollutant Discharge Elimination System ("NPDES") Construction General Permit associated with industrial activities from Posada del Coronel Housing Development located in Culebra, Puerto Rico (the "Facility").
3. EPA notified the Commonwealth of Puerto Rico regarding this action and offered an opportunity for the Commonwealth of Puerto Rico to confer with EPA on the proposed penalty assessment, pursuant to 40 C.F.R. Part 22.
4. 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.
5. 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.
6. 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.
7. 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

8. 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 and Respondent have agreed to settle this action for the amount of **FIVE THOUSAND DOLLARS (\$5,000)**.
9. 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.

III. Penalty

10. Respondent shall pay the amount of **FIVE THOUSAND DOLLARS (\$5,000)**.
11. No later than thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the amount cited in the foregoing paragraph, either by

check payable to the "*Treasurer of the United States of America*", electronically (i.e. wire or automated clearinghouse) or on line payment. The effective date of this Consent Agreement shall be the date the Regional Judicial Officer signs the Final Order accompanying this Consent Agreement.

12. Respondent shall clearly identify, regardless of the form of payment, the name and docket number of the case, set forth in the caption on the first page of this document. Payment methods are described below:

a. If Respondent chooses to pay by cashiers' or certified check, the check shall be mailed to:

BY U.S. POSTAL SERVICE

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

BY OVERNIGHT MAIL

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

b. If Respondent chooses to pay electronically, the transfer shall be made to:

BY WIRE TRANSFER

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045.

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."

BY AUTOMATED CLEARINGHOUSE (ACH) (also known as REX or remittance express)

ACH for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006—CTX Format
Contact: Jesse White 301-887-6548

