

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Master Corporation
P.O. Box 2409
Toa Baja, Puerto Rico 00951-2409

Master Aggregates Toa Baja Corporation
Caguas (MA Plant 5) PRR05B068

Respondents.

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

**PROCEEDING TO ASSESS A CLASS I
CIVIL PENALTY**

DOCKET NO. CWA-02-2011-3317

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 MAR 24 P 1:18
REGIONAL HEARING
CLERK

**ADMINISTRATIVE COMPLAINT
FINDINGS OF VIOLATION, NOTICE OF PROPOSED
ASSESSMENT OF AN ADMINISTRATIVE PENALTY, AND
NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

I. STATUTORY AND REGULATORY AUTHORITIES

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 309(g)(2)(A) of the Clean Water Act (“Act” or “CWA”), 33 U.S.C. §1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Division of Enforcement and Compliance Assistance (“DECA”) of EPA, Region 2 (“Complainant”).
2. Pursuant to Section 309(g)(2)(A) of the Act, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits” (“CROP”), 40 C.F.R. Part 22 (2001), a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against Master Corporation and Master Aggregates Toa Baja Corporation (hereinafter “Respondents”), as a result of Complainant’s determination that the Respondents are in violation of Sections 301, 308 and 402 of the Act, 33 U.S.C. §§1311, 1318 and 1342, respectively, for the unlawful discharge of pollutants into navigable waters and improper monitoring and reporting.

3. Section 301(a) of the Act, 33 U.S.C. §1311(a), provides in part that "except as in compliance with this Section and Sections . . . 402, and 404 of the Act, the discharge of any pollutant by any person shall be unlawful."
4. Section 308 of the Act, 33 U.S.C. §1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. §1342.
5. Section 402 of the Act, 33 U.S.C. §1342, authorizes the Administrator to issue a National Pollutant Discharge Elimination System ("NPDES") permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the Act and such conditions as the Administrator determines are necessary.
6. Section 402(a) of the Act, 33 U.S.C. §1342(a), requires that permit coverage be obtained for the discharge of pollutants. Section 402(p) of the Act, 33 U.S.C. §1342(p), requires a permit with respect to a stormwater discharge associated with industrial activity.
7. In accordance with Section 402 of the CWA, the Administrator of EPA has promulgated regulations at 40 C.F.R. §122.26, which require operators to obtain an NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. §122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.
8. EPA's NPDES Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activities ("2000 MSGP") became effective on October 30, 2000, and expired on October 30, 2005. The 2000 MSGP was administratively extended until the effective date of September 29, 2008, when the permit renewal ("2008 MSGP") became effective.
9. The NPDES permit application regulations for stormwater discharges at 40 C.F.R. §122.26(b)(14) are applicable to Respondents' Plant 5, NPDES Tracking No. PRR05B068 (hereinafter "the facility") since its industrial activities include sand and gravel operations under SIC Code 1442, and therefore require MSGP coverage under Sector J of the MSGP.
10. Review of EPA's Notice of Intent ("NOI") database indicates that Respondents submitted a NOI for the facility on July 20, 2001, and received 2000 MSGP coverage under NPDES Permit Tracking No. PRR05B068. Respondents did not apply for 2008 MSGP coverage for the facility, and therefore their coverage under the 2000 MSGP expired on or about January 5, 2009. Respondents' August 15, 2010 response to EPA's June 8, 2010 Request for Information ("RFI"), Docket No. CWA-IR-10-010, states that its facility ceased processing operations at the end of 2008, but continued selling material from the facility until June 2009. Additionally, explosives disposal at the quarry took place on or about October 2009. A Notice of Termination ("NOT") form, containing a signed certification that operations have ceased and that the site has been stabilized, dated June 29, 2010,

was submitted to EPA Region 2. EPA sent an email to Respondents on December 2, 2010 to verify the status of stabilization or reclamation of the facility as required by Part 6.J. of the 2000 MSGP and 8.J of the 2008 MSGP. Respondents submitted written certification dated December 14, 2010, that the facility had been stabilized by June 9, 2009.

11. The Act and its implementing regulations (and applicable NPDES permit in this case, if any), contain the following definitions:
- a) "Navigable waters" means the waters of the United States and territorial seas, pursuant to Section 502(7) of the Act, 33 U.S.C. §1362(7). "Waters of the United States" means, but are not limited to, waters which are currently used or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide and including wetlands, rivers, streams (including intermittent streams) (40 C.F.R. §122.2).
 - b) "Pollutant" means, but is not limited to, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, and industrial, municipal and agricultural waste discharged into water, pursuant to Section 502(6) of the Act, 33 U.S.C. §1362(6).
 - c) "Point source" means "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, . . ." pursuant to Section 502(14) of the Act, 33 U.S.C. §1362(14).
 - d) "Discharge of a pollutant" means any addition of any pollutant to navigable waters from any point source, pursuant to Section 502(12) of the Act, 33 U.S.C. §1362(12).
 - e) "Person" means, but is not limited to, an individual, corporation, partnership or association, pursuant to Section 502(5) of the Act, 33 U.S.C. §1362(5).
 - f) Part 12 of the 2000 MSGP states, "Owner or Operator means the owner or operator of any "facility or activity" subject to regulation under the NPDES program." Appendix A of the 2008 MSGP defines "Operator" as any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria: (i) The entity has operational control over industrial activities, including the ability to modify those activities; or (ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

II. JURISDICTIONAL FINDINGS

12. Master Corporation and Master Aggregates Toa Baja Corporation (“Respondents”) are persons within the meaning of Section 502(5) of the CWA, 33 U.S.C. §1362(5).
13. The Master Aggregates Caguas Plant (MA Plant No. 5) is located at PR-156, Km 55.5, Canaboncito Ward Caguas, Puerto Rico 00725.
14. At all relevant times, Respondents were the Operators of the facility and equipment.
15. Stormwater from the facility discharges to an unnamed tributary of the Caguitas River, a Water of the United States, within the meaning of Section 502(7) of the CWA, 33 U.S.C. §1362(7). Based upon the 2008 CWA 303(d) list the Caguitas River is impaired for MBAS (Surfactants), Arsenic, Copper, Lead, Cyanide, Low Dissolved Oxygen, Thermal Modifications, Turbidity, and Ammonia.
16. Respondents’ facility was at all relevant times a point source as defined in Section 502 (14) of the Act, 33 U.S.C. §1362(14) that discharges to Waters of the United States or Navigable Waters as defined in Section 502(7) of the Act, 33 U.S.C. §1362(7).

III. FINDINGS OF VIOLATION FOR MASTER CORPORATION AND MASTER AGGREGATES TOA BAJA CORPORATTION

17. Complainant re-alleges paragraphs 1 – 16 above.
18. EPA conducted a Compliance Evaluation Inspection (“CEI”) at the facility on April 21, 2008. The CEI Report was sent to Respondents along with an Administrative Compliance Order and Request for Information (Docket No. CWA-02-2008-3025) (“AO/RFI 3025”) dated July 10, 2008. EPA sent RFI-10-010 dated June 8, 2010 to Respondents. Respondents submitted their response to RFI-10-010 on August 15, 2010. EPA’s CEI report, AO/RFI 3025 and records submitted by Respondents pursuant to the CEI, AO/RFI 3025 and RFI-10-010 identified non-compliance with the MSGP as described in the paragraphs below.
19. Part 5.1.1 of the 2000 MSGP requires that quarterly visual monitoring be conducted and Part 5.1.2 of the 2000 MSGP specifies that stormwater samples be taken from discharges associated with a storm event with 0.1 inches of precipitation at least 72 hours after a measurable storm event, and within the first 30 minutes of discharge. Part 8.1 of the 2000 MSGP requires that monitoring records and weather data associated with the monitoring event be maintained. Based on the precipitation data and the stormwater inspections records submitted by Respondents for 2006, 2007 and 2008, discharges were not visually monitored at the proper frequency and/or were not monitored within the first 30 minutes, nor were some of the monitored discharges or inspections the result of a 0.1” or greater precipitation storm event as required by Part 5.2.2 of the MSGP. Respondents’ failure to conduct proper quarterly visual monitoring for four quarters in 2006 and 2007 and 2 quarters in 2008 constitutes 10 violations of Parts 5.1.1, 5.1.2 and/or 8.1 of the MSGP.

20. Part 4.5 of the 2000 MSGP requires that the Stormwater Pollution Prevention Plan (“SWPPP”) contain documentation supporting the Respondents’ determination of permit eligibility with regard to Part 1.2.3.6 (Endangered Species Provisions) and Appendix A of the 2000 MSGP. Part 5.2 of Respondents’ March 2007 SWPPP for the facility simply states that the facility complied with Criterion A (No federally listed threatened or endangered species or their critical habitat in proximity to Respondents’ facility). However the SWPPP did not contain any of the required documentation constituting at least 1 violation of Parts 1.2.3.6, 4.5 and Appendix A of the MSGP.
21. Part 4.2.2.3 of the 2000 MSGP requires that the SWPPP contain a Site Map and Part 4.11.2 of the 2000 MSGP requires that the SWPPP be available for review during inspections. The SWPPP Site Map was not available on-site during the April 21, 2008 CEI constituting at least 1 violation of Parts 4.2.2.3 and 4.11.2 of the MSGP.
22. Part 4.9 of the 2000 MSGP requires a Comprehensive Site Compliance Inspection at least on an annual basis. Respondents failed to conduct a Comprehensive Site Compliance Inspection in violation of Part 4.9 of the 2000 MSGP in 2006, 2007 and 2008, constituting at least 3 violations.
23. Parts 1.4.2 and 1.4.2.2 of the 2000 MSGP require submission of a Notice of Termination (“NOT”) within 30 days of cessation of operations at the facility and when there are no longer discharges of stormwater associated with industrial activity from the facility. To terminate the permit, the facility must also implement necessary sediment and erosion controls as required by Part 4.2.7.2.2.1 of the 2000 MSGP. Additionally, Part 6.J of the 2000 MSGP (specifically Part 6.J.5) requires that when mining operations have ceased, the site must be stabilized and vegetated. Part 1.3.1, Table 1-2 of the 2008 MSGP required that facilities with coverage under the 2000 MSGP submit a NOI for 2008 MSGP coverage by January 5, 2009. The Respondents failed to submit a NOI for 2008 MSGP coverage and did not submit a NOT for the 2000 MSGP until June 29, 2010. Respondents’ August 15, 2010 letter to EPA states that the facility’s process operations ceased at the end of 2008 and sales of materials from the quarry continued until June 2009. On December 14, 2010, Respondents sent EPA a written certification that the facility was stabilized over the period November 2008 to June 9, 2009. Therefore, for the period January 5, 2009 to at least June 9, 2009 (155 days), Respondents were required to submit a NOI to obtain 2008 MSGP coverage. Additionally, a NOT for the 2000 MSGP was required to have been submitted when the facility was stabilized. Respondents’ failure to submit a NOT until June 29, 2010 violated Part 1.4.2 of the 2000 MSGP, and/or Respondents’ failure to obtain 2008 MSGP coverage violated 40 C.F.R. 122.26(b)(14)(x) and Sections 301, 308, and 402 of the CWA, 33 U.S.C. §§1311, 1318, 1342.
24. Based on the Findings in the Paragraphs above, Respondents violated Sections 301, 308 and 402 of the Act, 33 U.S.C. §§1311, 1318 and 1342, by failing to comply with the terms of the 2000 MSGP or 2008 MSGP, and for discharges that did not comply with Sections 301 and 402 of the Act.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. §1319(g), and the Debt Collection Improvement Act of 1996, EPA, Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties (“Final Order”) to Respondents assessing a penalty of **\$21,500**. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 309(g)(3) of the Act, 33 U.S.C. §1319(g)(3). EPA has taken account of the nature, circumstances, extent and gravity of the violation (or violations), Respondents’ prior compliance history, degree of culpability, economic benefit or savings accruing to Respondents by virtue of the violations, and Respondents’ ability to pay the proposed penalty. Based on the Findings set forth above, the Respondents have been found to have violated the Act in One Hundred Seventy (170) instances. EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondents’ receipt of this Notice, unless Respondents within that time file an Answer to the Complaint and request a Hearing on this Notice pursuant to the following section.

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE ACTION

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering The Complaint

Where Respondents intend to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondents are entitled to judgment as a matter of law, Respondents must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

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

Respondents shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. §22.15(a). Respondents’ Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which the Respondents have any knowledge. 40 C.F.R. §22.15(b). Where Respondents lack knowledge of a particular factual allegation and so state in the Answer, the allegation is deemed denied. 40 C.F.R. §22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondents dispute (and thus intend to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondents request a Hearing. 40 C.F.R. §22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondents, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a Hearing.

B. Opportunity To Request A Hearing

If requested by Respondents in their Answer, a Hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. §22.15(c). If, however, Respondents do not request a Hearing, the Presiding Officer (as defined in 40 C.F.R. §22.3) may hold a Hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. §22.15(c).

Any Hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. §22.21(d). A Hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

Should Respondents request a Hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. §1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should Respondents not request a Hearing, EPA will issue a Final Order, and only members of the public who submit timely comments on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a Hearing thereon. EPA will grant the petition and will hold a Hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure To Answer

If Respondents fail in any Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. §22.15(d). If Respondents fail to file a timely [*i.e.* in accordance with the 30-day period set forth in 40 C.F.R. §22.15(a)] Answer to the Complaint, Respondents may be found in default upon motion. 40 C.F.R. §22.17(a). Default by Respondents constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondents' right to contest such factual allegations. 40 C.F.R. §22.17(a). Following a default by Respondents for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. §22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondents without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. §22.27(c). 40 C.F.R. §22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondents, and to collect the assessed penalty amount, in Federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondents request a formal Hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. §22.18(b). At an informal conference with a representative(s) of Complainant, Respondents may comment on the charges made in this Complaint and Respondents may also provide whatever additional information is believed to be relevant to the disposition of this matter, including: (1) actions Respondents have taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondents' ability to continue in business and/or (4) any other special facts or circumstances Respondents wish to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondents, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if Respondents can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondents are referred to 40 C.F.R. §22.18.

Any request for an informal conference or any questions that Respondents may have regarding this Complaint should be directed to:

Murray Lantner, P.E., Environmental Engineer
Water Compliance Branch, Compliance Section
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866
Telephone (212) 637-3976

The parties may engage in settlement discussions irrespective of whether Respondents have requested a Hearing. 40 C.F.R. §22.18(b)(1). Respondents' requesting a formal Hearing does not prevent Respondents from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a Hearing as specified in 40 C.F.R. §22.15(c).

A request for an informal settlement conference does not affect Respondents' obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. §22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. §22.18(b)(2). In accepting the Consent Agreement, Respondents waive any right to contest the allegations in the Complaint and waive any right to appeal the Final Order that is to accompany the Consent Agreement. 40 C.F.R. §22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. §22.18(b)(3).

Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order terminates this administrative litigation and these civil proceedings against Respondents (note that a new enforcement action may be initiated based on continued non-compliance). Entering into a settlement agreement does not extinguish, waive, satisfy or otherwise affect Respondents' obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondents may choose to pay the total amount of the proposed penalty (\$21,500) within thirty (30) days after receipt of the Complaint, provided that Respondents file with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. §22.18(a). A copy of the check or other instrument of payment should be provided to the EPA contact identified in Section VI above. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America" in the full amount of the penalty assessed in this complaint to the following addressee:

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

Pursuant to 40 C.F.R. §22.18(a)(3), if Respondents elect to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order in accordance with 40 C.F.R. §22.18(a)(3). In accordance with 40 C.F.R. §22.45(c)(3), no Final Order shall issue until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint (note that a new enforcement action may be initiated based on continued non-compliance). Further, pursuant to 40 C.F.R. §22.18(a)(3), the making of such payment by Respondents shall constitute a waiver of Respondents' right both to contest the allegations made in the Complaint and to appeal said Final Order to Federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondents' obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VIII. FILING OF DOCUMENTS

The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

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

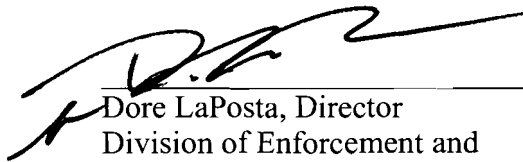
A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

Lauren Fischer, Esq.
Assistant Regional Counsel
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Telephone (212) 637-3231
Fax: (212) 637-3202

IX. GENERAL PROVISIONS

1. Respondents have a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated there under, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act will affect Respondents' continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. §1319(a), for the violations alleged herein.

ISSUED THIS 22nd DAY OF March, 2011.



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U. S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Master Corporation
P.O. Box 2409
Toa Baja, Puerto Rico 00951-2409

Master Aggregates Toa Baja Corporation
Caguas (MA Plant 5) PRR05B068

Respondents.

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

**PROCEEDING TO ASSESS A CLASS I
CIVIL PENALTY**

**DOCKET NO.
CWA-02-2011-3317**

I certify that on MAR 23 2011, I served the foregoing fully executed Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing, bearing the above referenced docket number, on the persons listed below, in the following manner:

Original and One Copy
By Hand:

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


Copy by Certified Mail
Return Receipt Requested:

Victor S. Maldonado, President, Master Corporation and Master
Aggregates Toa Baja Corporation
PO Box 2409 Toa Baja, Puerto Rico 00951-2409

Copy by Certified Mail
Return Receipt Requested:

Wanda E. Garcia Hernández, Director, Water Quality Area
Environmental Quality Board
P.O. Box 11488
Santurce, Puerto Rico 00910

Dated: 3/23/11


Marie St. Germain, Secretary
New York, New York