



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II BUILDING, 7TH FLOOR
ROUTE 165 GUAYNABO, PUERTO RICO 00968

August 27, 2020

Filed September 1, 2020 @ 12:31pm
USEPA – Region II
Regional Hearing Clerk

Mr. Nelson Rosario
Operations Manager
SQR Architects & Engineers Consulting, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

**Re: Notice of Proposed Assessment of a Civil Penalty
SQR Architects & Engineers Consulting, P.S.C.
Maritime Transportation Terminal Construction Project
Docket Number CWA-02-2020-3451**

Dear Mr. Rosario:

Enclosed is a Complaint which the United States Environmental Protection Agency (“EPA” or “Agency”) is issuing to SQR Architects & Engineers Consulting, P.S.C. (“Respondent” or “SQR”), as a result of EPA’s determination that SQR violated Sections 301(a) and 402(p) of the Clean Water Act (the “Act”), 33 U.S.C. §§ 1311 and 1342, for its failure to apply for and obtain National Pollutant Discharge Elimination System (“NPDES”) permit coverage for its discharges of pollutants from the maritime transportation terminal construction project located in Ceiba, Puerto Rico (the “Project”), and for its discharges of pollutants from the Project into a water of the United States without NPDES permit coverage. This Complaint is filed pursuant to the authority contained in Section 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of \$58,064.00 be assessed against SQR for the violations.

SQR has the right to a hearing to contest the factual allegations in the Complaint. If SQR admits the allegations, or they are found to be true after there has been an opportunity for a hearing on them, SQR has the right to contest the penalty proposed in the Complaint. Enclosed please find a copy of 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, which the Agency follows in cases of this kind.

Please note the requirements for an Answer to the Complaint at Section 22.15 of the CROP. Due to the COVID-19 pandemic, EPA has instituted procedures for electronic filing and service of documents in administrative proceedings governed by the procedural rules set forth in the CROP. A copy of the “Standing Order: Authorization of EPA Region 2 Electronic Filing System for Filing and Serving Documents Electronically in Proceedings Governed by 40 C.F.R. Part 22” (the “Standing Order”) is enclosed.

If SQR wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint, SQR must file a written Answer, according to the Standing Order, within thirty (30) calendar days of SQR's receipt of the enclosed Complaint. If SQR does not file an Answer within thirty (30) calendar days of receipt of this Complaint, SQR may be judged to have defaulted, as provided for in Section 22.17 of the CROP. If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

Whether or not SQR requests a formal hearing, SQR may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. SQR may represent itself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person, by telephone or video conference. An attorney from EPA Region 2's Office of Regional Counsel will normally be present at any informal conference. Please note that a request for an informal conference does not substitute for a written Answer or effect what SQR may choose to say in an Answer, nor does it extend the thirty (30) calendar days by which SQR must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the CROP.

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact:

Ms. Evelyn Rivera-Ocasio, Esq.
Assistant Regional Counsel
Office of Regional Counsel, Caribbean Team
U.S. Environmental Protection Agency, Region 2
City View Plaza II Suite 7000
#48, Rd. 165, Km. 1.2
Guaynabo, PR 00968-8069
Telephone Number: (787) 977-5859
Email: rivera-ocasio.evelyn@epa.gov.

We urge your prompt attention to this matter.

Sincerely,

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

Enclosures

cc: Ángel Meléndez, PRDNER (copy w/ enclosure)
Rafael Machargo, PRDNER (copy w/ enclosure)