

PUBLIC NOTICE: 09 -58

September 24, 2009

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND OPPORTUNITY TO COMMENT

AGENCY: United States Environmental Protection Agency (EPA) Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Proposed Administrative Penalty Assessments and Opportunity to Comment

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

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for various violations of the Act. EPA may issue such Orders after the commencement of a Class I or Class II penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(A).

Administrative civil penalty proceedings are conducted under EPA's "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", 40 CFR Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a Hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on this administrative civil penalty proceeding is forty (40) days after issuance of this Public Notice pursuant to 40 CFR §22.45(b).

On date identified below, EPA commenced the following administrative action for the assessment of administrative civil penalties and Consent Agreement and Final Order: In the matter of Venegas Construction Corp., 472 Ave. Tito Castro, Suite 201, Ponce, PR 00716-4702, Docket NO.CWA-02-2010-3401; Filed on September 22, 2009 with Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247; Proposed Penalty: **\$30,000 and a \$20,000 Supplemental Environmental Project** for failure to apply for and obtain, in a timely manner, and comply with its NPDES General Permit for Storm Water Discharges from Construction Activities at six of its facilities which are: a) Modern. Ext. Sábalo Gardens (NPDES Tracking Nos. PRR10BB12, PRR10BB11, and PRR10BC95), Ave. Carolina Km. 157.4, Mayaguez, Puerto Rico 00680; b) Mejoras a la Avenida Emilio Fagot (NPDES Tracking No. PRR10BE03), Desde Caribbean School a San Anton, Ponce, Puerto Rico 00716; c) Mejoras a la Avenida 25 de Julio (NPDES Tracking No. PRR10BA89) Desde PR-116 Hasta Ave. Esperanza Proyecto #00095, Guanica, Puerto Rico 00653; d) Escuela Sup. Vocacional (tiene alterna) (NPDES Tracking No. PRU201320, Llorens Torres y Ave. Hostos PR-2, Mayaguez, Puerto Rico 00680; e) Mejoras a la Ave. Ceiba (NPDES Tracking No. PRR10BE04), Desde PR-52 Hasta Ave. Fagot, Ponce, Puerto Rico 00716; and, f) Residencial la Meseta (NPDES Tracking No. PRR10BE03), Carr. PR-2, Km. 78.8 Urb. Marisol, Arecibo, Puerto Rico 00612 as required by the storm water regulations.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules, Review the Complaint, Consent Agreement and Final Order or other documents filed in

these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact the Regional Hearing Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent 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 take no final action in this proceeding prior to thirty (30) days after issuance of this Notice.

**Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance**