

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

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

and

JOFA CONTRACTORS, INC.
RR 10 Box 5226
San Juan, Puerto Rico 00926

POSADA DEL CORONEL HOUSING DEVELOPMENT
NPDES GCP Number PRR10B896

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

ADMINISTRATIVE
COMPLIANCE ORDER

DOCKET NUMBER
CWA-02-2007-3075

AUTHORITY

The following ORDER is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by the Clean Water Act, 33 U.S.C. §1251 *et seq.* (the "Act"), which authority has been duly delegated to the Regional Administrator of Region 2, EPA, and since further re-delegated to the Director, Caribbean Environmental Protection Division, Region 2, EPA.

DEFINITIONS AND STATUTORY PROVISIONS

- 1 The following definitions and statutory and regulatory provisions apply in this ORDER:
 - a. "Navigable waters" includes the waters of the United States pursuant to Section 502(7) of the Act, 33 U.S.C. §1362(7). "Waters of the United States" include, 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 and streams (including intermittent streams). See 40 CFR §122.2.

Posada del Coronel Housing Development
Administrative Compliance Order CWA-02-2007-3075

- b. "Pollutant" includes 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" includes an individual, corporation, partnership or association, pursuant to Section 502(5) of the Act, 33 U.S.C. §1362(5).
- f. "NPDES" means National Pollutant Discharge Elimination System under Section 402 of the Act, 33 U.S.C. §1342. National Pollutant Discharge Elimination System means the national program for, among other things, issuing and enforcing permits. See 40 CFR §122.2.
- g. The term "commencement of construction activities" means the initial disturbance of soils associated with clearing, grading, excavation activities or other construction activities.
- h. The term "Operator" for the purpose of the NPDES storm water general permit for construction activities and in the context of storm water associated with construction activity (57 FR 41190 & 63 FR 7859), means any party associated with a construction project that meets either of the following two (2) criteria:
 - The party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or
 - 2 The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions.

The term "construction activity" means construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than 5 acres. See 40 CFR §122.26(b)(14)(x).

The term "Municipal Separate Storm Sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains).... See 40 CFR §122.26(b)(8).

- k. The term "owner" or "operator" means the owner or operator of any "facility" or "activity" subject to regulation under the NPDES program. See 40 CFR §122.2.

The term "facility" or "activity" means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR §122.2.

FINDINGS

2. Inversiones del Mercado, Inc. ("IM") and JOFA Contractors, Inc. ("JOFA") (herein "Respondents") are persons within the meaning of Section 502(5) of the Act, 33 U.S.C. §1362(5).
3. IM is the owner and developer of a project known as "Posada del Coronel" (the "Project").
4. JOFA is the construction contractor retained by IM to conduct the earth movement and site preparation activities at the Project.
5. The Project is located on a site of approximately 37.56 acres.
6. Earth movement activities at the Project involve clearing, grading and excavation on approximately 37.56 acres of land.
7. The Project is a residential development which consists of the construction of lots and single family residential units.
8. The construction activities at the Project involve land disturbance and general housing development construction activities.
9. The project is located at State Road 250, Km. 2.3, Las Delicias Sector, Flamenco Ward, Culebra, Puerto Rico.

10. Respondents' project is a "construction activity" as defined in 40 CFR §122.26(b)(14)(x).
11. The Project is a point source as defined in 40 CFR §122.2.
12. The Administrator of EPA has promulgated regulations, 40 CFR §122.26(b)(14)(x), which require operators of construction activities to apply for and obtain NPDES permit coverage for the storm water discharges.
13. The Project is covered by the NPDES permit application regulations for construction activities since clearing, grading and/or excavation activities are equal or greater than 5 acres of total land area.
14. Regulations found at 40 CFR §122.21 require operators of new construction sites to submit an individual permit application no later than ninety (90) days before the date on which construction is to commence, unless the operator obtains authorization under a NPDES storm water general permit for construction activities.
15. Respondents are owners or operators, as defined in 40 CFR §122.2

Respondents are required to apply for and obtain NPDES permit coverage for the storm water discharges from the Project pursuant to 40 CFR §122.26(b)(14)(x).
17. EPA issued on July 1, 2003 (68 FR 39087), the "NPDES General Permit for Discharges from Large and Small Construction Activities" (the "construction permit"). The construction permit became effective on July 1, 2003 and shall expire at midnight, July 1, 2008.
18. Part 2.3.A of the construction permit establishes application deadlines for operators of new construction projects. Such operators are required to file a complete and accurate Notice of Intent ("NOI") form prior to commencement of construction activities.

My review of the EPA National Storm Water Processing Center database at "<http://www.epa.gov/npdes/stormwater>," and EPA files on August 2, 2007, revealed that IM obtained permit coverage for its construction activities at the project beginning on September 29, 2005. The permit number assigned to IM is **PRR10B896**.
20. My review of the EPA National Storm Water Processing Center database at "<http://www.epa.gov/npdes/stormwater>," and EPA files on August 2, 2007 revealed that JOFA had not filed a NOI and had not obtained permit coverage for its construction activities at the project.

- 21 Pursuant to Section 308(a) of the Act, 33 U.S.C. §1318(a), an authorized enforcement officer of EPA performed a Compliance Evaluation Inspection ("CEI") on January 11, 2007.
- 22 The findings of the CEI are included in the attached NPDES Water Compliance Inspection Report dated August 10, 2007 and include among others the following:
- a The project is covered by the NPDES storm water permit application regulations at 40 CFR §122.26(b)(14)(x).
 - b. IM did not implement erosion, sediment and storm water management controls at the Project, as required in Part 3 of the construction permit.
 - c. Uncontrolled storm water runoff from the Project is discharged into the Caribbean Sea.
 - d Respondents failed to perform the inspections required by Part 3.10 of the permit.
 - e. Respondents failed to comply with the storm water pollution prevention plan requirements in Part 3.1 of the permit.
 - f Respondents failed to provide temporary and final stabilization practices in certain areas as required by Part 3.13.D of the permit.
 - g. Respondents failed to provide storm water run-on and run-off management in areas of the project.
 - h. Respondents failed to implement adequate sediment and erosion control measures in the project as required by Part 3.13.E of the permit.

Respondents failed to implement an adequate storm water management practice such as a sedimentation basin as required by part 3.13 of the permit.
 - j. JOFA does not have a NPDES permit for its storm water discharges associated with construction activities from the project into a water of the United States.
- 23 Part 3.13.D of the construction permit requires JOFA to provide stabilization measures, as soon practicable, in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or

permanently ceased.

24. JOFA has not provided stabilization measures to the Project as required by Part 3.13.D of the construction permit.
25. Storm water from the Project is discharged into an MS4 and then into the Ensenada del Coronel Bay.
26. Ensenada del Coronel Bay is a water of the United States pursuant to Section 502(7) of the Act, 33 U.S.C. §1362(7).
27. As set forth above, IM is in violation of Section 301 of the Act, 33 U.S.C. §1311, for its failure to comply with the construction general permit.
28. Therefore, on the basis of the findings cited in the paragraphs above, EPA hereby finds that Respondents are in violation of Section 301 of the Act, 33 U.S.C. §1311 and 33 U.S.C. §1342, for discharging pollutants into the Ensenada del Coronel Bay, through storm water runoff associated with construction activities. In addition, EPA finds JOFA in violation of section 402 of the Act for its failure to timely apply for a NPDES storm water permit.

ORDERED PROVISIONS

In consideration of the above FINDINGS, and pursuant to the provisions of Section 309(a) of the Act, 33 U.S.C. §1319(a), EPA has determined that compliance with the following requirements is reasonable.

IT IS HEREBY ORDERED:

That any document to be submitted by Respondents to EPA and EQB as part of this ORDER shall be signed by an authorized representative (see 40 CFR §122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. **That immediately upon receipt of the originals of this ORDER**, Respondents shall complete the acknowledgment of receipt on one of the originals of the

Posada del Coronel Housing Development
Administrative Compliance Order CWA-02-2007-3075

ORDER and return said original to the Director, Caribbean Environmental Protection Division, EPA, to the address specified below.

3. **That immediately upon receipt of this ORDER**, Respondents shall cease the discharge of pollutants (storm water discharge associated with industrial activity from construction activities) to waters of the United States from its development in Culebra, Puerto Rico. Confirmation that the discharge of pollutants has ceased as of the date of receipt of this ORDER shall be provided to the Chief, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, EPA, in writing by no later than five (5) days from the date of receipt of this ORDER.
4. That **immediately** upon receipt of this ORDER, Respondent shall cease the clearing, grading and/or excavation activities at the development.

However, Respondent is authorized to carry out any activity otherwise required by this Order, including but not limited to the following:

- a) Clean and remove soil, dirt, debris and other materials which were deposited in the roads and other areas of the project where construction work is not being performed and stabilization has not been attained. Provide final stabilization.
- b) Provide final stabilization to lots where houses have been built and are ready to be occupied.
- c) Provide temporary stabilization at the areas of the development where clearing, grading and/or excavation have occurred (e.g. slopes, open land lots where house are not ready to be occupied, etc.)
- d) Remove sediments from sediments traps or sedimentation ponds when design capacity has been reduced by 50% as required in Part 3.6.C of the permit.
- e) Construct and/or install erosion and storm water management controls (e.g. ponds, dikes, silt fences, geotextiles, rip raps, etc.) as required by part 3.13 of the permit.

Respondent shall apply best engineering practices in designing and implementing stabilization practices and storm water runoff management controls. Stabilization practices may include, among others: seeding, hale bale, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees and preservation of mature vegetation. Storm water management practices may include: storm water detention structures (including wet ponds); storm water retention structures; dikes; flow

Posada del Coronel Housing Development
Administrative Compliance Order CWA-02-2007-3075

attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

- 5) That **immediately** upon receipt of this ORDER, Respondents shall submit to EPA the following information:
- a. A detailed description of the property where the project is being developed, name of the owner or owners of the property, their address phone numbers and contact person.
 - b. Names of the corporations, businesses or individuals developing the project, names of the officers, executive directors and agents, their address, phone numbers and contact persons.
 - c. The names of all contractors, past and present, that engaged in clearing, grading and/or excavation activities at the development. Also, provide their relationship with the project, their addresses, phone numbers and contact persons.
 - d. The date when clearing of the site began, the status of the construction activities and expected construction completion date.
 - e. Indicate the acres that will be disturbed at the construction site.
 - f. A detailed description of how storm water is collected and disposed of, and the name of the receiving water(s) of the storm water discharges.
 - g. All available construction drawings related to clearing, grading, excavation and storm water management (e.g. storm sewer). Indicate on the drawings the location of the point sources and/or discharge points.
 - h. A copy of the Storm Water Pollution Prevention Plan for the development.
A copy of the Notice of Intent filed for this development.
A copy of all inspection reports since the commencement of the development.

- 6) That **within 5 calendar days of receipt of this ORDER**, Respondents shall submit a certification stating the following

"Clearing, grading and excavation activities have ceased as of the date of receipt of ORDER CWA-02-2007-3075."

Posada del Coronel Housing Development
Administrative Compliance Order CWA-02-2007-3075

7) **That within 15 calendar days of receipt of this ORDER**, Respondents shall submit a Compliance Plan to bring the Project into compliance with the construction permit, NPDES permit application regulations and the Act. The Compliance Plan shall include, but not be limited to the following activities:

- a. For JOFA, filing of a NOI form for coverage under the construction permit. Information about the storm water program for construction activities is located at EPA's web site "www.epa.gov/npdes/stormwater."

JOFA is advised that the NOI form cannot be filed until Respondents have brought the Project into compliance with this ORDER and the conditions and requirements of the construction permit.

- b. Amend the Storm Water Pollution Prevention Plan ("SWPPP"), to specify the responsibilities of IM and JOFA for the implementation of the SWPPP in accordance with Part 3.2 of the construction permit.
- c. Use of logs and implementation of good record-keeping practices to comply with Part 6 of the construction permit.
- f. Conduct inspections as required by Part 3.10 of the construction permit.
- g. Complete and retain inspection reports as required by Part 3.10 of the construction permit.
- h. Amend the SWPPP to comply with the management practices required by Part 3.13 of the construction permit.

Amend the SWPPP to comply with the Plan Review and Signatory requirements required by Part 3.12 of the construction permit.

Revise the site map included in the SWPPP to describe the Project's conditions as of the date of receipt of this ORDER, as specified in Part 3.3.C of the construction permit.

- k. Address all findings included in the Inspection Reports, dated August 10, 2007, which is incorporated as Attachment 1 of this ORDER.

Detailed cost report on the amount of time and associated costs to comply with this ORDER. The cost report must include, but not be limited to: (a) filing of permit applications; (b) purchase and installation of controls; (b) legal fees; (c) engineering costs; (d) inspection and reports; (e) development of Compliance Plan; (f) contracts; (g) machinery; and (h) other methods of compliance.

Any questions concerning this ORDER should be directed to Mr. Jaime López of the Caribbean Environmental Protection Division at (787) 977-5851.

All information required to be submitted by this ORDER shall be sent by registered mail or its equivalent to the following addresses:

Director
Water Quality Area
Environmental Quality Board
P.O. Box 11488
San Juan, Puerto Rico 00910

and

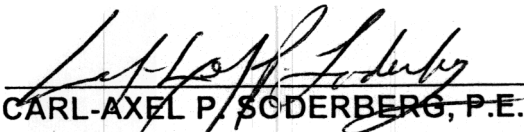
Jaime López
Environmental Scientist
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
Edificio Centro Europa, Suite 205B
1492 Avenida Ponce de León
San Juan, Puerto Rico 00907-4127.

This ORDER does not constitute a waiver from compliance with or a modification of the effective terms and conditions of the Act, its implementing regulations, and the construction permit, which remain in full force and effect. This ORDER is an enforcement action taken by EPA to ensure swift compliance with the Act. Issuance of an Administrative ORDER shall not be deemed an election by EPA to forego any civil or criminal actions which would seek penalties, fines, or other appropriate relief under the Act.

This ORDER shall become effective upon the date of execution by the Director, Caribbean Environmental Protection Division.

Dated: 09-11-07

Signed


CARL-AXEL P. SODERBERG, P.E.
Director
Caribbean Environmental Protection Division

ATTACHMENT

Posada del Coronel Housing Development
Administrative Compliance Order CWA-02-2007-3075



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057
Approval expires 8-31-98

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 P R R 1 0 B 8 9 6 11		12 0 7 0 1 1 1 17	18 C	19 R	20 2
Remarks					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	B1	QA	Reserved	
6 1 0 69	70 2	71 N	72 N	73	74 75 80

Section B: Facility Data

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number) Posada del Coronel Housing Development State Road PR 250, Km. 2.3 Sector Las Delicias, Flamenco Ward Culebra, Puerto Rico	Entry Time/Date 01/11/07, 19:00 PM	Permit Effective Date
	Exit Time/Date 01/11/07, 12:00 PM	Permit Expiration Date
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Jose Muñoz, Foreman tel. 787-690-8735	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number(s) Jorge Arce, Owner		
Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Sludge Handling/Disposal	<input checked="" type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> Multimedia
<input checked="" type="checkbox"/> Effluent/Receiving Water	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Other:

Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See Supplement to Water Compliance Inspection Report Form (3560-3)

Name(s) and Signature(s) of Inspector(s) Jaime López	Agency/Office/Phone and Fax Numbers EPA/CEPD/MPCB tel. (787) 977-5851 Fax (787) 289-7982	Date August 6, 2007
Signature of Management O.A. Reviewer Tere Rodríguez Chief	Agency/Office/Phone and Fax Numbers Multimedia Permits Compliance Branch Tel. (787) 977-5864, Fax (787) 289-7982	Date 08/10/07

**SUPPLEMENT TO WATER COMPLIANCE INSPECTION REPORT FORM
(EPA FORM 3560-3 (REV 9-94))**

**POSADA DEL CORONEL HOUSING DEVELOPMENT
State Road 250, Km. 2.3, Las Delicias Sector, Flamenco Ward, Culebra, Puerto Rico**

On January 11, 2007, Mr. Jaime Lopez of the United States Environmental Protection Agency ("EPA") performed a Compliance Evaluation Inspection ("CEI") of the referenced Development. The purpose of the CEI was to evaluate the operators' compliance with the NPDES storm water permit application regulations for construction sites and the Clean Water Act (the "Act"). The findings of the CEI are listed below and complement the Water Compliance Inspection Report Form.

1. SITE AND OPERATORS INFORMATION

- A. Posada Del Coronel Housing Development (the "project" or "development") is a housing construction project. Construction activities consist of earth movement (e.g., clearing, grading and excavation), site work, residential construction, recreational facilities construction and general construction work.
- B. The project is located at Road 250, Km. 2.3, Las Delicias Sector, Flamenco Ward, Culebra, Puerto Rico
- C. The area of the project to be disturbed is 37.56 acres of land.
- D. The development is owned by Inversions Del Mercado, Inc., ("IM"). IM's address is P.O. Box 364386, San Juan, Puerto Rico 00936-4368. The contact person for IM is Jorge Arce.
- E. IM contracted JOFA Contractors, Inc. ("JOFA"), a corporation duly organized under the laws of the Commonwealth of Puerto Rico, to conduct construction activities at the site. JOFA's address is RR 10 Box, 5226, San Juan, Puerto Rico 00926. The contact person for JOFA is Jorge Falero.
- F. Under the contract, JOFA is required to perform earth movement, site preparation and other construction activities.

2. PERMITTING

- A. The project is covered by the NPDES permit application regulations for storm water discharges at 40 CFR §122.26(b) (14) (x), since clearing, grading and/or excavation activities are equal to or greater than one (5) acres of total land area.
- B. On July 1, 2003, EPA issued and published in the Federal Register (68 FR 39087) the "NPDES General Permit for Discharges from Large and Small Construction Activities" (the "permit"). The permit became effective on July 1, 2003 and expires on July 1, 2008.
- C. An operator is defined by the permit and in the context of storm water associated with construction activity, as any party associated with a construction project that meets either of the following two (2) criteria:
 - (i) the party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or
 - (ii) the party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWPPP) for the site or other permit conditions.
- D. The permit requires eligible operators to timely file a Notice of Intent ("NOI") for coverage under the permit. Part 2.3 of the permit establishes NOI submission deadlines.
- E. IM is the owner and an operator of the project.
- F. JOFA is also an operator of the project.
- G. My review of the EPA National Storm Water Processing Center database at "<http://www.epa.gov/npdes/stormwater>," and EPA files on August 2, 2007, revealed that IM obtained permit coverage for its construction activities at the project beginning on September 29, 2005. The permit number assigned to IM is **PRR10B896**.
- H. My review of the EPA National Storm Water Processing Center database at "<http://www.epa.gov/npdes/stormwater>," and EPA files on August 2, 2007, revealed that JOFA had not filed a NOI and had not obtained permit

coverage for its construction activities at the project.

3. January 11, 2007 INSPECTION FINDINGS

The following findings are based on the walk-through and an interview with Mr. Jose Muñoz.

- A. JOFA began earth movement activities on or about October 2006.
- B. IM and JOFA were the operators conducting construction activities at the site.
- C. Storm water runoff from the project is discharged into the Atlantic Ocean, a water of the United States.
- D. A copy of the SWPPP was not available on site at the time of inspection.
- E. Neither IM nor JOFA had appropriately implemented the Storm Water Pollution Prevention Plan (SWPPP) requirement associated with the construction activity at the construction site neither assured compliance with the terms and conditions of Part 3.1 of the Construction General Permit.
- F. Stabilization practices on slopes and roads were not observed at the visited areas. Most of the slopes were observed without temporary or final stabilization. Such stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.
- G. The project lacked adequate sediment and erosion control measures in the project as required by Part 3.13.E of the permit.

A sign or other notice was not posted at the Project concerning the NOI and the location of the Storm Water Pollution Prevention Plan, as required by Part 3.12.B of the construction permit.

Copies of the inspections required by Part 3.10 of the permit were not provided.
- J. No off-site vehicle tracking control existed on the project entrance.

- K Seven (7) photos were taken with an electronic camera and are included in Attachment 1. Below is a general description of the photos.
1. Picture of project entrance, storm water effluent head wall and ditch.
 2. Main unpaved road, no velocity dissipation devices were observed on road. Silt fence was improperly installed.
 3. Same as above. Ongoing construction activities were observed
 4. Clearing and grubbing. Permittee had not installed any erosion and sediment controls on slope. The lack of stabilization practices were observed throughout the site.
 5. Permittee failed to install storm water run off management controls on main road and an adjacent areas were clearing had been taken place
 6. Cutting of slopes and filling of the main storm water ditch which runs along the site. Permittee failed to install storm water run off management controls on roads and slopes. Storm water runs freely without erosion and sediment controls into the main ditch
 7. A retention pond was observed in the middle of the storm water ditch. The retention pond is wrongly placed, without the proper construction design and poor maintenance practice. No overflow filtering control for sediments.

4. RECOMMENDATIONS

Based upon the findings noted above and my professional judgment, I recommend that EPA issue an enforcement action to bring the operator(s) of the construction project into compliance with the NPDES storm water regulations for construction activities and the Clean Water Act.

Attachment 1 - Photo Documentation



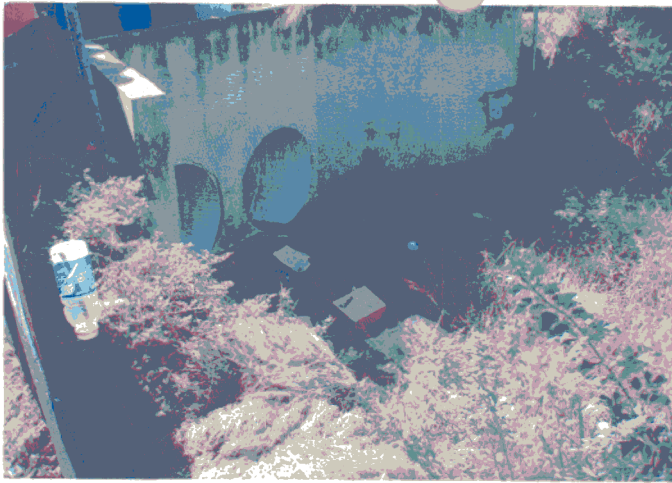
ATTACHMENT 1

PHOTO DOCUMENTATION

January 11, 2007 | CEI







2



3



4



6



7