

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In the Matter of:

**HÉCTOR RODRÍGUEZ VALLE**

and

**TRANSPORTE RODRIGUEZ ASFALTO, INC.**

**TRA RECYCLING PLANT CONSTRUCTION PROJECT**  
PR-419 Road, Km. 11.05  
Intersection with Road PR-2, Km. 139.7  
Cerro Gordo Ward, Aguada, Puerto Rico

**RESPONDENTS**

**DOCKET NUMBER**  
**CWA-02-2024-3451**

Proceeding pursuant to Section  
309(g)(2)(B) of the Clean Water Act, 33  
U.S.C. § 1319(g)(2)(B), to assess a Class  
II Civil Penalty

**MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO “MOTION FOR DISMISS OF THE CO-RESPONDENT HÉCTOR RODRIGUEZ VALLE”**

TO THE HONORABLE REGIONAL JUDICIAL OFFICER:

COMES NOW, Complainant, United States Environmental Protection Agency, Region II (“Complainant” or “USEPA”) and through the undersigned counsel, respectfully state, allege and pray as follows:

1. On February 15, 2024, USEPA issued an Administrative Complaint against the Respondents pursuant to Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B).
2. The Administrative Complaint was served to Respondent Héctor Rodríguez Valle on February 26, 2024, through certified mail, return receipt requested (7015 0920 0000 8689 4650).

3. The Administrative Complaint was served to Respondent Transporte Rodriguez Asfalto, Inc. on April 16, 2024, through certified mail, return receipt requested (7015 0920 0000 8689 4698).
4. On April 18, 2024, the Regional Judicial Officer issued "Order Acknowledging Subsequent Service and Granting An Extension of Time to File an Answer to Complaint" ("Order") in response to Complainant's Informative Motion, dated April 11, 2024, and Respondent Transporte Rodriguez Asfalto Inc.'s Motion for Extension of Time, dated April 16, 2024.
5. The April 18, 2024's Order granted Respondent TRA an extension through July 10, 2024, to answer the Complaint.
6. The parties have engaged in settlement in settlement discussions holding in-person meetings on April 1<sup>st</sup> and May 4, 2024. Such discussions continue as of today.
7. On May 6<sup>th</sup>, 2024, Respondent Héctor Rodriguez Valle filed a "Motion for Dismiss of the Co-respondent Héctor Rodríguez Valle." This motion was served to the Complainant on the same day.
8. Respondent's "Motion for Dismiss of the Co-respondent Héctor Rodríguez Valle" contains liability allegations for which Complainant contests and will submit a response.
9. Therefore, Complainant respectfully request this Honorable Regional Judicial Officer to provide an extension of time of twenty (20) days to file a response to the "Motion for Dismiss of the Co-respondent Héctor Rodríguez Valle."
10. Complainant asserts that there is no undue delay, bad faith or dilatory motive that can affect Respondents' rights under law, and that there is no prejudice or additional burden associated to the additional time requested.

**RESPECTFULLY SUBMITTED.**

In Guaynabo, Puerto Rico, this May 21, 2024.

**I HEREBY CERTIFY** that on this same date, pursuant to "*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*", I have filed and served on the parties this Motion as follows: the **Regional Judicial Officer**, Ms. Helen Ferrara, [ferrara.helen@epa.gov](mailto:ferrara.helen@epa.gov); the **Regional Hearing Clerk**, Ms. Karen Maples, [maples.karen@epa.gov](mailto:maples.karen@epa.gov); **Edwin A. Aviles Pérez, Esq.**, Counsel for Respondent Héctor Rodríguez Valle, [eaviles@avilescruz.com](mailto:eaviles@avilescruz.com); **Karin G. Diaz Toro, Esq.** and **Raul Negrón-Casasnovas, Esq.** Counsels for Respondent Transporte Rodríguez Asfalto, Inc., [kdiaz@dnlawpr.com](mailto:kdiaz@dnlawpr.com) and [rnegron@dnlawpr.com](mailto:rnegron@dnlawpr.com).

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