

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Desarrollos Altamira I, Inc.
PO Box 9021990
San Juan, Puerto Rico 00902-1990

and

Cidra Excavation, S.E.
PO Box 1128 Caparra Heights Station
San Juan, Puerto Rico 00922

**Hacienda Altamira Residential
Development**

**NPDES Altamira Residential
Development**

NADES PRU201934

RESPONDENTS

DOCKET NUMBER:

CWA-02-2009-3462

PROCEEDING PURSUANT TO
SECTION 309(G) OF THE
CLEAN WATER ACT, 33 U.S.C.
§ 1319(G), TO ASSESS CLASS
II CIVIL PENALTY

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
NOV. 3 3pm
2009 OCT 24 AM 11:49
REGIONAL HEARING
CLERK

**MOTION FOR EXTENSION OF TIME TO
FILE ANSWER TO COMPLAINT, FINDINGS OF VIOLATION,
NOTICE OF PROSSED ASSESSMENT OF CIVIL PENALTY, AND NOTICE OF
OPPORTUNITY TO REQUEST A HEARING**

TO THE HONORABLE REGIONAL HEARING CLERK OF EPA, REGION 2:

COME NOW, co-respondents, Desarrollos Altamira I, Inc. (hereinafter collectively referred to as "DAI"), without submitting to the jurisdiction of the Regional Hearing Clerk of EPA, Region 2, and through the undersigned attorney, most respectfully AVER and PRAY as follows:

1. On the 24th day of September 2009 the Caribbean Environmental Protection Division of the United States Environmental Protection Agency – Region 2 ("EPA") issued an Administrative Complaint, Findings of Violation,

Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing Thereon (the "Complaint"), whereby the EPA proposes to assess a Class II civil penalty against DAI and Cidra Excavation, S.E.

2. On October 5, 2009 DAI received a copy of the Complaint through certified US Mail.

3. Throughout the month of October the principal of DAI was not present at the offices of DAI because he was tending his other businesses outside the Commonwealth of Puerto Rico.

4. Because of the absence of DAI's principal on its day to day operations, a copy of the Complaint was not provided to the undersigned attorneys up to today, October 30, 2009.

5. Appearing co-respondents have examined the issues and findings raised in the Complaint and wish to file an answer.

6. The period of time to file the opposition to said Objection expires on November 4, 2009.

7. Although certain employees commenced to reproduce certain documents necessary for the drafting of the answer to the Complaint, appearing co-respondents deem that in order to protect DAI's rights and defenses it would need thirty (30) more calendar days, to responsibly file an answer to the Complaint that would serve the best interest of DAI.

WHEREFORE, DAI respectfully requests this Honorable Regional Hearing Clerk of EPA, Region 2 to GRANT the present motion and consequently extend

the period to file an answer to EPA's Complaint, for an additional thirty (30) days, with any other pronouncement that this Regional Hearing Clerk of EPA, Region 2 may deem just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of October, 2009.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and exact copy of this motion has been forwarded to Roberto M Durango, Esq. at U.S. Environmental Protection Agency, Region 2, 1492 Ponce de León Ave. Suite 417, San Juan, Puerto Rico 00907-4127 and to Cidra Excavation, S.E. at PO Box 1128 Caparra Heights Station, San Juan, Puerto Rico 00922

CANCIO COVAS & SANTIAGO LLP

255 PONCE DE LEON AVE

MCS PLAZA, SUITE A-267

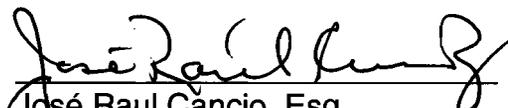
HATO REY, PR 00917

TEL (787)756-5333

FAX (787)756-5339

E-MAIL: jraulcancio@ccsllp.com

rwcolon@ccsllp.com


José Raul Cancio, Esq.


Rodney W. Colón-Ortiz, Esq.