

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

May 23, 2024 @ 12:01 am  
USEPA – Region II  
Regional Hearing Clerk

In the Matter of:

HÉCTOR RODRÍGUEZ VALLE  
P.O. Box 1239  
Hormigueros, Puerto Rico 00660

and

TRANSPORTE RODRIGUEZ ASFALTO,  
INC. (“TRA”)  
P. O. Box 1239  
Hormigueros, Puerto Rico 00660

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

**RESPONDENT MR. HÉCTOR RODRÍGUEZ VALLE SECOND MOTION FOR  
EXTENSION OF TIME TO FILE ANSWER TO COMPLAINT**

**TO THE HONORABLE REGIONAL JUDICIAL OFFICER:**

COMES NOW Respondent HÉCTOR RODRÍGUEZ VALLE (“Mr. Rodríguez”), through the undersigned counsel, and respectfully sets forth and prays as follows:

1. On May 6<sup>th</sup>, 2024, the undersigned counsel in representation of Respondent Héctor Rodríguez Valle, filed a *"Motion for Dismiss of the Co-respondent Hector Rodriguez Valle."* This motion was served to the Complainant on the same day.

2. On May 21, 2024, the Complainant filed "*Motion for Extension of Time to File a Response to Motion for Dismiss of the Co- respondent Hector Rodriguez Valle.*"
3. At this moment, the Complainant request this Honorable Regional Officer to provide an extension of time to reply to our motion.
4. The parties are in active process of negotiating a settlement of the present action in good faith, to reach a mutually acceptable resolution of the case. The process to reach a settlement continue as of today.
5. The parties involved in the case are working in the direction of resolve the present action.
6. A Settlement in the case of reference would promote procedural economy, for all the parts involves, Complainant and Respondents.
7. For that reason, we respectfully request our "*Motion for Dismiss of the Co- respondent Hector Rodriguez Valle*" left in hold, during the period the parties are in negotiation to reach a settlement. Our position should not be interpreted as Mr. Rodríguez is responsible or liable for the allegation contain in the complaint, if any type of responsibility is found, it corresponds to the tenant of the property. We request to put in hold the motion in good faith with the purpose of resolve the case by a settlement.
8. Therefore, Mr. Rodríguez, respectfully request an extension of time of sixty (60) days, because he believe the parts will reach a settlement in that period.
9. Respondent asserts that there is no bad faith or dilatory motive that can affect the other parties in the case. The Co- Respondent, TRA, already file and was granted an additional extension of time.
10. The undersigned counsel has contacted counsel for Complainant, Ms. Suzette Meléndez-Colón, who indicated that she has no objection to the present request.

WHEREFORE, Respondent Mr. Rodriguez respectfully requests a sixty (60) day extension of time to file an answer to the Administrative Complaint in the present action and to put in hold the motion to dismiss, for the parties reach a final settlement.

RESPECTFULLY SUBMITTED.

In Hormigueros, Puerto Rico, this 23 day of May, 2024.



**EDWIN A. AVILÉS PÉREZ, Esq.**  
AVILÉS & CRUZ CONSULTANTS  
AND ATTORNEYS AT LAW  
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