



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Alfaya Estate, LLC, and) **Docket No. CWA-02-2020-3452**
Karimar Construction, Inc.,)
)
Respondents.)

ORDER ON JOINT MOTION FOR EXTENSION OF TIME

On October 5, 2020, the Director of the Caribbean Environmental Protection Division of U.S. Environmental Protection Agency (“Agency”), Region 2 (“Complainant”), initiated this proceeding by filing an Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”). Therein, Complainant alleges that Alfaya Estate, LLC, and Karimar Construction, Inc. (collectively, “Respondents”), violated Sections 301(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342(p), and proposes that a penalty in the amount of \$118,865 be assessed. Through counsel, each Respondent filed an answer disputing the charged violations and proposed penalty, raising several affirmative defenses, and requesting a hearing.

Upon being designated to preside over the adjudication of this matter, I issued a Prehearing Order setting forth a number of deadlines, including a deadline for the parties to engage in a settlement conference, file a Status Report regarding this conference and the status of settlement, file a fully-executed Consent Agreement and Final Order (“CAFO”) if they achieved settlement, and engage in a prehearing exchange of information if settlement was not achieved in the meantime. On December 18, 2020, the date on which the aforementioned Status Report was due, the parties filed a Joint Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order (“Joint Motion for Extension of Time”). Therein, the parties describe their efforts to settle this matter, which purportedly resulted in the parties reaching an agreement in principle resolving all claims asserted in the Complaint. The parties then request that they be afforded 60 days from the date of their Joint Motion for Extension of Time, or until February 16, 2021, to file a fully-executed CAFO, the deadline for which had been set by the Prehearing Order as January 8, 2021. As grounds for this request, the parties describe the review and concurrence process that the CAFO, once drafted, will be required to undergo. The parties also represent that key staff will be unavailable during the upcoming holiday season.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of

Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, the Joint Motion for Extension of Time was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Joint Motion for Extension of Time is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk no later than **February 16, 2021**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to finalize their settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

February 16, 2021	Complainant’s Initial Prehearing Exchange
March 12, 2021	Respondents’ Prehearing Exchange[s]
March 26, 2021	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: December 23, 2020
Washington, D.C.

In the Matter of *Alfaya Estate, LLC, and Karimar Construction, Inc.*, Respondents.
Docket No. CWA-02-2020-3452

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion for Extension of Time**, dated December 23, 2020, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Copy by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
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Washington, DC 20004

Copy by Regular and Electronic Mail to:
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Dated: December 23, 2020
Washington, D.C.