

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

ALFAYA ESTATE, LLC
P.O. Box 1580
Moca, Puerto Rico 00676

and

KARIMAR CONSTRUCTION, INC.
P. O. Box 8000
Aguada, Puerto Rico 00602

**DESAROLLO DE 9 VILLAS
RESIDENTIAL PROJECT**
Road PR-413, Km. 1.02
Intersection with Black Eagle Road
Rincon, Puerto Rico 00677

RESPONDENTS

**DOCKET NUMBER
CWA-02-2020-3452**

**JOINT MOTION INFORMING AGREEMENT IN PRINCIPLE REACHED BY THE PARTIES
AND REQUEST FOR EXTENSION OF TIME TO FILE
EXECUTED CONSENT AGREEMENT AND FINAL ORDER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Complainant, United States Environmental Protection Agency, Region II (“Complainant” or “USEPA”) and Respondents, Alfaya Estates, LLC (“Alfaya”) and Karimar Construction Inc. (“Karimar”) or the (“Respondents”), and through the undersigned counsels, respectfully state, allege and pray as follows:

1. On September 30, 2020, 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. On November 4, 2020, Alfaya filed the *Answer to Complaint, Affirmative Defenses and Request for Hearing*.
3. On November 10, 2020, Karimar filed the *Answer to Complaint, Affirmative Defenses and Request for Hearing*.
4. Complainant and Alfaya had informal settlement conference meetings on November 17, 2020, and December 1 and 7, 2020.
5. Complainant and Karimar had informal settlement conference meetings on November 24 and December 4, 2020.
6. Additionally, Complainant held joint informal settlement conference meetings with Respondents Alfaya and Karimar on December 10 and 15, 2020.
7. On December 17, 2020, Complainant and Respondents reached an agreement in principle to resolve this matter via settlement and dispose of all matter asserted in the administrative complaint.
8. Complainant will work on a proposed Consent Agreement and Final Order (“CA/FO”) for the Respondents’ review and comments. Once the CA/FO is finalized, it will be placed into concurrence within several EPA officers located in Region 2’s offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the review and signature of the Respondents is required. Once this process concludes, the fully executed CA/FO will immediately be filed.
9. This motion is filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the agreement reached by the parties and the progress made formalizing this agreement in a fully executed CA/FO.

10. Due to the review and concurrence process described above, and the unavailability of key Agency's staff during the holiday season, the parties request the Honorable Presiding Officer, sixty (60) days (until February 16, 2020) to file an executed CA/FO.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico,

On this 18th day of December 2020.

U.S. Environmental Protection Agency,
Region 2
City View Plaza II
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Guaynabo PR, 00968
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CERTIFICATION OF SERVICE

I hereby certify that on this 18th day of December, 2020, I filed via the OAL E-Filing System, the original and copy of this Complainant's Preliminary Statement to the Office of Administrative Law Judges Hearing Clerk; and served a true and correct copy of the filed document to Presiding Judge Hon. Susan L. Biro, Mr. Gerardo González-Román, Esq. and Mr. Reinaldo José Franqui-Escandón, Esq., through the following means:

Ms. Mary Angeles, Headquarters Hearing Clerk
OAL E-Filing System

Hon. Susan L. Biro, Presiding Judge
OAL E-Filing System¹

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Dated: December 18, 2020
Guaynabo, Puerto Rico

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¹ According to the Order of Designation issued on November 23, 2020, documents filed electronically through the OALJ E-Filing System are deemed to have also been served electronically on the presiding judge.