

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Tri-Stella Development Group, Inc.
P.O. Box 11918
Caparra Heights Statino
San Juan, Puerto Rico 00926

and

Dynamics Engineers, Corp.
P.O. Box 1581
Trujillo Alto, Puerto Rico 0977

RESPONDENTS

Administrative Complaint, Findings of
Violation, Notice of Proposed Assessment
of an Administrative Penalty, and Notice of
Opportunity to Request a Hearing

Docket No. CWA-02-2011-3454

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

ANSWER TO THE ADMINISTRATIVE COMPLAINT

Comes now Tri-Stella Development Group, Inc. and by way of its answer to the
Administrative Complaint issued in the above-referenced action, alleges and prays as
follows:

RESPONSE TO FACTUAL ALLEGATIONS

1. Paragraphs 1 through 20 of the Complaint are statements and/or conclusions made by the Complainant about statutory and regulatory authorities it deems applicable and, thus, do not require a response.
2. Paragraphs 21 through 39 of the Complaint are allegations of jurisdictional findings made by Complainant that do not require a response and, thus, are denied with the exception of paragraphs 26 and 27 that are admitted.
3. Paragraphs 23 through 39 of the Complaint are conclusions of law made by the Complainant that require no response or are otherwise denied.

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4. Paragraphs 40 through 43 of the Complaint are admitted.
5. Of Paragraph 44 of the Complaint, respondent admits that “EPA issued the Administrative Compliance Order CWA-02-2007-3043”.
6. Paragraphs 45 and 46 of the Complaint are admitted.
7. Paragraph 47 does not require a response from respondent herein.
8. Paragraphs 48 and 49 of the Complaint are denied for lack of information.
9. Paragraph 50 of the Complaint is a conclusion of law that requires no response.

DEFENSES TO THE CLAIMS ALLEGED

1. Respondent disputes the penalty proposed by Complainant as inappropriate and unwarranted, based on the allegations of tallegations of the complainte complaint.
2. Complainant has not provided a statement of reasoning for the proposed penalty.
3. Respondent has complied with the requirements of Section 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a0 and 1342.
4. Respondent reserves its right to present any other defenses to the Complaint in the future.

REQUEST FOR A HEARING


Based on the above, Respondent hereby requests a hearing to dispute the allegations of the Complaint, as well as the proposed penalty assessment.

I CERTIFY: That on this same date, the original of this document was sent via FedEx to Regional Hearing Clerk, U.S. Environmental Protection Agency, 290

Broadway – 16th Floor, New York, New York 1007-1866; and a copy was sent by certified mail, return receipt requested, to Héctor L. Vélez Cruz, Esq., Office of Regional Counsel, U. S. Environmental Protection Agency, Region 2, 1492 Ponce de León Avenue, Suite 417, San Juan, Puerto Rico 00907-1427.

In San Juan, Puerto Rico, this 29th day of August, 2011.

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By: 

José A. Cepeda Rodríguez