

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 NOV 28 A 8:11
REGIONAL HEARING
CLERK

IN THE MATTER OF:

Municipality of Mayagüez

RESPONDENT

PREHEARING EXCHANGE

DOCKET NUMBER
CWA 02-2011-3453

RESPONDENT INITIAL PREHEARING EXCHANGE

TO THE HONORABLE GOVERNMENT AGENCY:

Representing the Municipality of Mayagüez appearing as counsel of this case attorney Luis J. Sánchez Mercado who respectfully plead the following:

Pursuant to Section 22.19(a) of the Rules, each party shall file with the Regional hearing Clerk and shall serve on the opposing party and on the Presiding Judge:

- a. The names of any expert and other witnesses intended to be called at hearing, identifying each as a fact witness or expert witness, with a brief narrative summary of their expected testimony, and a curriculum vitae or resume for each identified expert witness, or a statement that no witnesses will be called;

- Jorge Rivera Santos P.E.

Engineer Rivera Santos is the University of Puerto Rico Mayaguez campus Dean and prepared the Notice of Intention an SWMP in accordance of the Clean Water Act for the NPDES.

Respondent expects to call the following persons as witnesses at her hearing:

- Mr Eli Tilén, Director of Mayaguez Planning Department.

Mr. Tilén will testify about the governmental actions for the compliance of the NPDES.

We reserves the right, and nothing herein is intended or is to be construed prejudice or waive any such right, to call or not to call any of the aforementioned potential witnesses, and to expand or otherwise modify the scope. If we have an important potential witness for the hearing we will notify it as soon as possible.

Reserves the right to list and to call additional potential hearing witnesses, including another expert witnesses, to answer and/or rebut evidence (testimonial or documentary) listed by Respondent in its prehearing exchange or on matters arising as a consequence of such evidence complainant.

Copies of all documents and exhibits intended to be introduced into evidence, identified as "Complainant's" or "Respondent's" exhibit, s appropriate, and numbered with Arabic numerals:

We adopt the exhibits proposed by the complainant legal representatives. These exhibits are:

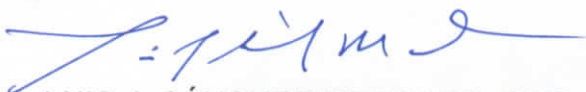
- Exhibit 3 Answer to Complaint
- Exhibit 8 of the complainant, letter of September 3, 2010
- Exhibit 10 of the complainant, communications dated January 12, 2010
- Exhibit 4of the Complainant

Respondent reserves, the right, and nothing herein is intended or should be construed to prejudice such right, to supplement or add, subject to notice to the Court and Respondent, documentary evidence to Complainant's prehearing exchange submission in order to respond to and/or rebut, or otherwise to address an issue arising as a consequence of, evidence Respondent submits in its prehearing exchange or otherwise to update this prehearing exchange.

Statement expressing its view as to the place for the hearing and the estimated amount of time needed to present its direct case.

We consent in the time period and place proposed by the complainant legal representative.

Respectfully submitted. In Mayagüez, Puerto Rico, November 21, 2012.



LUIS J. SÁNCHEZ MERCADO, ESQ.
SÁNCHEZ MERCADO LAW OFFICES
PO Box 6551
Mayagüez, PR 00681-6551
Email: sanchezmercdolaw@gmail.com

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Municipality of Mayagüez
PO Box 447
Mayagüez, PR 00681

RESPONDENT

Proceeding pursuant to Section
309(g) (2) (B) of the
Clean Water Act, 33 U.S.C. §1319(g)

PROCEEDING TO ASSES A
CLASS II CIVIL PENALTY

DOCKET NUMBER
CWA 02-2011-3453

CERTIFICATE OF SERVICE

I certify that the foregoing Respondent Initial Prehearing Exchange was sent to the following persons, in the manner specified, on the date below:

**CERTIFIED MAIL
RETURN RECEIPT**

Original & Copy

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway-16th Floor
New York, NY 10007-1866

Copy

Héctor L. Vélez Cruz, Esq.
Office of Regional Counsel
United States Environmental Protection Agency Region 2
1492 Ponce de León Ave., Suite 417
San Juan, PR 00907-4127

Honorable Susan L. Biro
Chief Administrative Law Judge
1200 Pennsylvania Avenue
N.W. Mail Code 1900L
Washington, DC 20460

11/21/2012

Date



Signature