

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

HÉCTOR RODRÍGUEZ VALLE

and

TRANSPORTE RODRIGUEZ ASFALTO, INC.

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

UNNOPOSED MOTION TO AMEND COMPLAINT

TO THE HONORABLE REGIONAL JUDICIAL OFFICER:

COMES NOW, Complainant, the United States Environmental Protection Agency, Region II (“Complainant” or “EPA”) pursuant to 40 C.F.R. §22.14(c), and very respectfully avers, prays and requests as follows:

1. EPA filed its Complaint on February 15, 2024, against the Respondents Héctor Rodriguez Valle and Transporte Rodriguez Asfalto, Inc. (“TRA”) pursuant to Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B).
2. On May 28, 2024, the Honorable Regional Judicial Officer issued an order granting Respondents an extension of time to file answers to the Complaint through July 22, 2024.

3. Complainant and Respondents reached an agreement in principle to resolve this matter via settlement and dispose of all matters asserted in the administrative complaint, which was confirmed via email on July 18, 2024.
4. Through “Order Granting an Extension of Time to File a Consent Agreement and Final Order,” the Honorable Judicial Officer granted the parties a sixty (60) day extension of time, through September 20, 2024, to file an executed Consent Agreement and Final Order.
5. During the settlement negotiations, Mr. Rodríguez Valle presented new information that altered EPA’s views on the joinder of Mr. Héctor Rodríguez Valle as Respondent in his personal capacity.
6. Pursuant to 40 C.F.R. §22.14(c), EPA requests leave to amend the Respondents’ name in the caption of the Complaint, along with all pleadings and materials relevant to this matter, to reflect TRA as the sole Respondent in this administrative proceeding.
7. EPA has consulted with Respondents’ counsels and Respondents’ counsels do not oppose this motion.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this 12th day of September 2024.

U.S. Environmental Protection Agency,
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