

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG.II  
2010 OCT 32 A 10:36

IN THE MATTER OF:

MUNICIPALITY OF CATAÑO  
P.O. BOX 428  
CATAÑO, PR 00963

RESPONDENT

PROCEEDING PURSUANT TO SECTION 309(G)(2)(B)  
OF THE CLEAN WATER ACT, 33 U.S.C. §1319(G)

REGIONAL HEARING CLERK  
PROCEEDING TO ASSES A CLASS II  
CIVIL PENALTY

DOCKET NUMBER  
CWA-02-2010-3456

ANSWER TO THE COMPLAINT

I. Statutory and Regulatory Authorities

1. Respondent understands that this is a legal statement that does not require a responsive pleading.
2. Respondent understands that this is a legal statement that does not require a responsive pleading.
3. Respondent understands that this is a legal statement that does not require a responsive pleading.
4. Respondent understands that this is a legal statement that does not require a responsive pleading.
5. Respondent understands that this is a legal statement that does not require a responsive pleading.
6. Respondent understands that this is a legal statement that does not require a responsive pleading.
  - a. Respondent understands that this is a legal statement that does not require a responsive pleading.

- b. Respondent understands that this is a legal statement that does not require a responsive pleading.
- c. Respondent understands that this is a legal statement that does not require a responsive pleading.
- d. Respondent understands that this is a legal statement that does not require a responsive pleading.
- e. Respondent understands that this is a legal statement that does not require a responsive pleading.
  - i. Respondent understands that this is a legal statement that does not require a responsive pleading.
  - ii. Respondent understands that this is a legal statement that does not require a responsive pleading.

7. Respondent understands that this is a legal statement that does not require a responsive pleading.

8. Admitted

9. Admitted

10. Admitted

11. Respondent understands that this is a legal statement that does not require a responsive pleading.

12. Admitted

13. Admitted

II. Jurisdictional Findings

14. Admitted

15. Admitted

16. Admitted

17. Admitted

18. Admitted

**III. Findings of Violations**

19. Respondent repeats and incorporates all prior allegations contained in its answer as may be applicable.

20. Admitted

21. Admitted

22. Admitted

23. Admitted

a. Admitted

b. Admitted

c. Admitted

24. Admitted

25. Admitted

26. Admitted

27. Admitted

28. Admitted

29. Admitted that Respondent has not filed a SWMP but is its denied that Respondent has not complied with its obligation to enforce SWMP measures

30. Admitted that Respondent has not filed a SWMP but is its denied that Respondent has not complied with its obligation to enforce SWMP measures

31. Admitted that Respondent has not filed a SWMP but is its denied that Respondent has not complied with its obligation to enforce SWMP measures

32. The Respondent does not have sufficient knowledge to either admit or deny this averment.

**IV. Hearing Request**

Respondent petitions pursuant to 40 U.S.C. §22.15 for a hearing as to the amount of the proposed civil penalty. The current administration for the Municipality has intended to comply with its obligations under the regulations but given the critical fiscal crisis confronted created the impossibility of compliance. Nonetheless, the Municipality has endeavored to limit the contamination of the storm waters drainage system with clean-up projects during its tenure. Additionally, the Municipality has on December 22, 2010 contracted the service of Ace Environmental, Inc. to assist in the preparation of the Storm Water Management Program, "SWMP" and has tentatively targeted January 2011 to complete and present its plan.

**RESPECTFULLY SUBMITTED** in Guaynabo, Puerto Rico on this the 27<sup>th</sup> day of October, 2010.

*Counsel for Respondent  
Municipality of Cataño:*

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**CERTIFICATE OF SERVICE**

I certify that on October 27, 2010 this Answer to Administrative Complaint was sent to the following persons, in the manner specified below:

**Karen Maples**  
Regional Hearing Clerk  
U.S. Environmental Protection Agency,  
Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Anticipate:  
Original & One Copy via Certified Mail  
Return Receipt Overnight Delivery USPS

**Hector L. Velez Cruz, Esq.**  
Office of the Regional Counsel  
U.S. Environmental Protection Agency,  
Region 2  
1492 Ponce de Leon Avenue, Suite 417  
San Juan, PR 00907-4127

Anticipate:  
One Copy via Certified Mail Return Receipt

  
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