

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Marina PDR Operations, LLC
4900 State Road PR-3
Fajardo, PR 007-38-4067

Marina Puerto Del Rey
NPDES MSGP Tracking Number
PRR053171

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2017-3452

MOTION REQUESTING ADDITIONAL TIME TO ANSWER COMPLAINT

TO THE HONORABLE REGIONAL JUDICIAL OFFICER:

COMES NOW Respondent, Marina PDR Operations, LLC, Inc. ("Respondent"), through the undersigned attorneys, and respectfully alleges, prays and requests as follows:

1. On October 13, 2016, the Director of the Caribbean Environmental Protection Division, United States Environmental Protection Agency, Region 2 ("Complainant") filed an "Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of and Administrative Penalty, and Notice of Opportunity to Request a Hearing (the "Complaint") in the above captioned matter against Respondent alleging it had violated the Clean Water Act at the Marina Puerto del Rey in Fajardo, Puerto Rico.

2. Respondent just recently retained the services of the undersigned attorneys to represent it in the captioned case. We respectfully inform the Regional Judicial Officer that we are currently reviewing and studying the Complaint and further investigating information in order to file an adequate and complete Answer to the Complaint and request a hearing, if deemed necessary.

3. On October 25, 2016, attorney for Respondent telephoned attorney for

U.S. Environmental Protection Agency
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Complainant to schedule an informal settlement conference to possibly reach a settlement of the above captioned matter.

4. The informal settlement conference has been scheduled for November 9, 2016.

5. Depending on the informal settlement conference, Respondent expects to file an Answer to the Complaint, and Complainant has acquiesced to Respondent's request for additional time to file such Answer.

6. In light of the above, and that there is no undue delay, bad faith or dilatory motive that can affect either Parties' rights under law, and there is no prejudice or additional burden to Complainant, Respondent requests that it be granted, thirty (30) days from the filing of this motion to allow Respondent to file an Answer to the Complaint.

7. This motion was discussed with the attorney for Complainant, who has agreed to the filing of this motion and does not oppose the extension of time.

Respectfully submitted, in San Juan, Puerto Rico, this 2nd day of November, 2016.

Pietrantonio Méndez & Alvarez LLC

Attorneys for Respondent
Popular Center – 19th Floor
208 Ponce de León Avenue
San Juan, PR 000918
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By: _____



Edwin R. Cruz



Doira Díaz-Rivera

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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Motion Requesting Additional Time to Answer Complaint**, dated November 2, 2016, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

ORIGINAL AND COPY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

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

COPY TO COMPLAINANT BY ELECTRONIC MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

Evelyn Rivera-Ocasio, Esq.
Assistant Regional Counsel
Office of Regional Counsel – Caribbean Team
U.S. Environmental Protection Agency
Region 2
Citi View Plaza 2, Suite 7000
#48 PR-165, Km 1.2
Guaynabo, PR 00968-8069
Rivera-ocasio.evelyn@epa.gov

11/2/2016

Date



Doira Díaz-Rivera