

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN MATTER OF Municipality of Moca PO Box 1571 Moca, Puerto Rico 00676-1571 RESPONDENT	COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING INDEX No. CAA-02-2011-1216
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ANSWER TO THE COMPLAINT

Here comes Respondent represent by the undersigned attorney who's **ALLEGED, PRAY** and **REQUEST** as follows,

1. Statement 1 of the Complaint does not request an answer by Respondent.
2. Statement 2 of the Complaint does not request an answer by Respondent.
3. Statement 3 of the Complaint does not request an answer by Respondent.
4. Statement 4 of the Complaint does not request an answer by Respondent.
5. Statement 5 of the Compliant does not request an answer by Responded.
6. Statement 6 of the Compliant does not request an answer by Respondent.
7. Statement 7 of the Compliant does not request an answer by Respondent.
8. Statement 8 of the Complaint is accepted.
9. Statement 9 of the Complaint is accepted.
10. Statement 10 of the Complaint is accepted.
11. Statement 11 of the Complaint is accepted.
12. Statement 12 of the Complaint does not request an answer by Respondent.
13. Statement 13 of the Complaint is accepted.
14. Statement 14 of the Complaint is accepted.
15. Statement 15 of the Complaint is not accepted. The answer to these questions (from 15a to 15q.) was information not available.
16. Statement 16 is not accepted by the way that is written.
17. Statement 17 of the Complaint is accepted.
18. Statement 18 of the Complaint is accepted.

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19. Statement 19 of the Complaint is accepted. The other information was not available.
20. Statement 20 of the Complaint is not accepted. Meeting was conducted with EPA to look for an alternative way to reproduce the information requested doing a field work in the landfill.
21. Statement 21 of the Complaint is accepted.
24. Statement 24 of the Complaint does not request an answer by Respondent.
25. Statement 25 of the Complaint does not request an answer by Respondent.
26. Statement 26 of the Complaint is not accepted. Information was submitted to EPA and need approval from EQB about the approach used to submit the new Initial Design Capacity Report.

AFFIRMATIVE DEFENSES

1. Some of the material facts of the Complaint are not correct.
2. The amount of the penalty proposed is not appropriate.
3. The second Initial Design Capacity Report submitted to EPA by our consultant and approved by EQB shows that the requested information under section 114 of the CAA do not apply to the operations of the Municipality of Moca.
4. Most of the information request was not available due that the operation of the landfill was conducted for more the 20 year by the Municipality of Aguadilla.

THEREFORE Respondent respectfully submit the answer to the complaint and request the dismissal of this action.

I certify that copy of this motion was sent to Ms. Carolina Jordan-Garcia, Esq. Offices of Regional Counsel, US. EPA- Región 2, Centro Europa Building Suite 417, 1492 Ponce de León Ave., San Juan, Puerto Rico 00907-4127.

Respectfully submitted today November 29, 2011.



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