

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

IN THE MATTER OF:

**PUERTO BAHÍA, INC.**  
P. O. Box 781  
Hormigueros, Puerto Rico 00676

and

**KARIMAR CONSTRUCTION, INC.**  
P. O. Box 8000  
Aguada, Puerto Rico 00602

RESPONDENTS

**DOCKET NUMBER  
CWA-02-2019-3451**

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

**MOTION REQUESTING TIME TO SUBMIT A CONSENT AGREEMENT AND PROPOSED  
FINAL ORDER**

TO THE HONORABLE REGIONAL JUDICIAL OFFICER:

COMES NOW, Complainant, United States Environmental Protection Agency, Region II (“Complainant” or “USEPA”) and through the undersigned counsel, respectfully state, allege and pray as follows:

1. On September 6, 2019, the USEPA issued a Complaint against Karimar Construction, Inc. and Puerto Bahia, Inc. (“Respondents”) pursuant to the authority in Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319 (g).
2. Respondents filed a *Motion for Extension of Time and Notification of Informal Conference*, dated October 7, 2019, in which requested an a 30-day extension to file the answer to the complaint.
3. On October 22, 2019, Respondents and the USEPA held an initial informal conference in which the parties discussed the proposed penalty, among other matters, and engaged in settlement discussions.

4. After the initial initial informal conference, the parties had various follow-up conference calls that led to an agreement in principle.
5. The parties are working on the terms and language of the Consent Agreement and Final Order (“CA/FO”) to memorialize the settlement. Accordingly, Complainant has been actively working on the development of the documents required for seeking final approval with the terms of the CA/FO from different EPA divisions.
6. In order to develop the required documents, complete the concurrence and approval process, and obtain Respondent’s concurrence and approval, the Complainant respectfully requests the Honorable Regional Judicial Officer an extension of sixty (60) days in order to file a duly executed CA/FO.
7. Complainant consulted with Respondents’ counsel and Respondents had no objection to this request.
8. Complainant asserts that there is no undue delay, bad faith or dilatory motive that can affect Respondents’ rights under law, and that there is no prejudice or additional burden associated to the additional time requested.

**RESPECTFULLY SUBMITTED.**

In Guaynabo, Puerto Rico, on this 16 day of December 2019.

**I HEREBY CERTIFY** that on this same date, I have caused the original and a copy of the foregoing motion to be sent to the **Regional Hearing Clerk**, USEPA Region 2, 290 Broadway – 16<sup>th</sup> Floor, New York, NY 10007-1866 by UPS Next Day Delivery service; and a copy of this motion to **Guillermo Fulcar**, attorney for Respondents, Urb. Puerto Nuevo, 1210 Calle Canarias, San Juan, PR 00920, by certified mail-return receipt requested.

**U.S. Environmental Protection Agency**  
Region 2  
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Suzette M. Meléndez-Colón