

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY AVE.
NEW YORK, NEW YORK 10007

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 DEC 18 PM 2:23
REGIONAL HEARING
CLERK

In matter of Puerto Rico Land Authority PO Pox 9745 Santurce, PR. 00908	Proceeding to Asses Class II Civil Penalty Under Section 309(g) of the Clean Water Act.
Respondent	Docket No. CWA-02-2007-3601
Proceeding Pursuant to 309(g) of the Clean Water Act 33 USC & 1319(g)	

ANSWER TO THE COMPLAINT

Here comes Respondent, Puerto Rico Land Authority represented by the undersigned attorney who **ALLEGED AND PRAYS AS FOLLOWS:**

1. Allegation number 1, 2, 3, and 4 are accepted.
2. Allegation number 5 is denied in the form that was written.
3. Allegation number 6 and 7 are denied.
4. Allegation number 8 and 9 are accepted.
5. Allegation number 10, 11, 12, 13, and 14 are denied.
6. Allegation number 15, 16, 17 and 18 do not require a responsive answer form Respondent.
7. Allegation 19, 20, 21 are denied.
8. Allegation 22 and 23 do not require a responsive answer form Respondent.
9. Respondent request a hearing to the Regional Hearing Clerk.

AFFIRMATIVES DEFENSES

1. The lot of land alleged filled is not under the control of Respondent.
2. The Lot of land alleged filled is not covered by the definitions of "waters of the United States".

3. EPA did not have evidence that the filled material deposited by the Squatters was performed using mechanized equipment.
4. There is a not hydraulic connection between the site and the water of the United States, because the filled site is isolated and surrounding by residences.
5. EPA is speculating regarding the effects on water quality and the wetland filled by Squatters did not play and important role in the integrity of the aquatic system comprising navigable waters.
6. Respondent reserve the right to raise any other affirmative defense obtained during the discovery.

THEREFORE we are respectfully, requesting to the Regional Hearing Clerk to dismiss this action against Respondent.

I certify that copy of this motion was sent to Mr. Eduardo Gonzalez, Esq., Assistance Regional Counsel, Office of Regional Counsel, US EPA, 290 Broadway Ave. 16th Floor, New York, NY 10007-1866.

Respectfully submitted today December 12 2007.



ALBERTO L. RAMOS PEREZ, ESQ
RESPONDENT COUNSELOR
USDC NO 209905
PO BOX 750
MERCEDITA, PR. 00715
TEL. (787) 284-2971
FAX. (787) 284-6292