



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Alfaya Estate, LLC, and) **Docket No. CWA-02-2020-3452**
Karimar Construction, Inc.,)
)
Respondents.)

ORDER ON JOINT MOTION REQUESTING SECOND EXTENSION OF TIME

On October 5, 2020, the Director of the Caribbean Environmental Protection Division of U.S. Environmental Protection Agency (“Agency”), Region 2 (“Complainant”), initiated this proceeding by filing an Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”). Therein, Complainant alleges that Alfaya Estate, LLC, and Karimar Construction, Inc. (collectively, “Respondents”), violated Sections 301(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342(p), and proposes that a penalty in the amount of \$118,865 be assessed. Through counsel, each Respondent filed an answer disputing the charged violations and proposed penalty, raising several affirmative defenses, and requesting a hearing.

Upon being designated to preside over the adjudication of this matter, I issued a Prehearing Order setting forth a number of deadlines, including a deadline for the parties to engage in a settlement conference, file a Status Report regarding this conference and the status of settlement, file a fully-executed Consent Agreement and Final Order (“CAFO”) if they achieved settlement, and engage in a prehearing exchange of information if settlement was not achieved in the meantime. The parties subsequently requested an extension of the deadline to file a fully-executed CAFO in lieu of engaging in a prehearing exchange of information, explaining as grounds for their request that they had reached an agreement in principle resolving all claims asserted in the Complaint but that they required additional time to draft the CAFO and undertake the review and concurrence process. By Order dated December 23, 2020, I granted the request and set a deadline of February 16, 2021, for the parties to file their fully-executed CAFO with the Regional Hearing Clerk, with a courtesy copy filed with the Headquarters Hearing Clerk. I further directed the parties to engage in the prehearing exchange of information process pursuant to the schedule set forth in the Order if they were unable to finalize settlement by that date.

On February 12, 2021, the parties filed a Joint Motion Requesting Second Extension of Time to File Executed Consent Agreement and Final Order (“Joint Motion Requesting Second Extension of Time”). Therein, the parties describe their efforts to finalize their settlement since I first extended the filing deadline for the fully-executed CAFO, including steps taken for

Respondents to obtain approval for an extended payment plan. The parties then explain that because they do not expect Respondents to submit all of the documentation required to support their request for an extended payment plan until February 19, 2021, and the CAFO, once updated with the payment terms, must then still undergo the review and concurrence process, the parties seek an additional extension of 60 days, or until April 13, 2021, to file the fully-executed CAFO.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, the Joint Motion Requesting Second Extension of Time was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously, and based on their representations, the parties have engaged in good faith efforts to reach such a resolution. Accordingly, the Joint Motion Requesting Second Extension of Time is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk no later than **April 13, 2021**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to finalize their settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

April 13, 2021	Complainant’s Initial Prehearing Exchange
May 11, 2021	Respondents’ Prehearing Exchange[s]
May 25, 2021	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: February 16, 2021
Washington, D.C.

In the Matter of *Alfaya Estate, LLC, and Karimar Construction, Inc.*, Respondents.
Docket No. CWA-02-2020-3452

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion Requesting Second Extension of Time**, dated February 16, 2021, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Copy by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Ave., NW
Washington, DC 20004

Copy by Regular and Electronic Mail to:
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Dated: February 16, 2021
Washington, D.C.