



**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 COMPLAINANT’S MOTION
REQUESTING FINAL 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 establishing a number of deadlines, including deadlines for the parties to 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. At the request of the parties, those deadlines have since been extended twice based on the parties’ representations concerning their progress towards settlement, with a deadline of April 13, 2021, currently set for either the parties to file their fully-executed CAFO or Complainant to file its Initial Prehearing Exchange. On April 9, 2021, Complainant filed a Motion Requesting Final Extension of Time to File Executed Consent Agreement and Final Order (“Motion Requesting Final Extension of Time”), in which Complainant requests an extension until May 12, 2021, to file the parties’ fully-executed CAFO. As grounds for this request, Complainant explains that while Respondents have signed the CAFO, the process for review, approval, and signature of the CAFO by Agency staff is still ongoing. Complainant represents that Respondents do not object to the requested extension.

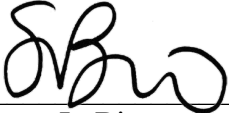
This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I

“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, Complainant’s Motion Requesting Final 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 Motion Requesting Final Extension of Time is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk no later than **May 12, 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:

May 12, 2021	Complainant’s Initial Prehearing Exchange
June 10, 2021	Respondents’ Prehearing Exchange[s]
June 24, 2021	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.




Susan L. Biro
Chief Administrative Law Judge

Dated: April 12, 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 Complainant's Motion Requesting Final Extension of Time**, dated April 12, 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:
Suzette M. Meléndez-Colón, Esq.
Office of Regional Counsel, Caribbean Team
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
Guaynabo, Puerto Rico 00968
Email: melendez-colon.suzette@epa.gov
Counsel for Complainant

Gerardo Gonzalez Roman, Esq.
P.O. Box 1421
Boqueron, Puerto Rico 00622
Email: jerrygon6004@yahoo.com
Counsel for Respondent Alfaya Estate, LLC

Reinaldo José Franqui Escandón, Esq.
84-2 Calle Progreso
Aguadilla, Puerto Rico 00603
Email: rfranqui@gmail.com
Counsel for Respondent Karimar Construction, Inc.

Dated: April 12, 2021
Washington, D.C.