



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of: Hacienda Miramar, Inc., and Karimar Construction, Inc., Respondents. Docket No. CWA-02-2022-3451

ORDER ON COMPLAINANT’S MOTION REQUESTING FINAL EXTENSION

This proceeding was initiated on October 11, 2022, when the Complainant, the Director of the Caribbean Environmental Protection Division of the U.S. Environmental Protection Agency, Region 2, filed an Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”) against Respondents Hacienda Miramar, Inc., and Karimar Construction, Inc., for alleged violations of Sections 301(a) and 402(p) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342(p). Thereafter, Respondents, through their respective Presidents, jointly filed a document with the Regional Hearing Clerk of Region 2 in which Respondents “proceed[ed] to answer the complaint” by disputing the alleged violations as set out in the two claims of violation contained in the Complaint. Treating the document as an answer, the Regional Hearing Clerk forwarded the matter to this Tribunal for adjudication on November 7, 2022.

Upon being designated to preside, I issued two orders: 1) an Order to Respondents to File Answer, in which I noted that the document filed by Respondents contained certain deficiencies, such that it failed to comply with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1 to 22.45 (“Rules of Practice” or “Rules”), and ordered Respondents to file an answer that complied with the Rules no later than December 16, 2022; and 2) a Prehearing Order, in which I set deadlines for a number of prehearing procedures, including the filing of a Status Report by Complainant, a Preliminary Statement by each party, a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter, and a prehearing exchange of information by each party if settlement was not achieved in the meantime.

To date, Respondents have not complied with the Order to Respondents to File Answer, and none of the parties have filed a Preliminary Statement as directed by the Prehearing Order. However, on December 15, 2022, Complainant timely filed a Status Report, in which Complainant represented that the parties reached an agreement in principle to settle this matter as of December 6, 2022. Complainant then requested an extension of time to file a fully-executed

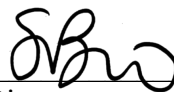
CAFO. By Order dated January 4, 2023, I granted that request and set February 13, 2023, as the deadline for the parties to file a fully-executed CAFO. I also set a schedule for Respondents to comply with the Order to Respondents to File Answer and for the parties to engage in the prehearing exchange of information in the event that the parties were unable to finalize their settlement by February 13.

On February 10, 2023, Complainant filed a Motion Requesting Final Extension of Time to File Executed Consent Agreement and Final Order (“Motion”). Therein, Complainant relates that it drafted a proposed CAFO and transmitted it to Respondents as of February 2 and 6, 2023, but that the review process was not yet completed. To afford the parties an opportunity to complete the process, Complainant then requests an extension of 45 days from the date of the Motion to finalize and file a fully-executed CAFO. Complainant represents that Respondents consent to this request.

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 request 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. Accordingly, Complainant’s Motion is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk on or before **March 27, 2023**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to achieve settlement by March 27, Respondents shall file an answer that complies with the Rules of Practice no later than that date. Additionally, the parties shall file their prehearing exchanges pursuant to the following schedule:

<b>April 7, 2023</b>	Complainant’s Initial Prehearing Exchange
<b>April 28, 2023</b>	Respondents’ Prehearing Exchange[s]
<b>May 12, 2023</b>	Complainant’s Rebuttal Prehearing Exchange

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: February 16, 2023  
Washington, D.C.

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Docket No. CWA-02-2022-3451

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Complainant's Motion Requesting Final Extension**, dated February 16, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Mary Angeles  
Paralegal Specialist

Original by OALJ E-Filing System to:  
Mary Angeles, Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
[https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf)

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Dated: February 16, 2023  
Washington, D.C.