



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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

ORDER ON COMPLAINANT’S REQUEST FOR AN 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 represents that the parties reached an agreement in principle to settle this matter as of December 6, 2022. To afford the parties an opportunity to finalize their agreement and

undertake the concurrence process, Complainant then requests an extension of 60 days from the date of the Status Report to file a fully-executed CAFO. Complainant represents that Respondents do not object to the requested extension.

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 request is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk on or before **February 13, 2023**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to achieve settlement by February 13, 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:

February 24, 2023	Complainant’s Initial Prehearing Exchange
March 17, 2023	Respondents’ Prehearing Exchange[s]
March 31, 2023	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: January 4, 2023
Washington, D.C.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Request for an Extension**, dated January 4, 2023, 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

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

Copy by Electronic and Regular Mail to:
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Dated: January 4, 2023
Washington, D.C.