

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 OCT -11 A 11:35
REGIONAL HEARINGS
CLERK

IN THE MATTER OF:

MOLINOS DE PUERTO RICO, INC.

P.O. Box 364948

San Juan, Puerto Rico 00936-4948

NPDES Permit Number PR0000817

RESPONDENT

DOCKET NUMBER CWA-02-2012-3458

PROCEEDING PURSUANT TO
SECTION 309(G) OF THE CLEAN
WATER ACT, 33 U.S.C. § 1391(G), TO
ASSESS CLASS II CIVIL PENALTY

ANSWER TO THE ADMINISTRATIVE COMPLAINT

Comes now Molinos de Puerto Rico, Inc. and by way of its answer to the Administrative Complaint issued in the above-referenced action, alleges and prays as follows:

RESPONSE TO FACTUAL ALLEGATIONS

1. Paragraphs 1 through 20 of the Complaint are statements and/or conclusions made by the Complainant about statutory and regulatory authorities it deems applicable and thus, do not require a response or are otherwise denied.
2. Paragraphs 21 through 31 of the Complaint are allegations of jurisdictional findings made by Complainant that do not require a response and thus, are denied with the exception of paragraphs 21, 23, 24, 25, and 26 that are admitted.
3. Paragraphs 33 through 38 of the Complaint are admitted.
4. Paragraph 39 of the Complaint is Complainant's interpretation of permit requirements which do not require a response or are otherwise denied.

5. Paragraphs 41 through 45 of the Complaint are explanations of the agency process and as such, do not require a response or are otherwise denied for lack of information.

6. Of paragraph 46 of the Complaint respondent admits that on April 9, 2010 a Notice of Intent form for coverage under the 2008 MSGP was filed by ConAgra Foods, Inc.

7. Paragraphs 47 and 48 of the Complaint are narratives that do not require a response or are otherwise denied.

8. Paragraphs 50 of the Complaint present conclusions of law that do not require a response or are otherwise denied.

DEFENSES TO THE CLAIMS ALLEGED

1. Respondent disputes the penalty proposed by Complainant as inappropriate and unwarranted, based on the allegations of the complaint.

2. Complainant has not provided a statement of reasoning for the proposed penalty.

3. Respondent has complied with the provisions of the 2001 NPDES permit.

4. Respondent reserves its right to present any other defenses to the Complaint in the future.

REQUEST FOR A HEARING

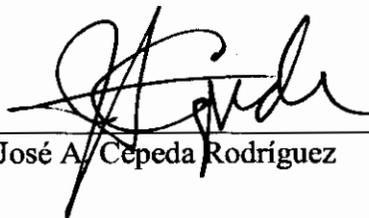
Based on the above, Respondent hereby requests a hearing to dispute the allegations of the Complaint, as well as the proposed penalty assessment.

I CERTIFY: That on this same date, the original of this document was sent via FedEx to Regional Hearing Clerk, U.S. Environmental Protection Agency, 290 Broadway – 16th Floor, New York, New York 1007-1866; and a copy was sent by email to Héctor L. Vélez Cruz, Esq., at velez.hector@epamail.epa.gov.

In San Juan, Puerto Rico, this 3rd day of October, 2012.

LAW OFFICES JOSE A. CEPEDA RODRIGUEZ

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By: 

José A. Cepeda Rodríguez