



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

In the Matter of:)	
)	
Desarrolladora Yahir, Inc., and)	Docket No. CWA-02-2025-3451
A & M Group, Inc.,)	
)	
Respondents.)	

ORDER FOR RESPONDENTS TO FILE AMENDED ANSWER

This proceeding was initiated on September 30, 2025, when Complainant, the Director of the Caribbean Environmental Protection Division at 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 Desarrolladora Yahir, Inc. ("DYI"), and A & M Group, Inc. ("A&M"), for alleged violations of Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342.

On October 30, 2025, the Regional Hearing Clerk for Region 2 received an Answer to Administrative Complaint ("Answer") from Alexis Medina. The Answer indicates Mr. Medina is the president of DYI and owner of A&M, and it provides some information responsive to the Complaint. But upon review of the Answer, I observe that it does not fully comport with the rules governing Answers that are set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 ("Rules"). With respect to the contents, filing, and service of an answer to a complaint, the Rules provide as follows:

(a) **General.** Where respondent: Contests any material fact upon which the complaint is based; contends that the proposed penalty, compliance or corrective action order, or Permit Action, as the case may be, is inappropriate; or contends that it is entitled to judgment as a matter of law, it shall file an original and one copy of a written answer to the complaint with the Regional Hearing Clerk and shall serve copies of the answer on all other parties. Any such answer to the complaint must be filed with the Regional Hearing Clerk within 30 days after service of the complaint.

(b) **Contents of the answer.** The answer shall clearly and directly admit, deny or explain each of the factual allegations

contained in the complaint with regard to which respondent has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state: The circumstances or arguments which are alleged to constitute the grounds of any defense; the facts which respondent disputes; the basis for opposing any proposed relief; and whether a hearing is requested.

(c) ***Request for a hearing.*** A hearing upon the issues raised by the complaint and answer may be held if requested by respondent in its answer. If the respondent does not request a hearing, the Presiding Officer may hold a hearing if issues appropriate for adjudication are raised in the answer.

(d) ***Failure to admit, deny, or explain.*** Failure of respondent to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegation.

(e) ***Amendment of the answer.*** The respondent may amend the answer to the complaint upon motion granted by the Presiding Officer.

40 C.F.R. § 22.15. The Answer submitted by Mr. Medina on behalf of Respondents does not clearly admit, deny, deny for lack of knowledge, or otherwise explain *each* paragraph of the Complaint that alleges a fact or facts. Further, the Answer is particularly deficient with respect to A&M. Although the Answer argues that A&M is not a proper Respondent to this proceeding, it is clear from the pleadings that this is a disputed issue that must be litigated. Regardless of the parties' positions regarding A&M's role in this matter, both Respondents must answer each allegation in the Complaint. Otherwise, their failure to do so constitutes an admission of the allegations.

Consequently, no later than **January 9, 2026**, Respondents are **ORDERED** to file an amended Answer that complies with the Rules of Practice by responding, on behalf of *both* Respondents, to *each paragraph* of the Complaint that alleges a fact or facts.

RESPONDENTS ARE HEREBY NOTIFIED THAT THEIR FAILURE TO TIMELY COMPLY WITH THIS ORDER MAY RESULT IN THE ENTRY OF DEFAULT JUDGMENT AGAINST THEM.

Filing and Service. The Rules of Practice provide that the original and one copy of each document intended to be part of the record of this proceeding (excluding a fully-executed Consent Agreement and Final Order, which must be filed with the Regional Hearing Clerk) shall be filed with the Headquarters Hearing Clerk of the ALJD.¹ 40 C.F.R. § 22.5(a)(1). The Rules of

¹ Pursuant to the Pilot Program to Migrate Certain Regional Hearing Clerk Functions to the Headquarters

Practice further provide that this Tribunal may authorize filing by an electronic filing system, *id.*, which it did by Standing Order Authorizing Electronic Filing in Proceedings before the Office of Administrative Law Judges, available on the ALJD's website at <https://www.epa.gov/system/files/documents/2025-12/alj-standing-order-efiling.pdf>.

Electronic filing is strongly encouraged. To file a document electronically, the document shall be submitted to the Headquarters Hearing Clerk using the ALJD E-Filing System, a web-based tool that can be accessed by visiting the ALJD's website at www.epa.gov/alj. A document filed electronically is deemed to constitute both the original and one copy of the document.

Any party seeking to file electronically must first register with the ALJD E-Filing System at https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm. Registration is not automated. There may be a delay of one to two business days between the time a party applies for registration and the time that party will be able to upload documents into the system.

A document submitted to the ALJD E-Filing System is considered "filed" at the time and date of electronic receipt, as recorded by the ALJD E-Filing System immediately upon receipt. To be considered timely, documents submitted through the ALJD E-Filing System must be received by 11:59 p.m. Eastern Time on the date the document is due, unless another time is specified by the presiding judge. Within an hour of a document being electronically filed, the ALJD E-Filing System will generate an electronic receipt of the submission that will be sent by email to both the party submitting the document and the Headquarters Hearing Clerk.²

The ALJD E-Filing System will accept any type of digital file, but the file size is limited to 70 megabytes.³ Electronically filed textual documents must be in Portable Document Format ("PDF"). A motion and any associated brief may be filed together through the ALJD E-Filing System. However, any documents filed in support of a brief, motion, or other filing, such as copies of proposed exhibits submitted as part of a party's prehearing exchange, should be filed separately as an attachment. When a party wishes to file multiple documents in support of a

Hearing Clerk, the ALJD and the Headquarters Hearing Clerk shall maintain the official record and be the proper filing location for all contested cases in which an answer was filed after May 1, 2012. For more information on the Pilot Program, see the ALJD's website at <https://www.epa.gov/alj/administrative-law-judges-pilot-program-migrate-certain-regional-hearing-clerk-functions>.

² The emailed electronic receipt will be the filing party's only proof that the ALJD received the submitted document. The absence or presence of a document on the ALJD's E-Docket Database webpage, available at https://yosemite.epa.gov/oarm/alj/alj_web_docket.nsf, or on the Agency's Administrative Enforcement Dockets webpage, available at <https://yosemite.epa.gov/oa/rhc/epaadmin.nsf>, is not proof that the document was or was not received. If the filing party does not receive an electronic receipt within one hour after submitting the document through the ALJD E-Filing System, the Headquarters Hearing Clerk may be able to confirm receipt of the document but not earlier than one hour after the document was submitted.

³ If a party's multimedia file exceeds 70 megabytes, the party may contact the Headquarters Hearing Clerk at (202) 564-6281 or angeles.mary@epa.gov for instructions on alternative electronic filing methods.

brief, motion, or other filing, rather than filing a separate attachment for each such document, the documents should be compiled into a single electronic file and filed as a single attachment, to the extent technically practicable, with each document appropriately bookmarked within the file. Attached to this Order is further guidance on the use of the ALJD E-Filing System for purposes of electronic filing.

Alternatively, documents may be filed by U.S. mail or commercial delivery service, such as UPS or FedEx. However, a document submitted by those means is not considered “filed” until the Headquarters Hearing Clerk physically receives it, as reflected by the date stamp applied to the document by the Headquarters Hearing Clerk. The Tribunal’s ability to receive filings and correspondence by U.S. mail and commercial deliveries on a daily basis is limited. Thus, timely receipt and filing of a document submitted by U.S. mail or commercial delivery service is not assured.

If a party nevertheless opts to file by U.S. mail or commercial delivery service, the party shall notify the Headquarters Hearing Clerk *every time* it files a document in such a manner by calling the Headquarters Hearing Clerk at (202) 564-6281. To file a document using U.S. mail, the document shall be sent to the following address:

Administrative Law Judges Division
U.S. Environmental Protection Agency
Attn: Mary Angeles, Headquarters Hearing Clerk
1200 Pennsylvania Avenue NW
William Jefferson Clinton East
Mail Code 1900T
Washington, DC 20460

To file a document using a commercial delivery service, the document shall be sent to the following address:

Administrative Law Judges Division
U.S. Environmental Protection Agency
Attn: Mary Angeles, Headquarters Hearing Clerk
1301 Constitution Avenue NW
William Jefferson Clinton West, Room 4117
Washington, DC 20004

Finally, documents may be filed by personal delivery to the Headquarters Hearing Clerk, *by appointment only*, by contacting the Headquarters Hearing Clerk at (202) 564-6281 or angeles.mary@epa.gov.

Regardless of the method of filing, all filed documents must be signed in accordance with 40 C.F.R. § 22.5(c) and must contain the contact name, telephone number, mailing address, and email address of the filing party or its authorized representative.

A copy of each document filed in this proceeding shall also be “served” by the filing party on the presiding judge and on all other parties. 40 C.F.R. § 22.5(b). While the Rules of Practice allow for documents to be served by various means, 40 C.F.R. § 22.5(b)(2), this Tribunal strongly encourages parties to serve documents on all opposing parties by email only, see Revised Order Urging Electronic Filing and Service.⁴ Documents filed electronically through the ALJD E-Filing System are deemed to have also been served electronically on the presiding judge. To serve a document on the presiding judge by U.S. mail or commercial delivery service, the appropriate address listed above shall be used. To serve a document on the presiding judge by personal delivery, an appointment shall be made with the Headquarters Hearing Clerk as described above. Service will be considered complete upon electronic transmission, upon mailing, when placed in the custody of a commercial delivery service, or upon personal delivery. 40 C.F.R. § 22.7(c). Additionally, as previously stated, all orders and documents issued by this Tribunal will henceforth be served on the parties by electronic means only. See Revised Order Urging Electronic Filing and Service. If a party’s email address on record changes during the proceeding, the party shall promptly file and serve a notice informing this Tribunal and all opposing parties of the change.

Every filed document must show how and when the document was filed with the Headquarters Hearing Clerk and how and when the document was served on the presiding judge and each other party. This showing may be made through a written statement or Certificate of Service, an example of which is attached to this Order. 40 C.F.R. § 22.5(a)(3).

The parties are advised NOT to include, attach, or refer to any terms of settlement offers or agreements in any document submitted to the undersigned, and no copies of Consent Agreements and Final Orders shall be submitted, or attached to any document submitted, to the undersigned except those that are fully executed and filed with the Regional Hearing Clerk.

Privacy Act Statement; Notice of Disclosure of Confidential and Personal Information; Waiver of Confidentiality and Consent to Public Disclosure. All information filed with the ALJD becomes part of the official case record, which is made publicly available. Thus, the parties are hereby advised not to file any Confidential Business Information (“CBI”) or sensitive Personally Identifiable Information (“PII”) pertaining to any person. This may include information that, if disclosed to the public, would constitute an unwarranted invasion of personal privacy, such as Social Security numbers, medical records, and personal financial information.

Where filing a document containing such information is necessary, the parties are hereby advised to redact (i.e., remove or obscure) the CBI or sensitive PII present in the document filed. If the filing party wishes for the presiding judge to view and consider the CBI or PII in making a ruling or rendering a decision, the filing party must follow the procedures

⁴ As previously stated, this Tribunal authorizes parties to utilize email to fulfill their service obligations without first obtaining the written consent of the party being served. See Revised Order Urging Electronic Filing and Service.

specified in the Privacy Act Statement & Notice of Disclosure of Confidential and Personal Information, available on the ALJD's website at <https://www.epa.gov/alj/administrative-law-judges-privacy-act-statement-and-notice-disclosure-confidential-and-personal>; in 40 C.F.R. § 22.5(d)(2); and in 40 C.F.R. Part 2 in order to protect the given information against public disclosure. The ALJD E-Filing System is not equipped to accommodate or protect the privacy of CBI or sensitive PII. Thus, the filing party must not file any unredacted version of a document containing CBI or sensitive PII through the ALJD E-Filing System. Rather, the filing party must file the unredacted version of the document in accordance with the aforementioned procedures either by U.S. mail or commercial delivery service sent to the address listed above or by contacting the Headquarters Hearing Clerk at (202) 564-6281 or angeles.mary@epa.gov for instructions on alternative electronic filing methods.

To the extent that any person fails to adhere to the aforementioned procedures, that person thereby waives any claims to confidentiality and consents to public disclosure by EPA, including posting on the Internet, of all information claimed to be entitled to confidential treatment. Submission of such information through the ALJD E-Filing System will also be considered a waiver of confidentiality.

Contact Information. For any questions about this Order, the Rules, or any other procedural, scheduling, or logistical issues, you may contact Matt Barnwell, Attorney-Advisor, at (202) 564-3245 or barnwell.matt@epa.gov.

SO ORDERED.



Michael B. Wright
Chief Administrative Law Judge

Dated: December 4, 2025
Washington, D.C.

In the Matter of *Desarrolladora Yahir, Inc. and A & M Group, Inc.*, Respondents.
Docket No. CWA-02-2025-3451

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order for Respondents to File Amended Answer**, dated December 4, 2025, and issued by Chief Administrative Law Judge Michael B. Wright, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original by ALJD E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
Administrative Law Judges Division
U.S. Environmental Protection Agency
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

Copy by Regular and Electronic Mail to:
Suzette Colon-Melendez, Esq.
Office of Regional Counsel
USEPA – Region II
City View Plaza, II Suite 7000
#48 RD. 165 km 1.2
Guaynabo, Puerto Rico 00968-8069
Email: melendez-colon.suzette@epa.gov
For Complainant

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For Respondents

Dated: December 4, 2025
Washington, D.C.