

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ADMINISTRATIVE LAW JUDGES**

IN THE MATTER OF:

HACIENDA MIRAMAR, INC.

AND

KARIMAR CONSTRUCTION, INC.

RESPONDENTS

**DOCKET NUMBER
CWA-02-2022-3451**

Proceeding pursuant to Section
309(g)(2)(B) of the Clean Water Act,
33 U.S.C. § 1319(g)(2)(B), to assess a
Class II Civil Penalty

**MOTION REQUESTING FINAL EXTENSION OF TIME TO FILE EXECUTED
CONSENT AGREEMENT AND FINAL ORDER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Complainant, United States Environmental Protection Agency, Region II (“Complainant” or “USEPA”) and respectfully states, alleges and prays as follows:

1. On December 6, 2022, Complainant and Respondents reached an agreement in principle to resolve this matter via settlement and dispose of all matter asserted in the administrative complaint. Such agreement was informed to the Honorable Administrative Judge Susan L. Biro on December 15, 2022, through the filing of Complainant’s Status Report.
2. On January 4, 2023, Honorable Judge Biro issued an “Order on Complainant’s Request for an Extension” granting the Complainant’s extension request of 60 days to file a fully executed Consent Agreement and Final Order (“CA/FO”). Accordingly, the CA/FO must be filed on or before February 13, 2023. The Order also provided that if the parties were unable to finalize the settlement by that date, they Respondents shall file an answer that complies with the Rules of Practice no later than that date and the parties shall file their prehearing exchanges pursuant to the schedule specified therein.
3. Complainant drafted a proposed CA/FO and transmitted it for Respondents’ review and signature on February 2 and 6, 2023. Once the CA/FO is signed by Respondents, it will be placed into concurrence within Region 2’s Caribbean Environmental Protection Division and the Office of Regional Counsel. Once this process concludes, the fully executed CA/FO will

immediately be filed with the Regional Hearing Clerk, with a courtesy copy to the Headquarters Hearing Clerk.

4. Although the CA/FO's review process is advanced, it has not been completed as of today. Therefore, based on the above, the Complainant respectfully requests this tribunal to grant an additional extension of time of 45 days (until March 27, 2023) to file the executed CA/FO.

5. Pursuant to 40 C.F.R. § 22.7(b), the undersigned counsel submits that "good cause" exists for the granting of the relief herein being sought, and that there is no prejudice to any of the parties. The interests of the parties and the administrative and judicial economy are well served by the parties resolving this matter by the execution of the CA/FO.

6. Respondents have consented to the filing of this motion.

Respectfully submitted this 10th day of February 2023.

U.S. Environmental Protection Agency, Region 2
City View Plaza II
PR-165, Km. 1.2, #48, Suite 7000
Guaynabo PR, 00968 / Tel.: (787) 977-5822

Suzette M. Meléndez-Colón
Assistant Regional Counsel
melendez-colon.suzette@epa.gov

CERTIFICATION OF SERVICE

I hereby certify that on this 10th day of February 2023, I filed via the OAL E-Filing System, the original and copy of this motion to the Office of Administrative Law Judges Hearing Clerk; and served a true and correct copy of the filed document to Presiding Judge Hon. Susan L. Biro, Hacienda Miramar, Inc. and Karimar Construction Inc. through the following means:

Ms. Mary Angeles, Headquarters Hearing Clerk
OAL E-Filing System

Hon. Susan L. Biro, Presiding Judge
OAL E-Filing System

Mr. Efraín Gonzalez Caro
President
Respondent Hacienda Miramar Inc.
Email: mmj_hqj@yahoo.com
Attention: Henry Morales, Project Manager

Mr. Wilson Valentín
President
Respondent Karimar Construction, Inc.
Email: karimarinc@yahoo.com
Attention: Giancarlo Santos, santos.giancarlo@gmail.com

Jesús Piñero, PhD
Consultant for Respondents Hacienda Miramar, Inc. and Karimar Construction, Inc.
jaypinero@yahoo.com

Dated: February 10, 2023
Guaynabo, Puerto Rico

Suzette M. Meléndez-Colón, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Tel: (787) 977-5822
Email: melendez-colon.suzette@epa.gov