

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Municipality of Culebra

P.O. Box 189

Culebra, Puerto Rico 0075

Parcelas Culebra Lot Development

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2010-3358

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2014 MAR 10 A 7:09
REGIONAL HEARING
CLERK

MOTION REQUESTING ADDITIONAL TIME TO SUBMIT AN ANSWER TO THE
COMPLAINT

COMES NOW Respondent, the Municipality of Culebra ("Municipality") through the undersigned attorney, and respectfully allege, pray and request as follows:

On September 17, 2010, the United States Environmental Protection Agency ("EPA" or the "Agency") filed an Administrative Complaint in the above captioned matter against the Municipality alleging it had violated the Clean Water Act at a lot development project located at Villa Muñeco Community in the Municipality of Culebra, Puerto Rico.

Since the issuance of Administrative Complaint the Municipality of Culebra has been participating in good faith negotiations, including meetings and conference calls, with the goal of reaching an agreement in settlement of the above captioned matter. Nonetheless, due to unforeseen events such as the passing of the former Mayor of Culebra, Honorable Abraham Peña, and the swearing in of the new mayor in January 2013, Honorable William I. Solis, the Respondent has failed to file an answer to the Complaint as required.

On December 19, 2013 and February 13, 2014, Respondent met with Complainant and presented each other with arguments and settlement proposals, which

are still under consideration. This includes discussions and consideration of potential Supplemental Environmental Projects and their related terms and scope.

The Parties will meet again no later than March 5, 2014 in furtherance of the settlement negotiations that they are undergoing. The Parties' goal is to reach an agreement in principle and file an executed Consent Agreement and Final Order (CA/FO) within the next ninety (90) days.

In light of the above, and the fact that there is no undue delay, bad faith or dilatory motive that can affect either Parties' rights under law, and there is no prejudice or additional burden to the Respondent, the Municipality requests the Presiding Officer, Helen S. Ferrara, to grant the Respondent ninety (90) days to allow the Municipality to answer the complaint and to continue to be actively participating in good faith negotiations with Complainant, including meetings and conference calls, in order to reach a final settlement of this matter.

This motion was discussed with Mr. Héctor Vélez, Esq. and Mrs. Evelyn Rivera-Ocasio, Esq., attorneys for Complainant, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico this 26 day of February of 2014.



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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing **Motion Requesting Additional Time to Submit an Answer to the Complaint**, dated February 26, 2014, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

ORIGINAL AND COPY BY CERTIFIED MAIL, RETURN RECEIPT TO: **COPY BY CERTIFIED MAIL, RETURN RECEIPT TO:**

Karen Maples, Regional Hearing Clerk
Region 2
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

Helen S. Ferrara, Presiding Officer
Region 2
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

COPY BY ELECTRONIC MAIL TO:

Karen Maples, Regional Hearing Clerk
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U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
maples.karen@epa.gov

Helen S. Ferrara, Presiding Officer
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U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
ferrara.helen@epa.gov

COPY TO RESPONDENT BY ELECTRONIC MAIL AND CERTIFIED MAIL, RETURN RECEIPT TO:

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28. feb. 2014
Date

Mudi Mercader Pagan
Name