

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

IN THE MATTER OF:

**Félix Ayala and Silvette Ayala**  
**d/b/a Cantera El Roble**  
State Road 827, Km 2.0  
Piñas Ward  
Toa Alta, PR 00953

**RESPONDENTS**

Proceeding to Assess Class II Civil  
Penalty Under Section 309(g)

**DOCKET NUMBER**  
**CWA-02-2009-3451**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. 2  
2010 JUL 1 AM 11:19  
July 1 AM  
REGIONAL HEARING  
CLERK

**JOINT MOTION TO COMPLY WITH ORDER**

Counsel for the Complainant, the United States Environmental Protection Agency (“EPA”) and counsel for Felix Ayala and Silvette Ayala d/b/a Cantera El Roble (“Respondents”), respectfully submit the following Joint Motion in Response to the Order to Show Cause:

1. On March 4, 2010, Respondent Silvette Ayala and Complainant held a conference on which Complainant agreed to file a Motion to Set Aside its Request for Entry of Default,<sup>1</sup> if Respondents made a commitment to file their Answer to the Complaint within a two weeks timeframe.
2. On March 16, 2010, Respondents filed their Answer to the Complaint. Hence, EPA requested that this Honorable Court set aside Complainant’s Motion for Entry of Default.
3. Since that time, Respondents have shown a desire to settle this matter promptly. Counsels for both parties have held several conversations with regards to the case. However, the

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<sup>1</sup> On September 29, 2009, EPA filed its Motion for Entry of Default, requesting this Honorable Court to issue a default order against Respondents for their failure to file the Answer to the Complaint within thirty (30) days after service of the same.

meetings scheduled have been cancelled, since Respondents have had health problems and complications at work.

4. As to the May 28, 2010 deadline to file a status report, Counsel for the Complainant respectfully requests to be excused from her honest mistake, since an error while creating the entry in her calendar showed the deadline to be on June 28, 2010, and not May 28 as it actually was. Moreover, Counsel for the Complainant has been out of the office due to health problems in her family.
5. Both parties will hold a meeting to discuss pending matters and hopefully settle minor unresolved aspects this Friday, June 11, 2010.
6. It is hereby respectfully requested to this Honorable Court to excuse Counsel for Complainant's honest mistake and allow us to file the status report of this final settlement negotiations.
7. This Motion was discussed today, June 9, 2010, with Janelle Falcón, Esq., counsel for Respondents, who agreed to the filing of this Joint Motion.

Respectfully submitted, in San Juan, Puerto Rico, this 9<sup>th</sup> day of June, 2010.



**Carolina Jordán García**  
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**P.O. Box 10827  
Toa Alta, Puerto Rico 00953**

**RESPONDENTS**

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**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed a copy of the foregoing "Joint Motion to Comply with Order" to the following persons, at the addresses listed below and in the following manner:

**Original and copy for filing**

**Fed Ex:**

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York, 10007

**Copy by Fed Ex:**

Hon. Barbara A. Gunning  
Office of the Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, DC 20005

**Copy by Certified Mail /**

**Return Receipt Requested:**

Janelle Falcón, Esq.  
Toa Alta Heights  
N-19 18 St.  
Toa Alta, Puerto Rico 00953

Date: 4/2/10



San Juan, Puerto Rico  
Office of Regional Counsel - CT