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U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II

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REGIONAL HEARING  
CLERK

OFICINA 28 ESORA LEGAL GENERAL

January 28, 2009

**BY FAX (212) 637-3202 AND  
FIRST CLASS MAIL**

Ms. Karen Maples  
Regional Hearing Clerk  
United States Environmental Protection  
Agency, Region 2  
290 Broadway, 16th Floor  
New York, New York 10007-1866

Dear Ms. Maple:

Re: Extension of Time to File CAFO or Answer Docket CAA-02-2008-1216 (Ponce)

An extension to respond was granted until January 19, 2008. A settlement in principle has been reached that is dispositive of the referenced case. An additional extension of time up to March 31, 2009 is requested to finalize and file a Consent Agreement and Final Order (CAFO).

Counsel has been in contact with Ms. Jean Regna, counsel for the Environmental Protection Agency, regarding the referenced matter and another similar case under Docket CAA-02-2008-1214, which involves 30 facilities. Ms. Jean Regna has expressed her concurrence with the request herein. No prejudice would result from the granting of the additional time requested. Moreover, in lieu of a settlement in principle, the extension sought is in the best interest of judicial economy.

Therefore, Respondent respectfully requests an extension until March 31, 2009 to finalize and file a CAFO.

Jorge Marrero-Narváez  
Assistant Legal Counsel

- c Helen Ferrara - Regional Judicial Officer (pdf copy by e-mail)
- Jean Regna - Attorney for EPA (pdf copy by e-mail)