



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:

MUNICIPALITY OF CAYEY,

Respondent

)
)
)
)
)

Docket No. CWA-02-2009-3454

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-1
2010 FEB -3 PM 12:15
REGIONAL HEARING
CLERK

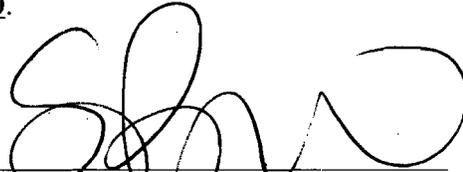
ORDER GRANTING EXTENSION OF TIME

This action was initiated by an Administrative Complaint filed on April 1, 2009. Respondent, acting *pro se*, filed an Answer to the Complaint on May 5, 2009. Finding such Answer did not meet the requirements of 40 C.F.R. § 22.15, on June 8, 2009, Respondent was ordered to file an Amended Answer on or before July 10, 2009. Thereafter, upon the Respondent's requests, a series of extensions of time for filing such amended answer were granted the last of which, dated December 1, 2009, ordered Respondent to file its amended answer on or before February 5, 2010, if a fully executed Consent Agreement and Final Order (CA/FO) was not filed beforehand.

On January 29, 2010, Complainant submitted a "Status Report" indicating that it had approved Respondent's proposed Supplemental Environmental Project and had therefore forwarded to Respondent a draft CA/FO for review. In the penultimate sentence of the Status Report, Complainant noted that "due to the internal approval process, the Parties are uncertain, at this point, as to whether or not such CA/FO can be filed by the Friday, February 5, 2010 deadline." Thus, Complainant requested an additional seven days, until February 12, 2010, to file the fully executed CA/FO.

Status Reports are *not* the proper pleading form in which to request relief. Requests for relief must be submitted by motion. *See*, 40 C.F.R. § 22.16. *See also*, OALJ Manual accessible at <http://www.epa.gov/oalj/orders/alj-practice-manual.pdf> (Q&A What if I need more time to file a document?). Furthermore, at this point in this proceeding there no deadline for filing the CA/FO. The only currently pending deadline in this proceeding is in regard to the amended answer. Nevertheless, despite these deficiencies of form, as a courtesy to the parties, a final extension of time will be granted for good cause shown.

Therefore, it is hereby **ORDERED**, that if the parties have not filed their fully executed Consent Agreement and Final Order beforehand, Respondent shall file its amended answer to the Complaint **on or before February 12, 2010**.



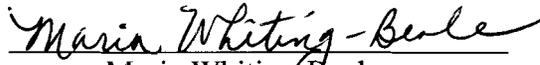
Susan L. Biro
Chief Administrative Law Judge

Date: February 1, 2010
Washington, D.C.

In the Matter of Municipality of Cayey, Respondent
Docket No. CWA-02-2009-3454

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Extension Of Time**, dated February 1, 2010, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: February 2, 2010

Original And One Copy By Pouch Mail To:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy By Regular Mail To:

Roberto M. Durango, Esquire
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
Centro Europa Building, Suite 407
1492 Ponce de Leon Avenue
San Juan, PR 00907-1417

Copy By Regular Mail To:

Nancy A. Soto Lleras, Esquire
Director Legal Affairs
Victoria Nunez Sierra, Esquire
Municipality of Cayey
P.O. Box 371330
Cayey, PR 00737-1330