

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

Palmas Lakes, Inc.  
PO Box 191334  
San Juan, Puerto Rico 00919

and

F&R Contractors Corp.  
PO Box 9932  
San Juan, Puerto Rico 00908

**Harbour Lakes Residential  
Development**

**RESPONDENTS**

**DOCKET NUMBER CWA-02-2007-3410**

PROCEEDING PURSUANT TO SECTION  
309(G) OF THE CLEAN WATER ACT, 33 U.S.C.  
§ 1319(), TO ASSESS CLASS II CIVIL PENALTY

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 JAN 27 PM 4:05  
REGIONAL HEARING  
CLERK

**Informative Motion and Request for Extension of Time to File**

**Executed Consent Agreement and Final Order**

COMES NOW the Complainant, the U.S. Environmental Protection Agency (EPA) through the undersigned attorney, and very respectfully alleges and prays as follows:

On January 21, 2009, Palmas Lakes, Inc., and F&R Contractors Corp., (Respondents) and Complainant (together, "the Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.

The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and the terms of the Consent Agreement and Final Order (CA/FO).

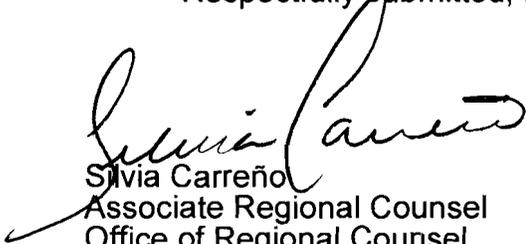
Once the CA/FO is finalized it will be placed into concurrence with several EPA officers located in Region 2's San Juan and New York Offices for their review and signatures.

Also, in order to file a duly executed CA/FO, the signature of the Regional Administrator is required. Once the Regional Administrator executes the CA/FO the Complainant will file it forthwith.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable Barbara A. Gunning, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO.

Due to the complexity of the review and concurrence process within the Agency and between the Parties, the Parties respectfully request the Honorable Administrative Law Judge sixty days that is until March 23, 2009, to file the duly executed CA/FO and notify its execution to the Presiding Officer.

Respectfully submitted, in San Juan, Puerto Rico, this 22<sup>th</sup> day of January, 2009.



Silvia Carreño  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
Centro Europa Bldg., Suite 207  
1492 Ponce de León Ave.  
San Juan, PR 00907-4127  
(787) 977-5850 (office)  
(787) 729-7748 (fax)  
[carreno.silvia@epa.gov](mailto:carreno.silvia@epa.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion was sent in the following manner to the addresses listed below:

Copy by Overnight and Facsimile:

Barbara A. Gunning  
Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W. Suite 350  
Franklin Court  
Washington, D.C. 20005

Original and Copy by Overnight:

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

Copy by Facsimile and Regular Mail to:

Hilda Quiñones Rivera  
Attorney for F&R Contractors Corp.  
P.O. Box 70294  
San Juan, Puerto Rico 00936-8294

Ernesto F. Rodríguez Surís  
Attorney for Palmas Lakes, Inc.  
Suite 300, Tres Ríos Building  
#27 González Giusti Ave.  
Guaynabo, P.R. 00968

01/22/09  
Date

  
Name