

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

MUNICIPALITY OF CAYEY
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

RESPONDENT

Proceeding pursuant to Section 309(g)(2)(B)
of the Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS A
CLASS II CIVIL PENALTY**

**DOCKET NUMBER
CWA-02-2009-3454**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 AUG 17 PM 12:33
REGIONAL HEARING
CENTER

**MOTION IN SUPPORT OF RESPONDENT'S REQUEST FOR A SECOND
EXTENSION TO FILE AN AMENDED ANSWER TO THE COMPLAINT**

COMES NOW the undersigned attorney who respectfully prays and requests as follows:

1. That on August 6, 2009, the parties engaged in an informal settlement conference at Complainant's offices in San Juan, Puerto Rico, as a follow-up to the June 30, 2009 telephone conference held, in compliance with this Court's Order Directing Settlement Conference and Filing of an Amended Answer (Order).
2. That during the aforementioned settlement conference, the parties furthered this Court's directive of reaching an amicable resolution to this matter, by discussing settlement options, including Respondent's preliminary proposal to submit a Supplemental Environmental Project (SEP) for EPA to consider, pursuant to EPA's SEP Policy.
3. That on August 7, 2009, Respondent filed a Motion Requesting a Second Extension to file an Amended Answer to the Complaint (Respondent's Motion), based on its assessment that an Amended Answer to the Complaint may not be necessary and its intent to settle this matter within

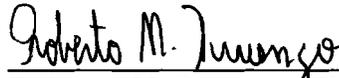
the time-frame proposed in Respondent's Motion.

4. That the undersigned does not oppose Respondent's Motion, pursuant to this Court's Order, strongly encouraging the parties to settle.
5. That the undersigned respectfully requests that this Honorable Court consider and grant Respondent's Motion.

WHEREFORE, the undersigned respectfully requests this Honorable Court to GRANT Respondent's Motion.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 13th day of August, 2009.

For Complainant:



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CERTIFICATE OF SERVICE

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

Copy by Overnight and
Facsimile:

Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-2001

Original and
Copy by Overnight:

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

Copy by facsimile and
Regular mail:

Nancy Soto Lleras, Esq.
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