

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

**Victor Morales**  
P.O. Box 8817  
Caguas, Puerto Rico 00726

NPDES Permit Number **PRU202017**

**Victor Morales Lot Development**  
Respondent.

**DOCKET NUMBER CWA-02-2008-3357**

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

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. 2  
2009 JAN 20 PM 1:15  
REGIONAL HEARING  
CLERK

**MOTION INFORMING REMOVAL AS COUNSEL OF RECORD**

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

1. On January 2, 2009, the Governor of Puerto Rico, Luis G. Fortuño, nominated the undersigned, Pedro J. Nieves-Miranda, as a member of the Governor's Cabinet to act as President of the Environmental Quality Board ("Board").
2. The above nomination was made effective on January 7, 2009, when the Government of Puerto Rico and the Environmental Protection Agency executed an agreement under the spirit of cooperation and the provisions of the Intergovernmental Personnel Act Mobility Program, 5 U.S.C. §§3371 through 3375.
3. Based on the foregoing, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 CFR Part 22 (2001), I hereby inform and respectfully request the Honorable Court to remove me as counsel of record for Complainant, the U.S. Environmental Protection Agency ("EPA"), in the referenced case.

Motion Informing Removal as Counsel of Record

4. All subsequent documents filed in this action shall be sent to:

Silvia Carreño Coll, Esq.  
Associate Regional Counsel  
Office of Regional Counsel  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency, Region 2  
Centro Europa Building – Suite 217  
1492 Ponce de Leon Avenue  
San Juan, Puerto Rico 00907  
Telephone (787) 977-5818  
Fax (787) 729-7748

WHEREFORE, the undersigned respectfully requests the Honorable Court to take notice of the above.

RESPECTFULLY SUBMITTED, IN SAN JUAN, PUERTO RICO THIS 7<sup>TH</sup> OF JANUARY OF 2009.

For Complainant:



Pedro J. Nieves-Miranda  
US Environmental Protection Agency  
Region 2, ORC-Caribbean Team  
Centro Europa Building, Ste. 407  
1492 Ponce de León  
San Juan, PR 00907  
Tel. 787-977-5822  
Fax. 787-729-7748  
[Nieves.Pedro@epamail.epa.gov](mailto:Nieves.Pedro@epamail.epa.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Victor Morales**  
**P.O. Box 8817**  
**Caguas, PR 00726**

**Victor Morales Lot Development**

**RESPONDENT.**

**Docket Number CWA-02-2008-3357**

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

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent this Motion Informing Removal As Counsel of Record in the following manner to the respective addressees below:

Original and copy by Overnight Mail to:

**Karen Maples**

Regional Hearing Clerk  
Region II

U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Office: 212-637-3247

&

Helen Ferraras  
Presiding Officer  
U.S. Environmental Protection Agency  
290 Broadway – 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by facsimile to:

Attorney for Respondent

**Rafael A. Machargo**

Rafael Machargo's Law Offices  
P. O. Box 193005  
San Juan, PR 00919-3005  
Fax (787) 753-8944.

Copy by Overnight Mail to:

Administrative Law Judge  
**Honorable Barbara A. Gunning**  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044.

1/16/09  
Date

  
Name