



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 SEP 12 P 3:40
REGIONAL HEARING
CLERK

In the Matter of:)
)
Municipality of Mayaguez,)
)
Respondent.)
Docket No. CWA-02-2011-3453

**ORDER GRANTING MOTION INFORMING AGREEMENT IN PRINCIPLE
REACHED BY THE PARTIES AND REQUEST FOR EXTENSION OF TIME TO FILE
EXECUTED CONSENT AGREEMENT AND FINAL ORDER**

As you were previous notified, I am designated to preside over the above-captioned matter. This action was initiated on December 29, 2011, by the United States Environmental Protection Agency, Region 2, Director, Caribbean Environmental Protection Division (“Complainant” or “EPA”), filing a Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing against Respondent, Municipality of Mayaguez under Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B). By Prehearing Order dated July 17, 2012, Complainant was ordered to file a Consent Agreement and Final Order (“CAFO”) or its Initial Prehearing Exchange no later than August 24, 2012.

On August 24, 2012, Complainant filed a Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order (“Motion”). The Motion states that the parties have reached an agreement in principle and that Complainant requests sixty days, until October 23, 2012, to file the CAFO. Mot at 1. The Motion further states that Respondent’s attorney agrees to the filing of this Motion. Mot. at 2.

Section 22.7(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (40 C.F.R. § 22.7(b)) provides that the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.

The Motion is hereby **GRANTED** for good cause. Accordingly, deadlines set forth in the

July 17, 2012 Prehearing Order are modified as follows:

| | |
|--------------------------|---|
| October 23, 2012 | Complainant's Initial Prehearing Exchange or CAFO |
| November 23, 2012 | Respondent's Prehearing Exchange |
| December 7, 2012 | Complainant's Rebuttal Prehearing Exchange |

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: September 10, 2012
Washington, DC

**In the Matter of *Municipality of Mayaguez*, Respondent.
Docket No. CWA-02-2011-3453**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order**, dated September 10, 2012, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Regular Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Electronic and Regular Mail to:

Hector L. Velez-Cruz, Esq.
Assistant Regional Counsel
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One Copy by Electronic and Regular Mail to:

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Sanchez Mercado Law Office
P.O. Box 6551
Mayaguez, PR 00681-6551

**Dated: September 10, 2012
Washington, D.C.**