

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. 2
2009 JUL 14 AM 8:14
REGIONAL HEARING
CLERK

**REQUEST FOR EXTENSION TO FILE AN AMMENDED ANSWER TO THE
COMPLAINT AND SUBMITTING ADDITIONAL INFORMATION**

To the Honorable Court:

NOW COMES the Respondent to this action, Municipality of Cayey, Puerto Rico,
and very respectfully avers and prays as follows:


1. The Municipality, as well as The Complainant to this action were directed to engage in one or more settlement conferences on or before June 30, 2009 and attempt to reach an amicable resolution to this matter.
2. On such date, both parties held a telephone conference with Mr. Roberto M. Durango, Esq., Associate Regional Counsel for EPA representing the complainant, and the underwriter representing the Municipality of Cayey, in which both parties discussed the matters ascertained and notified by Mr. Durango on his Status Report dated July 2nd, 2009.
3. As stated on the status report previously mentioned, we would like to inform that the Municipality of Cayey, as agreed, has submitted today, July 6th, 2009, the required Notice of Intent (NOI) form to EPA as part of the procedures on this matter.

4. As previously notified to Mr. Durango, we respectfully request an extension of at least thirty (30) days to file an Amended Answer to the Complaint. This request is based on the high probability of reaching an amicable settlement on this matter, which could render an answer unnecessary and/or might substantially modify any possible answers we might have to the current procedures on this case. Also, the proposed time extension might grant enough time to both parties to schedule any necessary additional meetings in order to continue exploring any possible settlement options available. The Municipality was granted until July 10th, 2009 to file an amended answer to the complaint.

5. As it is our policy to reduce the use of paper as much as possible, we request authorization to submit any subsequent procedural motions via email or facsimile if other parties to this proceeding have no objection. However, any settlement agreement and/or formal answer to the complaint will be submitted by mail with the corresponding authorized official signature.

re WHEREFORE it is respectfully requested that the Court take notice of the information previously stated, and grant the Municipality of Cayey request for a date extension to file and submit an amended answer to the complaint on the current proceedings, if such answer is finally deemed necessary.

Respectfully submitted in Cayey, Puerto Rico, on this 7th day of July, 2009.


Nancy A. Soto Lleras, Esq.
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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:

Original by Regular certified mail:

Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1900L
Washington, DC 20460

Original by Regular
Certified Mail:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

Copy by facsimile and
regular mail:

Roberto M. Durango, Esq.
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