

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

IN THE MATTER OF:

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

**Victor Morales Lot Development**

**RESPONDENT.**

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

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 JAN 13 PM 12:46  
REGIONAL HEARING  
CLERK

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

**JOINT MOTION REQUESTING EXTENSION OF TIME TO FILE EXECUTED  
CONSENT AGREEMENT AND FINAL ORDER**

COME NOW Complainant, the U.S. Environmental Protection Agency ("EPA") and Respondent, through the undersigned attorneys (together, the "Parties"), and respectfully allege, pray and request as follows:

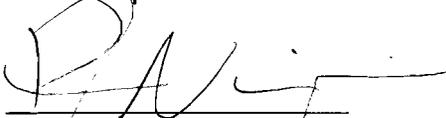
1. On December 31, 2008, the Parties reached an agreement in principle dispositive of all matters asserted in the referenced Administrative Complaint.
2. The Parties are currently engaged in settlement discussions in order to reach an agreement as to the final language and terms of a Consent Agreement and Final Order ("CA/FO"). Once the CA/FO is finalized it will be placed into concurrence within several EPA offices located in Region 2's San Juan and New York offices for their review and concurrence. In addition, in order to file a duly executed CA/FO, the signature of the Respondents and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

In the Matter of Victor Morales.  
Docket No. CWA-02-2008-3357  
Motion Requesting Extension of Time

3. This Motion has been filed in order to have the Administrative Law Judges 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 to finalize a fully executed CA/FO, the Parties hereby request sixty (60) days (i.e., March 9, 2009), in order to file and notify a duly executed CA/FO.
  
4. Further to the above, the Parties hereby request a stay of the proceedings.

WHEREFORE, the Parties respectfully request the Honorable Court to take notice of the above and grant additional time to finalize a fully executed CA/FO.

RESPECTFULLY SUBMITTED, IN SAN JUAN, PUERTO RICO THIS 6<sup>TH</sup> OF JANUARY OF 2009.

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| <p>For Complainant:</p>  <p>Pedro J. Nieves-Miranda<br/>US Environmental Protection Agency<br/>Region 2, ORC-Caribbean Team<br/>Centro Europa Building, Ste. 407<br/>1492 Ponce de León<br/>San Juan, PR 00907<br/>Tel. 787-977-5822<br/>Fax. 787-729-7748<br/><a href="mailto:Nieves.Pedro@epamail.epa.gov">Nieves.Pedro@epamail.epa.gov</a></p> | <p>For Respondent:</p>  <p>Rafael A. Machargo.<br/><br/>Rafael Machargo's Law Offices<br/>P.O. Box 193005<br/>San Juan, P.R. 00919-3005<br/>Tel. (787) 653-3225<br/>Fax: (787) 703-0336<br/><a href="mailto:machargo@prtc.net">machargo@prtc.net</a></p> |
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**CERTIFICATE OF SERVICE**

I certify that the foregoing Joint Motion was sent to the respective addressees, in the manner specified, on the date below:

Express Mail:

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

&

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

CERTIFIED MAIL RETURN RECEIPT

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

Attorney for Respondent:

Rafael A. Machargo  
Rafael Machargo's Law Offices  
P.O. Box 193005  
San Juan, PR 00919-3005

Dated: January 12, 2009

A handwritten signature in cursive script, appearing to read "Rafael Machargo", written over a horizontal line.