

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2008 DEC 19 AM 11:48
REGIONAL HEARING
CLERK

IN THE MATTER OF:

**QUALITY ENGINEERS AND
CONTRACTORS, INC.**
Suite 201
206 Eleanor Roosevelt
Hato Rey, Puerto Rico 00918

DOCKET NUMBER CWA-02-2007-3411

and

CIDRA EXCAVATION, INC.
P.O. Box 11218
Caparra Heights Station
San Juan, P.R. 00922

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

SERENA HOUSING DEVELOPMENT

RESPONDENTS.

NPDES PERMIT PRR10B942

**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 Respondents, Quality Engineers and Contractors, Inc., and Cidra Excavation, Inc., through the undersigned attorneys (together, the "Parties"), and respectfully allege, pray and request as follows:

1. On December 15, 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

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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.

3. On August 29, 2008, the Administrative Law Judge, Honorable Barbara A. Gunning, issued various orders, including an amendment to the Prehearing Order. The amended Prehearing Order set Prehearing exchange due dates of December 19, 2008, and January 19, 2009, for Complainant and Respondents, respectively.

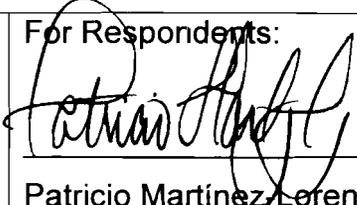
4. This Motion has been filed in order to have the Administrative Law Judge, Honorable Barbara A. Gunning, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties to finalize a fully executed CA/FO, the Parties hereby request the Honorable Administrative Law Judge sixty (60) days (i.e., February 16, 2009), in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

5. Further to the above, the Parties hereby request a stay of the Prehearing Order.

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

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RESPECTFULLY SUBMITTED, IN SAN JUAN, PUERTO RICO THIS 17TH OF
DECEMBER OF 2008.

<p>For Complainant:</p>  <hr/> <p>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</p>	<p>For Respondents:</p>  <hr/> <p>Patricio Martínez-Lorenzo. P.R. Bar Association #6078 Martínez-Lorenzo Law Offices Union Plaza Building – Ste. 1200 416 Ponce de Leon Ave. Hato Rey, PR 00918-3424 Tel. (787) 756-5005 Fax: (787) 641-5007 pmartlor@pmlawpr.com</p>
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CERTIFICATE OF SERVICE

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

Hand Delivered to:
Attorney Patricio Martinez- Lorenzo

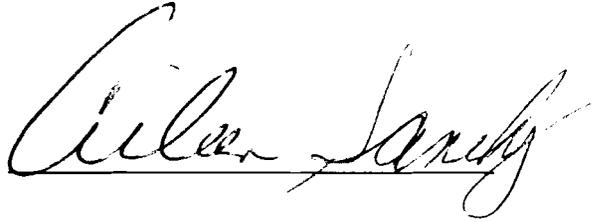
Express Mail:

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

Express Mail:

Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
1099 14th Street, N.W. Suite 350
Franklin Court
Washington, DC 20005

Dated: December 17, 2008

A handwritten signature in cursive script, appearing to read "Aileen S. Smith", written over a horizontal line.