



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG. II
2009 FEB 26 PM 12:39
REGIONAL HEARING CLERK

IN THE MATTER OF)
)
QUALITY ENGINEERS AND) DOCKET NO. CWA-02-2007-3411
CONTRACTORS, INC. and)
CIDRA EXCAVATION, INC.,)
)
RESPONDENTS)

ORDER ON COMPLAINANT'S REQUEST FOR EXTENSION OF TIME TO FILE EXECUTED CONSENT AGREEMENT AND FINAL ORDER

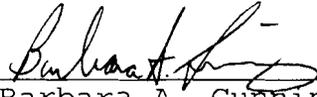
On June 8, 2007, the Complaint in this matter was filed against Respondents. The Complaint alleges violation of Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1311(a), and proposes the assessment of a civil administrative penalty of \$80,683 under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B).

The undersigned was designated by the March 7, 2008 Order of the Chief Administrative Law Judge to preside in the above-captioned matter. On March 14, 2008, the undersigned issued a Prehearing Order, directing the parties to commence the filing of their prehearing exchange on July 18, 2008. On August 29, 2008, the undersigned issued an Order denying Complainant's motion to withdraw the Complaint without prejudice and Respondents' motion to dismiss or hold an evidentiary hearing, and granting a temporary stay until December 19, 2008, for the commencement of the filing of the prehearing exchange.

Pursuant to the parties' December 17, 2008 motion requesting an extension of time to file an executed Consent Agreement and Final Order ("CAFO"), the parties orally were granted an extension until February 16, 2009. The CAFO was not filed. Upon being contacted by the undersigned's office on February 23, 2009, the parties have now filed another request for extension of time to file a CAFO. The parties request until March 24, 2009 to file the CAFO.

The parties' Motion for an extension of time to file the CAFO is **Granted**.^{1/} The fully executed Consent Agreement and Final Order should be filed no later than **March 31, 2009**,^{2/} with a copy sent to the undersigned. If the case is not settled by March 31, 2009, Complainant's prehearing exchange shall be filed by April 10, 2009 and Respondent's prehearing exchange shall be filed by April 24, 2009. Complainant's rebuttal, if any, is due May 1, 2009. The procedures directed in my Prehearing Order of March 14, 2008 remain in effect.

If the case is not settled, I expect the parties to meet the prehearing deadlines set by this order. A further extension of time will not be granted absent a showing of extraordinary circumstances.



Barbara A. Gunning
Administrative Law Judge

Dated: February 24, 2009
Washington, DC

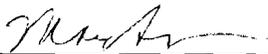
^{1/} There was a substitution of counsel for Complainant during the pendency of the most recent extension of time for filing the CAFO.

^{2/} An additional week has been granted. The parties shall
- - - - - consent agreement and proposed final agreement

In the Matter of *Quality Engineers & Contractors, Inc., and Cidra Excavation, Inc., Respondent.*
Docket No. CWA-02-2007-3411

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Request for Extension of Time to File Executed Consent Agreement and Final Order**, dated February 24, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA / Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3199

Copy by Facsimile and Pouch Mail to:

Hector L. Velez Cruz, Esq.
Assistant Regional Counsel
U.S. EPA, Region II, Caribbean Field Division
Centro Europa Building, Suite 417
1492 Ponce de Leon Ave.
San Juan, PR 00907-4127
Fx: 787.729.7748

Copy by Facsimile and Regular Mail to:

Patricio Martinez-Lorenzo, Esq.
Martinez-Lorenzo Law Offices
Union Plaza Building - Suite 1200
416 Ponce de Leon Ave.
Hato Rey, PR 00918-3424
Fx: 787.641.5007

Dated: February 24, 2009
Washington, D.C.