

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2013 FEB 11 P 3:46
REGIONAL HEARING
CLERK

IN THE MATTER OF:)
)
Municipality of Mayaguez,) Docket No. CWA-02-2011-3453
)
RESPONDENT)
_____)

ORDER ON REQUEST FOR EXTENTION OF TIME TO FILE EXECUTED CONSENT AGREEMENT AND FINAL ORDER AND POSTPONEMENT OF HEARING

On January 31, 2013, Complainant filed a Status Report and Request for Extension of Time to File Executed Consent Agreement and Final Order ("Request"). The Request states that Complainant presented a new settlement offer to Respondent on January 8, 2013, and parties engaged in "good faith negotiations" regarding this settlement offer. Complainant was contacted by Counsel for Respondent regarding the settlement offer, and reports that "Respondent reviewed and approved the terms of the settlement and signed the Consent Agreement and Final Order ("CAFO)". Complainant requests until February 28, 2013, to file the CAFO in order to complete the concurrence process with EPA Region 2's San Juan office and EPA Region 2's New York Office.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits 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; or upon its own initiative." 40 C.F.R. § 22.7(b)

The Request is hereby **GRANTED** for good cause. The parties will not be prejudiced by allowing a minimal amount of time for the EPA to review and finalize the CAFO. The fully-executed Consent Agreement and Final Order shall be filed no later than **February 28, 2012**, with a copy sent to the undersigned. The hearing in this matter scheduled to commence on February 12, 2013 is hereby **POSTPONED.**

So ordered.




Susan L. Biro
Chief Administrative Law Judge

Dated: February 6, 2013
Washington, D.C.

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order On Request For Extension Of Time To File Executed Consent Agreement And Final Order And Postponement Of Hearing**, dated February 6, 2013, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: February 6, 2013

Original And One Copy By Regular Mail To:

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Copy By Regular Mail And E-Mail To:

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