

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In the Matter of:

DESARROLLOS ALTAMIRA I, INC., and  
CIDRA EXCAVATION, S.E.,

RESPONDENTS

DOCKET NUMBER  
CWA-02-2009-3462

REGIONAL HEARING  
CLERK

2010 SEP 23 A 11:30

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11

**JOINT SET OF STIPULATED FACTS, EXHIBITS, AND TESTIMONY**

To the Honorable Court:

COME NOW the Parties to the instant action, through the undersigned attorneys and very respectfully submit the Joint Set of Stipulated Facts, Exhibits, and Testimony in compliance with the Order Granting Joint Motion for Extension to File Joint Set of Stipulated Facts, Exhibits and Testimony, dated August 20, 2010:

**I. Stipulated Facts**

The Parties stipulate the following facts:

- a. Respondent Desarrollos Altamira, Inc. (Desarrollos), is a corporation organized and authorized to do business under the laws of the Commonwealth of Puerto Rico and a "person" within the meaning of Section 502(5) of the Clean Water Act (CWA or Act), 33 U.S.C § 1362(5).
- b. Respondent Cidra Excavation S.E. (Cidra), is a special partnership, organized and authorized to do business under the laws of the Commonwealth of Puerto Rico and a "person" within the meaning of Section 502(5) of the Clean Water Act (CWA or Act), 33 U.S.C § 1362(5).
- c. The Project is located at State Road PR-957, Km. 02, Hato Puerco Ward, in Canovanas, Puerto Rico 00729.
- d. The Project is a residential development, which consists of the construction of one hundred and fifty two single-family housing units, of which approximately forty three were completed.

- e. The construction activities at the Project are best described by the Standard Industrial Classification Code 1521 (Single-Family Housing Construction).
- f. The construction activities at the Project involved, among others, land disturbance, site preparation, utilities installation, and construction of residential units and recreational areas.
- g. Earth movement activities at the Project involved clearing, grading and exaction on approximately 42.05 acres of land.
- h. Respondents began clearing activities at the Project on or about January 25, 2007.

## II. Stipulated Exhibits

The Parties stipulate the following exhibits:<sup>1</sup>

- a. RX Cidra 1, Cidra Excavation, S.E., Amended Special Partnership Deed No. 1, January 27, 2000.
- b. RX Cidra 2 and CX 12, NOI application details.
- c. RX Cidra 4 and CX 17, Joint Permit Application File, Department of the Army.
- d. RX Cidra and CX 7c and 7d, Rain Gauge Data Summary Table and Rain Gauge Data.
- e. RX Cidra 10 and CX 13–13f, Aerial Photographs of the Project.
- f. RX Cidra 11, Construction Contract Agreement, May 22, 2006.
- g. RX Cidra 14 and CX 8a–8c.
- h. CX 5

## III. Stipulated Testimony

The Parties do not stipulate to any testimony.

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<sup>1</sup> Complainant's Exhibits will hereinafter be identified as "CX".

WHEREFORE the Parties respectfully request that this Honorable Court take notice of the aforementioned Stipulated Fact, Exhibits, and Testimony.

Respectfully submitted in San Juan, Puerto Rico, on September 21, 2010.

For Complainant:

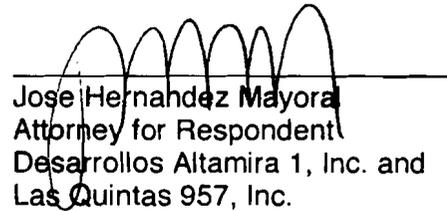


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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Joint Set of Stipulated Facts, Exhibits, and Testimony**, dated September 22, 2010, was sent in the following manner to the addresses listed below:

Original and Copy by **Overnight**:

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Copy by **Overnight and Fax**:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
Environmental Protection Agency  
Office of Administrative Law Judges  
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Copy by **Certified Mail**:

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Dated: 9/22/10

  
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