**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

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

ORDER SCHEDULING HEARING

A review of the file reflects that the prehearing exchange process in this case has been completed and all pending motions have been ruled upon. Therefore, the case is ripe for scheduling for hearing.

Agency policy strongly supports settlement. Therefore, the parties are directed to hold another settlement conference on or before **January 11, 2013** and attempt to reach an amicable resolution of this matter. The Complainant shall file a status report regarding such conference and the status of settlement on or before **January 18, 2013.**

In the event the parties have failed to reach a settlement by that date, they shall strictly comply with the requirements of this Order and prepare for a hearing. In connection therewith, on or before **January 25, 2013**, the parties shall file a Joint Set of Stipulated Facts, Exhibits, and Testimony. The time allotted for the hearing is limited. Therefore, the parties must make a good faith effort to stipulate, as much as possible, to matters which cannot reasonably be contested so that the hearing can be concise and focused solely on those matters which can only be resolved after a hearing.

All pre-hearing motions, such as motions to amend and motions in limine, must be filed on or before **January 25, 2013**.

The parties may, if they wish, file prehearing briefs. The deadline for filing such briefs is Friday, **February 1, 2013**. A copy of the briefs should be emailed and/or faxed to the undersigned by that date. The Complainant's brief should specifically state each count of the Complaint, and each claim therein, which are to be tried at the hearing and indicate which counts/claims are not. The Respondent's brief should identify each of the defenses the Respondent intends to pursue at the hearing.

The Hearing in this matter will be held beginning promptly at 9:30 a.m. on Tuesday, **February 12, 2013** in San Juan, Puerto Rico, continuing if necessary, on February 13, 2013. The Regional Hearing Clerk will make appropriate arrangements for a Courtroom. The parties will be notified of the exact location and of other procedures pertinent to the hearing when those arrangements are complete.

Individuals requiring special accommodations at the hearing, including wheelchair access, should contact the Regional Hearing Clerk, as soon as possible so that appropriate arrangements can be made.

THE RESPONDENT IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE HEARING, WITHOUT GOOD CAUSE BEING SHOWN THEREFOR, MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST IT.

IF EITHER PARTY DOES NOT INTEND TO ATTEND THE HEARING OR HAS GOOD CAUSE FOR NOT BEING ABLE TO ATTEND THE HEARING AS SCHEDULED, IT SHALL NOTIFY THE UNDERSIGNED AT THE EARLIEST POSSIBLE MOMENT.

Susan L. Biro
Chief Administrative Law Judge

Dated: December 28, 2012
Washington, D.C.

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

<u>Certificate of Service</u>

     I hereby certify that the foregoing **Order Scheduling Hearing**, issued by Chief Administrative Law Judge Susan Biro, on this 28th day of December 2012, was sent to the following, in the manner indicated.

_____
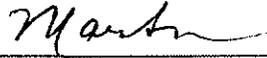
Mary Angeles
Lead Legal Staff Assistant

<u>Original and One Copy by Email and Regular Mail to:</u>

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

<u>One Copy by Email and Regular Mail to:</u>

Hector L. Velez Cruz, Esq.
Office of Regional Counsel-Caribbean Team
U.S. EPA, Region II
City View Plaza II – Suite 7000
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Email: velez.hector@epa.gov

<u>One Copy by Email and Regular Mail to:</u>

Luis J. Sanchez Mercado, Esq.
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Issued: December 28, 2012
Washington, D.C.