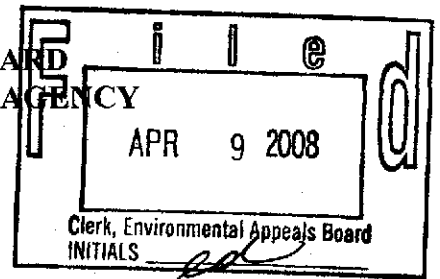


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
Essroc San Juan, Inc. ) NPDES Appeal No. 07-20  
)  
NPDES Permit No. PR0001163 )

**ORDER GRANTING REQUEST FOR A CONTINUED STAY OF PROCEEDINGS**

In a joint motion filed April 4, 2008, U.S. EPA Region 2 ("Region") and Petitioner Essroc San Juan Inc. ("Essroc") request an additional stay of proceedings, until May 22, 2008, to finalize an agreement the parties have reached during settlement negotiations in the above-captioned matter. The subjects of the parties' dispute are certain conditions in a Final NPDES Permit ("Final Permit") that the Region issued to Essroc on November 20, 2007 and that Essroc has challenged in a Petition for Review filed on December 14, 2007. By order of the Environmental Appeals Board ("Board") dated February 6, 2008, proceedings in this matter have been stayed until April 7, 2008, to accommodate the parties' ongoing settlement negotiations.

In their joint motion, the parties report that their negotiations have produced an "agreement in principle" and that the parties need additional time to draft and execute an "Administrative Order on Consent" ("Consent Order") that will "memorialize" their agreement. The parties explain that the Consent Order will provide Essroc with "relief for the seven contested conditions" that are the subject of Essroc's Petition "until the Water Quality Certificate which is pending reconsideration/judicial review is resolved by the Puerto Rico's Environmental

Quality Board[("EQB")]/Commonwealth of Puerto Rico Court of Appeals."<sup>1</sup> The parties also state that upon execution of the Consent Order, Essroc has agreed to file with the Board a motion to dismiss its Petition.

For good cause shown, the parties' joint request for a continued stay of proceedings is granted. The proceedings are stayed until May 22, 2008, and the Region's April 7, 2008 deadline for filing a response to the Petition is rescinded. In the event that the parties request an extension of the stay beyond May 22, 2008, the parties shall include in their motion a report of any changes in the parties' plans as described above that may affect the timing or likelihood of settlement.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: 4/9/08

By: Kathie A. Stein  
Kathie A. Stein  
Environmental Appeals Judge

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<sup>1</sup>In its Petition, Essroc explains that the disputed conditions of the Final Permit are the subject of a Water Quality Certificate ("WQC") that the Commonwealth of Puerto Rico's EQB issued for the Final Permit. Essroc contends that because EQB is currently entertaining Essroc's motion for reconsideration of the WQC, the WQC is not final and therefore the Region improperly issued the Final Permit.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Request for a Continued Stay of Proceedings in the matter of Essroc San Juan Inc., NDPES Appeal No. 07-20, were sent to the following persons in the manner indicated:

By Pouch Mail and Facsimile: Eduardo J. González  
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Date: APR - 9 2008



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Annette Duncan  
Secretary