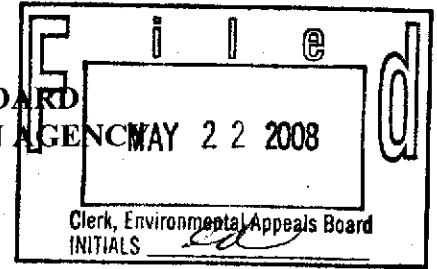


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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 May 21, 2008, U.S. EPA Region 2 ("Region") and Petitioner Essroc San Juan Inc. ("Essroc") request an additional stay of proceedings, until July 3, 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 April 9, 2008, proceedings in this matter have been stayed until May 22, 2008, to accommodate the parties' ongoing settlement negotiations.

In their joint motion, the parties report that they have made progress during the current stay period in finalizing their "agreement in principle" to resolve their dispute, including drafting an administrative Consent Order that will memorialize the details of their agreement. The parties also relate that their respective counsel met on April 23, 2008, to "further develop the details of the agreement in principle and * * * the content of the Consent Order," a draft of which they have attached to their joint motion. In requesting an additional 45-day extension of the current stay, the parties explain that they need additional time to "complete the drafting and execution" of the Consent Order and move for dismissal of Essroc's petition.

For good cause shown, the parties' joint request for a continued stay of proceedings is granted. The proceedings are stayed until July 3, 2008, and the Region's May 22, 2008 deadline for filing a response to the Petition is rescinded. In the event that the parties request an extension of the stay beyond July 3, 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:

May 22, 2008

By:

Kathie A. Stein

Kathie A. Stein

Environmental Appeals Judge

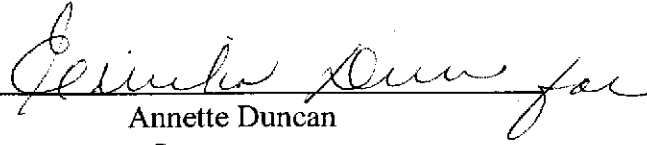
CERTIFICATE OF SERVICE

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., ND PES 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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Fax No. 212-637-3202

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Date: 5/23/08


Annette Duncan
Secretary