

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

In re:

Essroc San Juan Inc.

NPDES Permit No. PR0001163

EAB Appeal Number NPDES 07-20

**JOINT MOTION FOR STAY OF PERMIT APPEAL PENDING SETTLEMENT
NEGOTIATIONS**

Region 2 of the United States Environmental Protection Agency (“the Region”), and Petitioner, Essroc San Juan Inc. (“Essroc”), jointly request that the Environmental Appeals Board (“EAB”) grant a 60-day stay of the permit appeal proceedings in the above-captioned matter.

The parties request the instant stay in order to engage in and pursue settlement negotiations of the issues raised by Essroc in the above-captioned matter.

The parties are currently under an Order of the EAB which requires the Region to file no later than February 7, 2008 the relevant portions of the administrative record and a response to Essroc’s contentions.

The parties’ request for a stay would defer until April 7, 2008 the Region’s filing of its response, referenced in the paragraph above, in order to avoid potentially unnecessary work and allow the Region to focus its attention on settlement negotiations with Essroc.

The parties believe that a 60-day stay will allow them to explore settlement consistent with the provisions and objectives of the Act and applicable regulations, and at the same time preserve the rights of the parties pursuant to the pending appeal proceeding.

For the reasons set forth above, the parties respectfully request that their Joint Motion for Stay of Permit Appeal Pending Settlement Negotiations be granted and that the EAB extend the deadline for the Region’s response to April 7, 2008 without prejudice to Essroc’s right to request re-activation of the appeal if that should prove necessary.

Respectfully submitted, this January 24th of 2008,

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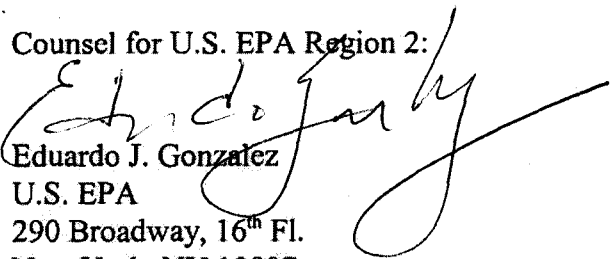
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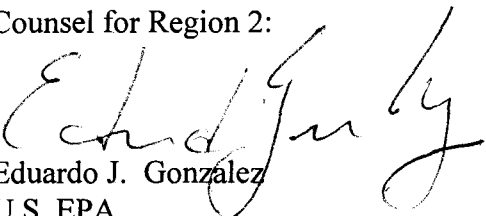
CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing JOINT MOTION FOR STAY OF PERMIT APPEAL PENDING SETTLEMENT NEGOTIATIONS in the matter of Essroc San Juan Inc. NPDES Permit No. PR0001163, Appeal No. EAB Appeal Number NPDES 07-20, were served by United States First Class Mail on the following persons, this 24th day of January, 2008:

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