



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

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ENVIR. APPEALS BOARD

FEB 26 2008

Eurika Durr, Clerk of the Board (MC 1103B)  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Eduardo Negron Navas  
Fiddler Gonzalez & Rodriguez, P.S.C.  
P.O. Box 363507  
San Juan, Puerto Rico 00936-3507

Eng. Nivia I. Ayala  
Essroc San Juan, Inc.  
P.O. Box 366698  
San Juan, Puerto Rico 00936-6698

Re: Notice of Uncontested and Severable Conditions  
NPDES Permit PR0001163  
NPDES Appeal No. 07-20  
Essroc San Juan Inc. (Dorado, Puerto Rico)

Dear Mss. Durr and Ayala and Mr. Negron:

By letter dated December 19, 2007 the Environmental Appeals Board notified Region 2 that Eduardo Negron Navas, on behalf of Essroc San Juan Inc. ("Company") filed, pursuant to 40 C.F.R. § 124.19(a), a Petition for Review ("Petition") of NPDES permit PR0001163 ("Permit") reissued to the Company on November 20, 2007 by the Caribbean Environmental Protection Division of the U.S. Environmental Protection Agency ("Region").

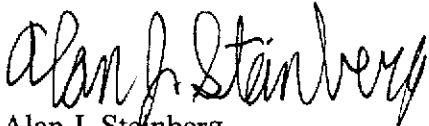
The Company's Petition challenges seven specific conditions of the Permit, summarized in the following table:

Structure	Part	Permit Condition
Outfall 001	Table A-1	Fecal Coliforms
		Total Coliforms
		BOD5
		Color
		Sulfide
		Sulfate
		Surfactants

Pursuant to 40 C.F.R. § 124.16(a)(2)(ii), this letter notifies you of my determination that the seven contested conditions described above are stayed during the pendency of this appeal. All other conditions of the Permit are uncontested and severable from the contested permit terms. Thus, all of the other conditions are not stayed and will become fully enforceable obligations effective thirty days from the date of this notice, as provided by 40 C.F.R. § 124.16(a)(2)(i).

If you have any questions regarding this correspondence, please feel free to contact Eduardo J. Gonzalez, the Region's legal counsel in this matter, at 212-637-3223, or Tere Rodriguez, Chief of Multi-Media Permits and Compliance Branch, in our Caribbean Environmental Protection Division, at 787-977-5864.

Sincerely,



Alan J. Steinberg  
Regional Administrator

cc: Carl-Axel P. Soderberg, CEPD  
Teresita Rodriguez, CEPD  
Sergio Bosques  
James Curtin, OGC  
Phyllis Feinmark, ORC-WGLB  
Eduardo J. Gonzalez, ORC-WGLB  
Carlos W. Lopez-Freytes, EQB