

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

In re:)
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)
Puerto Rico Electric Power)
Authority (NPDES Permit Number PR)
0001660) Appeal No. _____ [EAB Appeal Number]
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JOINT MOTION FOR EXTENSION OF TIME TO PERFECT APPEAL

The Puerto Rico Electric Power Authority (“Petitioner”) and Region 2 of the Environmental Protection Agency (“EPA R 2”) jointly request that the Environmental Appeals Board (“EAB”) grant an extension of time for the Petitioner to perfect its appeal in the above-captioned matter.

Contemporaneously with filing this Motion, Petitioner today filed a Petition appealing certain conditions (the “Contested Conditions”) included in the referenced permit issued for Petitioner’s Aguirre Power Complex on September 30, 2010, to become effective on January 1, 2011. Pursuant to 40 CFR §§124.19 and 124.20, Petitioner’s time for appealing the Contested Conditions expires today. Petitioner filed the Petition as a protective filing in order to preserve its right to appeal the issues set forth in the Petition.

Petitioner and EPA R 2 are actively engaged in conversations with respect to the issues that are the subject of the Petition. EPA R 2 has advised the Petitioner of its willingness to consider the withdrawal of the Contested Conditions. EPA R 2 has advised Petitioner that the contemplated withdrawal of the Contested Conditions will require EPA R 2 prepare new draft permit conditions addressing the withdrawn portions, in compliance with the procedures provided in 40 CFR §§124.6 through 124.18. EPA R 2’s permitting authority pursuant to the Clean Water Act (“CWA”) is delegated to the

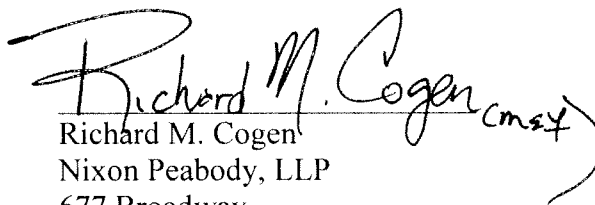
Division Director for the Division of Environmental Planning and Permitting. In the time available since the parties commenced their discussions, EPA R 2 has not had sufficient time to consult with the Division Director and thereby effect a formal withdrawal of the Contested Conditions. EPA R 2 estimates that it may take an additional ten (10) business days from the date of the instant Motion to consult with the Division Director and formalize a withdrawal of the Contested Conditions.

In view of the discussions between the parties, and EPA's willingness to withdraw the Contested Conditions, both parties agree that it would conserve their resources, and the resources of the EAB, if the EAB were to accept Petitioner's protective filing as a timely filing for purposes of commencing this appeal, and allow Petitioner to supplement that filing with a more complete supplemental Petition if EPA R 2 ultimately determines not to withdraw the Contested Conditions. Accordingly, the parties hereby request that the EAB issue a Ruling (a) accepting the Petition as validly commencing this Appeal, (b) suspending all other applicable filing or response requirements until EPA R 2 either withdraws the Contested Conditions or determines not to withdraw one or more of them, and (c) allowing Petitioner to file a supplemental Petition within 10 business days of the date on which EPA R 2 advises Petitioner and the EAB that it will not be withdrawing one or more of the Contested Conditions.¹ Further, Petitioner and EPA hereby agree that they will jointly advise the EAB of EPA R 2's withdrawal of the Contested Conditions within 10 business days of such withdrawal.

For the reasons set forth above, Petitioner and EPA R 2 jointly request that this Motion be granted.

¹ EPA R 2 hereby reserves any and all objections to Petitioner's appeal other than timeliness of the Petition filed today, and timeliness of the supplemental Petition if filed in accordance with the ruling requested herein.

Respectfully submitted,

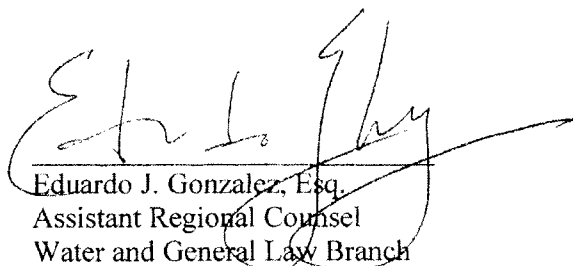
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A handwritten signature in black ink, appearing to read "Eduardo J. Gonzalez", is written over a horizontal line. The signature is stylized and extends to the right of the line.

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