

**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 EXECUTION OF  
AGREEMENT ON CONSENT**

Region 2 of the United States Environmental Protection Agency (“the Region”) and Essroc San Juan Inc. (“Essroc”), jointly request that the Environmental Appeals Board (“EAB”) grant a 45-day additional stay of the permit appeal proceedings in the above captioned matter.

By Order dated February 7, 2008, the EAB stayed the Region’s time for responding to the petition until April 7, 2008, pending settlement negotiations.

During the time provided by the EAB’s order dated February 7, 2008, the parties engaged in settlement negotiations and have reached an agreement.

Pursuant to the agreement in principle between the parties, Region 2 has agreed to issue an Administrative Order on Consent which will provide Essroc with relief for the seven contested conditions which are the subject of Essroc’s Petition for Review in the instant case, until the Water Quality Certificate which is pending reconsideration/judicial review is resolved by the Puerto Rico’s Environmental Quality Board/Commonwealth of Puerto Rico Court of Appeals.

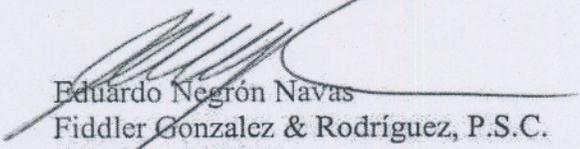
Also pursuant to the agreement in principle between the parties, Essroc has agreed to withdraw the instant Petition for Review by timely filing with the EAB a motion for dismissal, upon execution of the above-mentioned Administrative Order on Consent.

In order to memorialize the agreement in principle, the parties request a 45-day additional stay, until May 22, 2008, to complete the drafting and execution of the Agreement on Consent and moving for dismissal.

For the reasons set forth above, the parties respectfully request that their Joint Motion for Stay of Permit Appeal Pending Execution of Agreement on Consent be granted and that the EAB extend the deadline for the Region’s response to May 22, 2008.

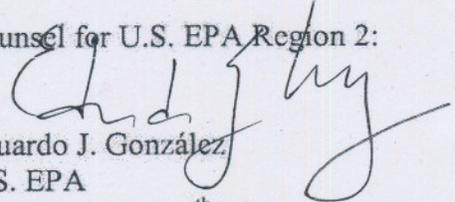
Respectfully submitted, this April 3, 2008.

Counsel for Essroc San Juan Inc.:



Eduardo Negrón Navas  
Fiddler Gonzalez & Rodríguez, P.S.C.  
P.O. Box 363507  
San Juan, Puerto Rico 00936-3507  
[enegron@fgrlaw.com](mailto:enegron@fgrlaw.com)  
Tel. 787.759.3106  
Fax. 787.753.4237

Counsel for U.S. EPA Region 2:



Eduardo J. González  
U.S. EPA  
290 Broadway, 16<sup>th</sup> Fl.  
New York, NY 10007  
[gonzalez.eduardoj@epa.gov](mailto:gonzalez.eduardoj@epa.gov)  
Tel. 212-637-3223  
Fax. 212-637-3202

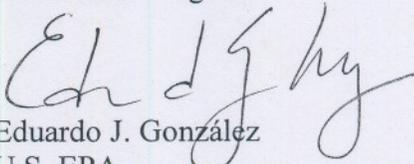
**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing JOINT MOTION FOR STAY OF PERMIT APPEAL PENDING EXECUTION OF AGREEMENT ON CONSENT 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 3 day of April, 2008:

Counsel for Apellant  
Eduardo Negrón Navas  
Fiddler González & Rodríguez, PSC  
PO Box 363507  
San Juan, Puerto Rico 00936-3507  
[enegron@fgrlaw.com](mailto:enegron@fgrlaw.com)  
Tel. 787.759.3106  
Fax 787.753.4237

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
1341 G Street, N.W. Suite 600  
Washington, D.C. 20005

Counsel for Region 2:

  
Eduardo J. González  
U.S. EPA  
290 Broadway, 16th Fl.  
New York, NY 10007  
[gonzalez.eduardoj@epa.gov](mailto:gonzalez.eduardoj@epa.gov)  
Tel. 212-637-3223  
Fax. 212-637-3202

Date: 4/3/08