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

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ENVIR. APPEALS BOARD

In re:

Snapperfarm, Inc.

NPDES Permit No. PR0026361

NPDES Appeal No. 09-19

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

Region 2 of the Environmental Protection Agency ("Region"), Respondent, with the consent of the Petitioner, Vincenty, Heres & Asociados, consultants for the permittee, requests that the Board extend the date for the Region to file a response in this case from March 19, 2010 to April 30, 2010.

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

The parties are currently under an Order of the EAB which requires the Region to file no later than March 19, 2010 the relevant portions of the administrative record and a response to Petitioner's contentions. This Order granted an extension of time for Respondent to answer from February 4, 2010 to March 19, 2010.

The Respondent's request for a stay would defer until April 30, 2010 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 Petitioner.<sup>1</sup>

<sup>1</sup>Petitioner has indicated that the responsible official for the permittee, which is her client, has been out of the country and is difficult to contact. She has indicated that she would like to try to confer further with him before discussing settlement. Also, Respondent's previous motion

The parties believe that a 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.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane T. Gomes".

Diane T. Gomes  
Assistant Regional Counsel  
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US EPA Region 2  
290 Broadway - 16<sup>th</sup> Floor  
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Dated: March 12, 2010

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was mailed to the permittee but was returned to the Region this week as undeliverable at the address that is on file for it. This is an additional reason for the request for additional time.

CERTIFICATE OF SERVICE

I hereby certify that this Motion for Extension of Time and proposed order were served on  
March 12, 2010 as follows:

One original and two copies were sent by Federal Express to:

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

One copy was sent to by Certified Mail/Return Receipt Requested to the following:

Mildred Guzmán, P.E.  
Environmental Engineer  
Vincenty, Heres & Asociados  
PMB 717  
89 De Diego, Suite 105  
San Juan, PR 00927

and

Snapperfarm, Inc.  
P.O. Box  
Culebra, PR 00775

Date: 3/12/10 Ana Madera  
Ana Madera

Secretary, Office of Regional Counsel  
U. S. EPA Region 2  
290 Broadway - 17th Floor  
New York, New York 10007

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

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In re: )  
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Snapperfarm, Inc. )

NPDES Appeal No. 09-19

NPDES Permit No. PR000026361 )  
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**ORDER STAYING PERMIT APPEAL PENDING SETTLEMENT NEGOTIATIONS**

Upon consideration of the Motion, it is hereby ORDERED that the above referenced NPDES Appeal is stayed until April 30, 2010, at which time Respondent shall submit its response to Petitioners' petition for review, relevant portions of the administrative record, and certified index to the administrative record.

Date: \_\_\_\_\_

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_