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ENVIR. APPEALS BOARD

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March 14, 2011

Via Facsimile (202) 233-0121 and Mail

Ms. Eureka Durr  
Clerk of the Board  
Environmental Appeals Board (1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W  
Washington, D.C. 20460-0001

**RE: Puerto Rico Aqueduct and Sewer Authority  
NPDES Appeal No. 11-08  
Permit No. PR0021555**

Dear Ms. Durr:

Enclosed for filing is the Parties's Joint Motion for Disposition of Permit Appeal in the case of reference. Please do not hesitate to contact me if you have any questions.

Cordially,

Jorge Marrero Narváez

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

In re:

Puerto Rico Aqueduct and Sewer Authority

NPDES Permit No. PR0021555

NPDES Appeal No. 11-08

JOINT MOTION FOR DISPOSITION OF PERMIT APPEAL**I. INTRODUCTION**

U.S. Environmental Protection Agency – Region 2 (“EPA”), and Puerto Rico Aqueduct and Sewer Authority (“PRASA”), (collectively, the “Parties”) jointly request that the Environmental Appeals Board (“Board”) dispose of PRASA’s Permit Appeal, NPDES Appeal 11-08, consistent with the Parties’ recommendations in Section IV below. This Joint Motion is based on a settlement reached by the Parties as a result of the negotiations pursuant to the Board’s Alternative Dispute Resolution (“ADR”) pilot program, as summarized below.

**II. PROCEDURAL BACKGROUND**

On September 28, 2011, EPA issued to PRASA a National Pollutant Discharge Elimination System (“NPDES”) Permit No. PR0021555 (the “Permit”). On November 17, 2011, PRASA filed a Petition for Review of several conditions in the Permit pursuant to 40 C.F.R. § 124.19.

On December 7, 2011, the Parties notified the Board that the Parties agreed to participate in the Board’s Alternative Dispute Resolution (“ADR”) pilot program. By order dated December 20, 2011 (“Order Staying Proceedings to Allow Parties to Participate in ADR Pilot Program”), the Board stayed all proceedings in this matter until February 29, 2012. On February

27, 2012, the Parties jointly moved for a two-week extension of the stay, i.e., until March 14, 2012. The stays have provided the Parties with the opportunity to reach a settlement. The Parties hereby report to the Board that they have reached a settlement of resolving the issues raised in PRASA's Petition.

### III. NATURE OF THE SETTLEMENT

The Parties have agreed as follows:

1. Pursuant to 40 C.F.R. Parts 122 and 124, EPA intends to public notice for public comment draft permit modifications as set forth below:
  - A. Revisions to the language in Special Condition 20 of the Permit.
  - B. Revisions to the language in Attachment 2 of the Permit and CSO Outfall Table.
2. EPA intends to public notice the draft permit modifications, referenced in 1.A and 1.B above, within the next 45 days.
3. The Parties anticipate that the public notice and comment period, referenced in 2 above, EPA's consideration of and responses to any public comments received during such period, and finalization of the permit modifications will take up to approximately six months.
4. In light of this settlement, the Parties do not wish to burden the Board with any further motions, pleadings, hearings, or the like.
5. To that end, PRASA agrees to seek the withdrawal of its Petition for Review in this matter, without prejudice to renewal of its Petition in the event that the above-referenced modifications are not made to the Permit.

### IV. REQUESTED RELIEF

Accordingly, the Parties request that the Board, as it deems appropriate, dispose of PRASA's Petition by either of the following courses of action:

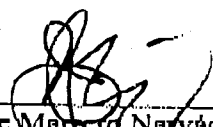
1. Dismiss PRASA's Petition subject to PRASA's ability to re-activate its appeal in the event that the above-referenced modifications are not made to the Permit; or
2. Grant a six-month extension of the stay until September 14, 2012, during which time EPA would initiate and complete the public notice and comment process and finalize the Permit modifications.

### V. CONCLUSION

For the reasons set forth above, the Parties respectfully request that the Board grant whichever proposed relief the Board deems appropriate based on this Joint Motion for Disposition of Permit Appeal.

This motion has been discussed with, and is being filed with the consent of, EPA counsel of record.

Respectfully submitted,

  
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Date: March 14, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that copy of the foregoing Joint Motion for Disposition of Permit Appeal in *In re PRASA*, NPDES Appeal No. 11-08, was sent on the below listed date to the following person in the manner indicated:

***By Facsimile & First Class U.S. Mail:***

Diane Gomes  
Office of Regional Counsel  
Environmental Protection Agency ~ Region 2  
290 Broadway -- 16th Floor  
New York, NY 10007-1866  
Facsimile: (212) 637-3202

Date: March 14, 2012