

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

MUNICIPALITY OF AGUAS BUENAS

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2010-3455

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2
2011 JUL -5 A 11:45
REGIONAL HEARING
CLERK

**Informative Motion Regarding Progress Made in Filing a
Executed Consent Agreement and Final Order and
Third Request for Extension of Time to File**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney, and respectfully alleges, prays and requests as follows:

Pursuant to the May 20, 2011 Order issued by the Honorable Barbara A. Gunning, Administrative Law Judge, Complainant and Municipality of Aguas Buenas (Respondent) (together the "Parties") have until June 30, 2011, to file the fully executed Consent Agreement and Final Order (CA/FO).

The CA/FO has been set into concurrence for approval and signature. The Respondent has signed the CA/FO (see *Attachment A*). The concurrence process has finalized in EPA Region 2's San Juan office and has been partially completed in the EPA Region 2's New York office (see *Attachment B*). The CA/FO is in the Regional Administrator's office for concurrence, approval and

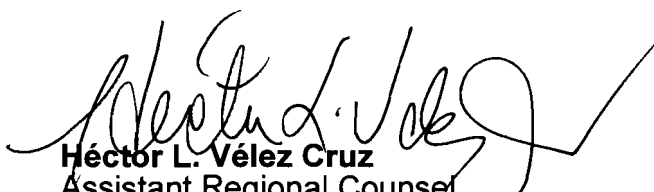
signature (final stage). Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable Barbara A. Gunning, take notice of the progress made in the approval process to file a fully executed CA/FO.

In light of the above, Complainant requests the Honorable Administrative Law Judge to grant the Parties fifteen (15) additional days from the June 30, 2011 deadline, until July 15, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, June 29, 2011, with Raúl Negrón Casasnovas, Esq., attorney for the Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 29th day of June, 2011.



Héctor L. Vélez Cruz
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
Centro Europa Bldg., Suite 207
1492 Ponce de León Ave.
San Juan, PR 00907-4127
(787) 977-5850 (office)
(787) 729-7748 (fax)
velez.hector@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In the Matter of:

MUNICIPALITY OF AGUAS BUENAS

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2010-3455

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Informative Motion Regarding Progress Made in Filing an Executed Consent Agreement and Final Order and Third Request for Extension of Time to File*, dated June 29, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Overnight Mail** to:

Attorney for Respondent:
Raúl Negrón-Casasnovas, Esq.
P. O. Box 19539
San Juan, P.R. 00910-1539
Tel: (787) 721-8220
Fax: (787) 721-8223
rnegron@environlawpr.com

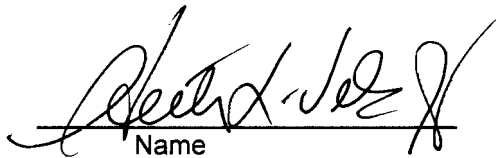
Copy by facsimile, **Overnight Mail** to:

Administrative Law Judge
Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

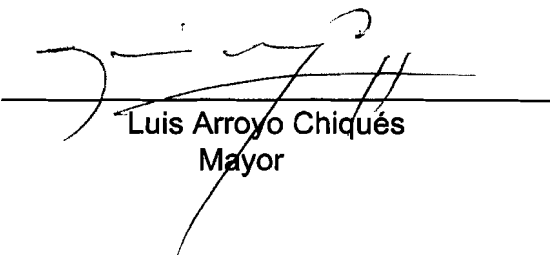
Date

6/29/11

Name



RESPONDENT MUNICIPALITY OF AGUAS BUENAS:

BY: 
Luis Arroyo Chiqués
Mayor

DATE: 24/6/11

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region 2**

Attachment B

In the Matter of:

MUNICIPALITY OF AGUAS BUENAS
P. O. Box 128
Aguas Buenas, Puerto Rico 00703

RESPONDENT

Proceeding pursuant to Section 309(g)(2)(B) of
the Clean Water Act, 33 U.S.C. § 1319(g)

**CONSENT AGREEMENT
AND
FINAL ORDER**

**DOCKET NUMBER
CWA-02-2010-3455**

CONSENT AGREEMENT AND ORDER

Complainant, the United States Environmental Protection Agency ("EPA"),
having issued the Complaint herein on September 24, 2010, against Respondent
Municipality of Aguas Buenas ("Respondent"), and

Complainant and Respondent having agreed that settlement of this matter is in
the public interest, and that entry of this Consent Agreement and Final Order ("CA/FO")
without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings,
without adjudication of any issue of fact or law, and upon consent and agreement of
the Parties, it is hereby agreed, and ordered as follows:

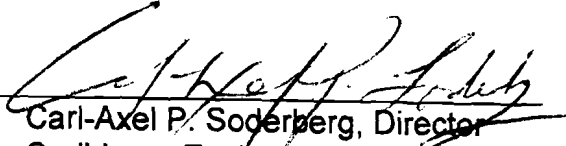
I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant
to Section 309 of the Clean Water Act, 33 U.S.C. § 1319.
2. The Complaint alleges that Respondent violated Sections 301 and 402 of the
Act, 33U.S.C. §§ 1311 and 1342, by failing to prepare, implement and
enforce the Storm Water Management Program (SWMP) required by the
NPDES General Permit for Discharges from Small MS4s for systems located
in the Commonwealth of Puerto Rico (the "Small MS4 Permit") and by failing
to submit a copy of the SWMP to EPA by the May 18, 2008 deadline as

| CONCURRENCES | | | | | | | | | | |
|--------------|--|--------------|----------|------------|--------------|-----------|------------|-----------|---------|--|
| Name: | H. Vélez | | Init: | HV | | Date: | 06/23/2011 | | | |
| Filename: | Municipality of Aguas Buenas CAFO6-23-11 CNC | | | | | | | | | |
| Symbol | CEPD/MPCB | CEPD/MPCB | ORC - CT | ORC - CT | CEPD - D | ORC | DRA | ORA | RA | |
| Surname | Y. Maclay | T. Rodriguez | H. Vélez | S. Canabao | C. Soberberg | E. Schaaf | G. Paviou | L. Plevin | J. Enck | |
| Date | 6/23/11 | 6/23/11 | 6/23/11 | 6/23/11 | 6/23/11 | 6/23/11 | 6/23/11 | 6/23/11 | 6/23/11 | |

COMPLAINANT:

BY:



Carl-Axel P. Soderberg, Director
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency - Region 2
Centra Europa Building, Suite 417
1492 Ponce de León Avenue
San Juan, Puerto Rico 0090

DATE: 11/23/11

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