

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2011 MAY 23 P 2:24
REGISTRAR CLERK

In the Matter of:

MUNICIPALITY OF AGUAS BUENAS

RESPONDENT

MOTION

DOCKET NUMBER CWA-02-2010-3755

**Informative Motion Regarding Progress Made in Filing an Executed
Consent Agreement and Final Order and
Second 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 March 30, 2011 Order issued by the Honorable Barbara A. Gunning, Administrative Law Judge, Complainant and Municipality of Aguas Buenas (Respondent) (together the "Parties") have until May 25, 2011, to file the fully executed Consent Agreement and Final Order (CA/FO).

The Parties have been engaged in settlement discussions as to the scope and terms of the Supplemental Environmental Project (SEP). This process also involved

consultation and approval from EPA Headquarters, which we obtained. This approval process took more time than what we originally expected.

The CA/FO will be set into concurrence for approval and signature in EPA Region 2's San Juan and will be sent to Respondent for its approval and signature. Once the concurrence process has finalized in Region 2's San Juan office the CA/FO will be delivered to our New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Regional Administrator is required. 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 twenty (20) additional days from the May 25, 2011 deadline, until June 14, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, May 20, 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 20th day of May,

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 Second Request for Extension of Time to File*, dated May 20, 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.

5/20/2011
Date


Name