

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

DESARROLLOS ALTAMIRA I, INC., and
CIDRA EXCAVATION, S.E.,

RESPONDENTS

DOCKET NUMBER
CWA-02-2009-3462

REGIONAL HEARING
CLERK

2010 JUL 30 AM 11:41

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2

MOTION FOR EXTENSION

To the Honorable Court:

COMES NOW the United States Environmental Protection Agency,
Complainant in the instant action, and very respectfully avers and prays as follows:

1. Pursuant to this Honorable Court's Prehearing Order, dated March 25, 2010, the Parties were directed to file any dispositive motion regarding liability within thirty days after the due date for Complainant's Rebuttal Prehearing Exchange—on or before June 28, 2010.
2. That on June 30, 2010, Respondent, Cidra Excavation S.E. (Respondent or Cidra), filed a Motion for Partial Accelerated Decision or Dismissal.
3. That the Certificate of Service inaccurately states that a copy of the aforementioned Motion was submitted directly to the Undersigned.
4. That although the Certificate of Service states that a copy of the aforementioned Motion was submitted to Ms. Silvia Carreño-Coll, Esq., Ms. Carreño is not the attorney of record in the above-captioned matter.

5. That since a copy of the aforementioned Motion was not sent directly to the Undersigned, Complainant did not receive a copy of such Motion until July 28, 2010.
6. That the Undersigned was not notified in any other way, nor was appraised by Respondent about the existence of such Motion, despite the fact that the Parties held a conversation on Thursday, July 22, 2010.
7. That Sections 22.16(b) and 22.7(c) of the Rules of Practice, allow a twenty-day response period for motions served by mail.
8. That, for the reasons stated herein, Complainant respectfully requests a twenty day extension, until Tuesday, August 17, 2010, to properly respond to Cidra's Motion for Partial Accelerated Decision or Dismissal.

WHEREFORE Complainant respectfully requests that this Honorable Court grant Complainant an extension of twenty days, until August 17, 2010, to properly respond to Cidra's Motion. Further, Complainant respectfully requests that this Honorable Court direct Respondent to send all future pleadings, papers, correspondence, motions, and other material relevant to this matter to the Undersigned.

Respectfully submitted in San Juan, Puerto Rico, on July 28, 2010.



Roberto M. Durango, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion for Extension**, dated July 28, 2010, was sent in the following manner to the addresses listed below:

Original and Copy by **Overnight**:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by **Overnight** and **Facsimile**:

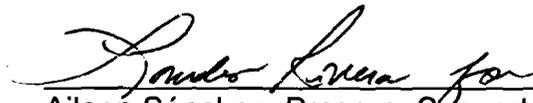
Honorable Susan L. Biro
Chief Administrative Law Judge
Environmental Protection Agency
Office of Administrative Law Judges
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005

Copy by **Certified Mail**:

Jose A. Hernandez Mayoral, Esq.
Bufete Hernandez Mayoral CSP
206 Tetuan Street, Suite 702
San Juan, PR 00901

Patricio Martinez-Lorenzo, Esq.
Martinez-Lorenzo Law Offices
Union Plaza Building, Suite 1200
416 Ponce de Leon Avenue
San Juan, PR 00918-3424

Dated: 7/28/2010


Aileen Sánchez, Program Support Assistant
EPA, Region 2, Office of Regional Counsel