

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 DEC 29 AM 10:59

REGIONAL HEARING  
CLERK

In the Matter of:

**MUNICIPALITY OF TOA ALTA**  
P. O. Box 82  
Toa Alta, Puerto Rico 00954-0082

**RESPONDENT**

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

**PROCEEDING TO ASSESS A  
CLASS II CIVIL PENALTY**

**DOCKET NUMBER  
CWA-02-2009-3459**

**JOINT INFORMATIVE MOTION**

To the Honorable Court:

COMES NOW Complainant and Respondent through the undersigned attorneys and very respectfully aver and pray as follows:

1. That on December 22, 2009, the Parties held a settlement meeting in Complainant's offices in San Juan, Puerto Rico.
2. That during the settlement meeting the Parties made substantial progress in reaching an agreement in principle, including Respondent's proposal to submit a Supplemental Environmental Project (SEP) for the Agency to consider under EPA's SEP Policy.
3. That the Parties agreed to file the above-captioned motion to respectfully request that this Honorable Court grant the Parties a thirty (30) day period to allow the Parties to file a Status Report on the Parties' progress in their attempt to reach an agreement in principle with respect to the proposed penalty.

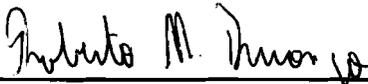
**Joint Informative Motion  
Municipality of Toa Alta  
Docket Number CWA-02-2009-3459  
Page 1 of 3**

WHEREFORE, the Parties respectfully requests that this Honorable Court grant the Parties a thirty (30) day period to allow the Parties to file a Status Report on the Parties' progress in their attempt to reach an agreement in principle with respect to the proposed penalty.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 23rd day of December, 2009.

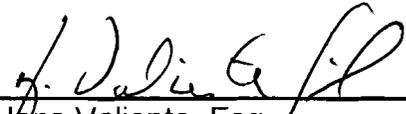
**ATTORNEY FOR COMPLAINANT**

Roberto M. Durango, Esq.  
Assistant Regional Counsel  
U. S. Environmental Protection Agency  
Region 2  
Centro Europa Building – Suite 417  
1492 Ponce de León Ave.  
San Juan, Puerto Rico 00907-4127  
Tel. 787-977-5822  
Fax 787-729-7748

  
\_\_\_\_\_  
Roberto M. Durango, Esq.

**ATTORNEY FOR RESPONDENT**

Hans Valiente, Esq.  
Legal Representative  
Municipality of Toa Alta  
Lcdo. Ricardo Robles Caraballo &  
Asociados  
PO Box 2130  
Bayamón, Puerto Rico 00960  
Tel. 787-786-2627  
Fax 787-7788350

  
\_\_\_\_\_  
Hans Valiente, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I have caused to be sent the foregoing **Joint Informative Motion**, in the following manner to the respective addressees below:

Original by **Federal Express** to:

Judge William B. Moran  
Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Franklin Court Building  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20460  
Ph: 202.564.6291 / Fax (202) 565-0044.

Original and copy by **Federal Express** to:

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

Copy by **Regular Mail** to:

Hans Valiente, Esq.  
Legal Representative  
Municipality of Toa Alta  
Lcdo. Ricardo Robles Caraballo & Asociados  
PO Box 2130  
Bayamón, Puerto Rico 00960

12/23/09  
Date

  
Aileen Sánchez,  
Office of Regional Counsel