

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

MUNICIPALITY OF HATILLO
P. O. Box 8
Hatillo, Puerto Rico 00659

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-02-2009-3455**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG 2
NOV 10 PM 3:00
REGIONAL HEARING
OFFICE

JOINT MOTION FOR CONTINUANCE

COME NOW Complainant, the United States Environmental Protection Agency (EPA) and Respondent, the Municipality of Hatillo, through the undersigned attorneys and very respectfully aver and pray as follows:

1. Pursuant to the Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation (ADR Report), issued by Administrative Law Judge Barbara A. Gunning, on October 29, 2009, the ADR process terminated on October 24, 2009.
2. That the ADR process conducted by Judge Gunning was extremely beneficial, in that it helped the Parties make significant progress toward settlement in this matter.
3. That the Parties have continued to further their discussions in order to reach settlement in this matter, including Respondent's proposal to develop a Supplemental Environmental Project (SEP), which has been tentatively approved by EPA, pending only formal submittal of the SEP proposal and work plan.
4. That Respondent is continuing to make progress in its effort to develop the SEP proposal and work plan that needs to be submitted.

5. That once the SEP proposal and work plan are submitted, the Parties will more than likely be able to execute the Consent Agreement and Final Order (CA/FO).
6. That the parties desire to continue their good faith efforts in negotiating this settlement before the litigation process is initiated.
7. That the undersigned attorneys believe that a period of ninety (90) days will be adequate to allow the Parties to execute the CA/FO.

WHEREFORE, Complainant and Respondent jointly request a stay of the proceedings in this action for a period of ninety (90) days, in order to allow the Parties sufficient time execute the CA/FO.

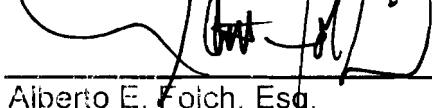
Respectfully submitted, in San Juan, Puerto Rico this 5th day of November 2009.

ATTORNEY FOR COMPLAINANT



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CERTIFICATE OF SERVICE

I hereby certify that on this day I have caused to be sent the foregoing **Notice of Appearance as Counsel**, dated October 7, 2009, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original by **Federal Express** to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Franklin Court Building
1099 14th 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, 16th Floor
New York, NY 10007-1866

Copy by **Regular Mail** to:

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