

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2009 NOV 24 PM 3:49
REGIONAL HEARING
CLERK

In the Matter of:

MUNICIPALITY OF CAYEY
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

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-02-2009-3454**

U.S. ENV. PROT. AGENCY
2009 NOV 20 AM 11:08
CEPD-DIRECTOR OFFICE

JOINT MOTION FOR CONTINUANCE

To the Honorable Court:

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

1. Pursuant to the Order Granting Third Request for Extension of Time to File Amended Answer, issued on October 6, 2009, the Honorable Court granted Respondent's request to file an Amended Answer to the Complaint on or before December 7, 2009.
2. That the Parties have continued to make significant progress toward settlement in this matter.
3. That on October 6, 2009, Nancy Soto, Esq. submitted a formal proposal to develop a Supplemental Environmental Project (SEP) on behalf of Respondent, which was rejected because the proposed project was located in an urbanized area, in contravention of Part B, ¶ 4 of EPA's SEP Policy. Upon receiving a message to that effect, Ms. Soto worked with the Municipality's Office of Planning in order to propose another SEP.

4. That on November 13, 2009, Ms. Soto submitted a new SEP proposal, which is located in a rural area, but which Complainant must still visit in order to evaluate whether the project may qualify under EPA's SEP Policy. As submitted the SEP proposal does not qualify under EPA's SEP Policy. Nonetheless, the Parties have committed to explore what changes can be made in order for the project to qualify as under EPA's SEP Policy and/or the possibility of Respondent submitting another SEP proposal.
5. That the Parties desire to continue their good faith efforts in negotiating this settlement before the litigation process is initiated.
6. 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 23rd 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 **Joint Motion for Continuance**, dated November 23, 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:

Nancy A. Soto Lleras, Esq.
Legal Affairs Director
Municipality of Cayey
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