

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.II  
2008 APR -3 PM 2:32  
REGIONAL HEARINGS  
CLERK

In the Matter of

PUERTO RICO AQUEDUCT AND  
SEWER AUTHORITY,

Ponce Regional Wastewater Treatment Plant

Respondent

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Docket No. CWA-02-2008-3457

**Joint Motion**

Counsel for the Complainant, the United States Environmental Protection Agency ("EPA") and Counsel for Respondent, Puerto Rico Aqueduct and Sewer Authority, hereinafter jointly referred to as Counsels, respectfully submit the following Joint Motion:

1. On April 1<sup>st</sup>, 2008, Counsels' to this action received this Honorable Court's Order dated March 31, 2008, which states that Complainant's failure to comply with the Pre Hearing Exchange deadline can subject the Complaint to dismissal with prejudice. Instead, in light of Respondent's *Motion for Withdrawal and Waiver of a Hearing* filed on March 28, 2008 (Motion), this Honorable Court granted Respondent's Motion and deemed the proceedings terminated and closed.
2. Respondent's Motion advises the Court that the parties have agreed upon terms for settling this matter as well as another pending action. The Motion further states that the parties are currently in the process of memorializing in writing the terms of their agreement.
3. On or around March 4, 2008, the parties reached an agreement in principle.

4. Complainant relied on Respondent to inform the Court of the agreement. Respondent did not file the motion until March 28, 2008, after the deadline for the filing of the Pre Hearing Exchange.
5. Complainant's counsel understands that it was her responsibility to follow up on the agreement with Respondent and comply with each and every deadline imposed by the Court.
6. Even though the proceedings are deemed terminated and closed, Counsels' desire to express that they never had the intention to disregard this Honorable Court's orders.

**PRAYER**

Counsels' submit this Joint Motion and respectfully request the Presiding Officer take notice of the aforementioned and extend their most sincere apologies for any inconvenience or misunderstanding that may have arisen from Counsel's actions.

Respectfully submitted, in San Juan, Puerto Rico, this 2<sup>nd</sup> day of April, 2008.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

**PUERTO RICO AQUEDUCT AND  
SEWER AUTHORITY,**

Ponce Regional Wastewater Treatment Plant  
NPDES Permit No. PR 0021563

**RESPONDENT**

Proceeding to Assess Class II Civil  
Penalty Under Section 309(g)(2)(B)

**DOCKET NUMBER  
CWA-02-2008-3451**

**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed a copy of the foregoing "Joint Motion" to the following persons, at the addresses listed below and in the following manner:

**Original and copy for filing**

**Fed Ex:**

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York, 10007

**Copy by Fed Ex:**

Chief Administrative Law Judge  
The Honorable Susan L. Biro  
U.S. Environmental Protection Agency  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, DC 20005  
Fax (202) 565-0044

**Copy by Fed Ex:**

Helen Ferrara  
Presiding Officer  
U.S. Environmental Protection Agency, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York, 10007

Date: 2/04/2008



San Juan, Puerto Rico  
Office of Regional Counsel - CT