

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Félix Ayala and Silvette Ayala
d/b/a Cantera El Roble
State Road 827, Km 2.0
Piñas Ward
Toa Alta, PR 00953

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

DOCKET NUMBER
CWA-02-2009-3451

RESPONDENTS

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 NOV 22 P 3:00
REGIONAL HEARING
CLERK

INFORMATIVE MOTION

Counsel for the Complainant, the United States Environmental Protection Agency ("EPA"), respectfully submits the following Informative Motion:

1. On October 21, 2010, a conference call was held between Judge Gunning, counsels for EPA and Respondents Félix Ayala and Silvette Ayala (together, "the Parties"). This Honorable Court ordered Complainant to file a statement by October 27, 2010, as to whether Respondents were able to send EPA the requested documents.
2. On October 27, 2010, in compliance with the Order, Complainant informed that on that same day, it received a series of documents from Respondents, intended to comply with EPA's request.
3. Complainant explained to this Honorable Court, that the Parties reached an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO), but Complainant was waiting for Respondent Félix Ayala's filing of a series of official documents to further support his inability to pay claim.

4. In order to comply with its duty to keep this Court informed, Complainant notifies that the submitted documents have been handed to the technical personnel in charge of its analysis. However, since the appointed person has been on vacation, we have not been able to complete this process yet. Notwithstanding this, we expect to complete the process within the next weeks and submit a complete CA/FO as soon as it is possible.
5. It is hereby respectfully requested to this Honorable Court to take notice of the aforementioned.

Certificate of Service

I hereby certify that a true copy of this Informative Motion was served to: Janelle Falcón, Esq., Toa Alta Heights, 18 St., N19, Toa Alta, Puerto Rico, 00953.

Respectfully submitted, in San Juan, Puerto Rico, this 19th day of November, 2010.



Carolina Jordán García
Assistant Regional Counsel
U.S. EPA - Region 2

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**P.O. Box 10827
Toa Alta, Puerto Rico 00953**

RESPONDENTS

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CERTIFICATE OF SERVICE

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

Original and Copy by overnight mail to:

Karen Maples
Regional Hearing Clerk
Region 2
290 Broadway, 16th Floor
New York, NY 1007-1866
Fax (212) 637-3202

Copy by Facsimile and overnight mail to:

Administrative Law Judge:
Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044

Copy by Regular Mail:

Janelle Falcon, Esq.
Toa Alta Heights
18th Street, N19
Toa Alta, PR 00953
Tel: (787) 344-5315

Date: 11/13/10


San Juan, Puerto Rico
Office of Regional Counsel - CT