

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

CULEBRA RESORT ASSOCIATES
P.O. Box 192336
San Juan, Puerto Rico 00906

RESPONDENT

DOCKET NUMBER CWA-02-2008-3356

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 JAN 21 PM 2:09
REGIONAL HEARING
CLERK

**Informative Motion and Request for Extension of Time to File
Executed Consent Agreement and Final Order**

COMES NOW Complainant, the U.S. Environmental Protection Agency (EPA) through the undersigned attorney, and respectfully alleges, prays and requests as follows:

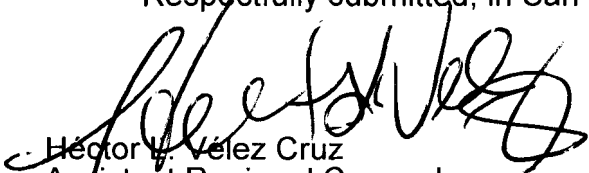
On January 14, 2009, Culebra Resort Associates (Respondent) and Complainant (together, "the Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a Supplemental Environmental Project (SEP) and a penalty.

The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Presiding Officer, Honorable Helen Ferrara, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Due to the complexity of the review and concurrence process within the Agency and between the Parties in order to finalize a fully executed CA/FO, the Parties request the Honorable Presiding Officer until March 20, 2009, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, January 20, 2009, with Rafael A. Toro-Ramírez, P.E., Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 20th day of January, 2009.



Hector W. Velez Cruz
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
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RESPONDENT

Certificate of Service

I certify that I have this day caused to be sent the foregoing *Informative Motion and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated January 20, 2009, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, **Regular Mail** to:

Attorney for Respondent:
Rafael A. Toro-Ramírez, P.E., Esq.
Toro & Arsuaga
P.O. Box 11064
San Juan, P.R. 00922-1064
Tel: (787) 783-7721
Fax: (787) 783-7630
toroars@caribe.net

Copy by facsimile, **Overnight Mail** to:

Administrative Presiding Officer:
Honorable Helen Ferrara
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Date

1/20/09

Name

