

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Quality Engineers and Contractors, Inc.

and

Cidra Excavation, Inc.

RESPONDENTS

DOCKET NUMBER CWA-02-2007-3411

MOTION

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG 2
2009 MAR 30 PM 2:32
REGIONAL HEARING
CLERK

Status Report

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

On February 24, 2009, the Administrative Law Judge, Honorable Barbara A. Gunning, issued an order granting Complainant and Respondents Quality Engineers and Contractors, Inc. and Cidra Excavation (together, "the Parties"), an extension of time, until March 31, 2009, to file an executed Consent Agreement and Final Order (CA/FO).

On March 2, 2009, the undersigned attorney sent via *e-mail* to Respondents' legal representation, Patricio Martínez-Lorenzo, Esq., a CA/FO dispositive of all matters asserted in the Administrative Complaint, including a penalty, for Respondents' review, approval and signature.

During the past weeks the undersigned has attempted to obtain input and/or the executed Consent Agreement from Respondents. Finally, on Tuesday, March 24, 2009, the undersigned was able to reach Mr. Martínez-Lorenzo who advised that at that time he could not entertain this matter. Mr. Martínez-Lorenzo did not advance by which date he would be reviewing the CA/FO or filing a motion for extension of time.

Mr. Martínez-Lorenzo suggested that the undersigned file an additional request for extension of time or in the alternative that the Parties attempt to schedule a conference call with the Administrative Law Judge on Monday, March 30, 2009.

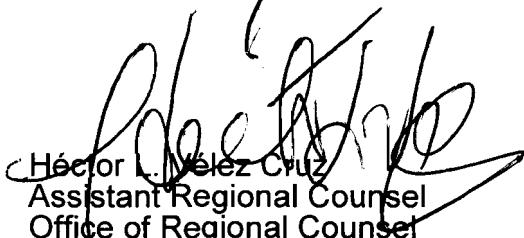
Neither of these alternatives is acceptable to the Complainant insofar as Respondents have had ample time to review, approve and sign the CA/FO.

The undersigned is deeply concerned that he will not be able to meet the deadline imposed by the Administrative Law Judge to file the executed CA/FO.

Wherefore, the Complainant respectfully informs the Court of the status of this matter.

Today, March 26, 2009, I attempted in three occasions to contact Respondents' attorney, Patricio Martínez-Lorenzo, Esq., before filing this motion with no success (I left him a voice mail at 787-756-5005).

Respectfully submitted, in San Juan, Puerto Rico, this 26th day of March, 2009.



Héctor L. Velez Cruz
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STATUS REPORT

Certificate of Service

I certify that I have this day caused to be sent the foregoing *Status Report*, dated March 26, 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 Respondents:
Patricio Martinez-Lorenzo, Esq.
Martinez-Lorenzo Law Offices
Union Plaza Building, Suite 1200
416 Ponce de León Avenue.
Hato Rey, P.R. 00918-3424
Tel: (787) 756-5005
Fax: (787) 641-5007.

Copy by facsimile, **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.

3/26/09
Date

[Signature]
Name