

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

IN THE MATTER OF:

Municipality of Mayagüez

RESPONDENT

MOTION

DOCKET NUMBER

CWA-02-2011-3453

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2013 JAN 23 A 11: 38
REGIONAL HEARING
CLERK

STATUS REPORT

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

Pursuant to the December 28, 2012 Order issued by the Chief Administrative Law Judge, Honorable Susan L. Biro, Counsel for Complainant submits the following Status Report in the above captioned matter.

The Complainant and the Municipality of Mayagüez (Respondent) (herein together the "Parties") have been actively participating in good faith negotiations, including conference calls, in order to expedite a final settlement of this matter.

On January 8, 2013, Complainant presented Respondent with a new settlement offer. Thereafter, the Parties have held several conference calls discussing the terms of the proposed agreement and to follow-up as well to learn about Respondent's final decision regarding the settlement offer.

Today, Counsel for Respondent informed the undersigned that the Mayor of the Municipality of Mayagüez is currently reviewing the proposed agreement dispositive of

all matters asserted in the Administrative Complaint, including a penalty, and the final proposed language and terms of the Consent Agreement and Final Order (CA/FO).

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the efforts made by the Parties in reaching a settlement dispositive of all matters asserted in the administrative complaint and in the progress of filling an executed CA/FO.

This Motion was discussed today, January 18, 2013, with Luis Sánchez Mercado, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 18th day of January, 2013.



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CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Status Report*, dated January 18th, 2013, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

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

Karen Maples

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region2
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202

Copy by email, **Certified Mail / Return Receipt** to:

Attorney for Respondent, Municipality of Mayagüez

Luis J. Sánchez Mercado, Esq.

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

Chief Administrative Law Judge
Honorable Susan L. Biro
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.
Email: oalifiling@epa.gov

Date

1/18/2013

Name

