

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
DESARROLLOS ALTAMIRA I, INC.,)
and)
CIDRA EXCAVATION, S.E.,)
)
Respondents.)
)

Docket No. CWA-02-2009-3462

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.
2010 AUG 25 AM 8:00
REGIONAL HEARING
PLF/PK

**ORDER GRANTING JOINT MOTION FOR EXTENSION TO FILE
JOINT SET OF STIPULATED FACTS, EXHIBITS AND TESTIMONY**

The parties to this proceeding were directed to file a joint set of stipulated facts, exhibits and testimony on or before August 20, 2010. On August 19, the parties filed a Joint Motion for Extension to File Joint Set of Stipulated Facts, Exhibits and Testimony (Motion).

The Motion is hereby **GRANTED**, as set forth below.

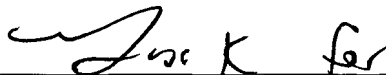
The Motion states that Respondent Desarrollos Altamira I Inc. and Complainant have reached an agreement in principle to settle this matter, and expect to file a Consent Agreement and Final Order (CAFO) within 30 days. The Motion states further than Respondent Cidra Excavation intends to file a reply in support of its Motion for Partial Accelerated Decision or Dismissal. The parties request the extension of time to file stipulations because "a more complete and accurate" set of stipulations can be produced after the CAFO is filed and a ruling on the Motion is issued.

Section 22.7(b) of the Rules of Practice (40 C.F.R. § 22.7(b)) provides that the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.

The hearing in this matter is scheduled to commence on November 2, 2010, and filing stipulations thirty days later than as currently scheduled would still provide ample time before the hearing. It may be more efficient and productive for Complainant and Respondent Cidra to file stipulations after the settlement with Respondent Desarrollos is achieved. The filing of significant stipulations is encouraged, as they generally reduce some of the time and expense at a hearing, allowing the parties to focus their efforts on the most contested issues. In the circumstances of this case, good cause exists to extend the time to file the stipulations. However, the due date for the stipulations will not be dependent on the issuance of a ruling on

Respondent's pending motion for accelerated decision or dismissal.

Therefore, the parties shall have until **September 20, 2010** to file a Joint Set of Stipulated Facts, Exhibits and Testimony in this matter.



Susan L. Biro
Chief Administrative Law Judge

Dated: August 20, 2010
Washington, D.C.

In the Matter of Desarrollos Altamira I Inc, and Cidra Excavation S.E.
Docket No. CWA-02-2009-3462

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **Order Granting Joint Motion for Extension to File Joint Set of Stipulated Facts, Exhibits and Testimony**, dated August 20, 2010 was sent this day in the following manner to the addressees listed below:

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA - Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

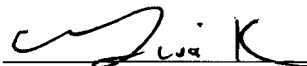
Copy by pouch mail to:

Roberto M. Durango, Esquire
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U.S. EPA Region 2
1492 Ponce de Leon Avenue, Suite 417
San Juan. PR 00907

Copy by regular mail to:

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M. Lisa Knight
Senior Staff Attorney

Dated: August 20, 2010