



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

U.S. ENVIRONMENTAL
 PROTECTION AGENCY-REG. II
 2010 DEC -2 P 12: 21
 REGIONAL HEARING
 CLERK

In the Matter of:)	
)	
DESARROLLOS ALTAMIRA I, INC.,)	
)	
and)	Docket No. CWA-02-2009-3462
)	
CIDRA EXCAVATION, S.E.,¹)	
)	
Respondents.)	

**ORDER TERMINATING PROCEEDINGS
BEFORE CHIEF ADMINISTRATIVE LAW JUDGE**

On October 1, 2009, this proceeding was initiated by the United States Environmental Protection Agency, Region 2, Caribbean Environmental Protection Division (“Complainant” or “EPA”) filing a Complaint against Desarrollos Altamira I, Inc. (“Respondent DAI”), and Cidra Excavation, S.E. (“Respondent Cidra” or “Cidra”) pursuant to Section 309(g)(2) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g)(2). Each Respondent filed its respective Answer to the Complaint on December 9, 2009. A hearing was scheduled for November 2, 2010, in San Juan, Puerto Rico, per Order Scheduling Hearing dated June 1, 2010.


EPA subsequently filed a Notice of Settlement on October 21, 2010, in which EPA stated that on October 19, 2010, Respondent DAI signed a Consent Agreement and Final Order (“CAFO”) memorializing a settlement between the two parties. EPA attached the signature page of the CAFO to its Notice of Settlement, and stated therein that it “expects to serve a fully-executed CA/FO on or before October 27, 2010.” To date, no such CAFO has been filed.

EPA filed a second Notice of Settlement on October 26, 2010, stating that on October 25, 2010, Respondent Cidra signed a CAFO memorializing a settlement between the two parties, and that “by tomorrow at the latest” it would file the CAFO signature page. EPA further stated that it “expects to serve a fully-executed CA/FO on or before November 12, 2010.” To date, no such signature page or CAFO has been filed.

¹ The caption in this case was amended by an October 25, 2010 Order Rescheduling Hearing to name Respondent Cidra only, because this Tribunal was informed that Respondent DAI would no longer be participating in the administrative proceedings. However, as both Respondents have allegedly signed CAFOs with EPA yet neither have been filed, the caption is hereby amended again to include both Respondent DIA and Cidra in this Order Terminating Proceedings.

There is no further need for the undersigned to preside over this matter. Cases are referred to the Office of Administrative Law Judges solely for the purpose of providing respondents with their right to a hearing before an Administrative Law Judge, consistent with the applicable statutes and the Administrative Procedure Act. The parties are deemed to have waived the right to a hearing, as EPA has reported that they have at least reached agreement in principal for the settlement of this matter and neither Respondent has filed a motion for a continuance or any other pleading since September 23, 2010.

Accordingly, this proceeding before the undersigned is hereby deemed **TERMINATED AND CLOSED** as of this date.

A handwritten signature in black ink, appearing to read "S. Biro", is written over a horizontal line.


Susan L. Biro
Chief Administrative Law Judge

Dated: December 1, 2010
Washington, D.C.

In the Matter of Desarollos Altamira Inc. & Cidra Excavation, Inc., S.E., Respondents
Docket No. CWA-02-2009-3462

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Terminating Proceedings Before Chief Administrative Law Judge** dated December 1, 2010, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: December 1, 2010

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