

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

CIDRA EXCAVATION, S.E.,

RESPONDENTS

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

NOTICE OF SETTLEMENT

**DOCKET NUMBER
CWA-02-2009-3462**

NOTICE OF SETTLEMENT
(CIDRA EXCAVATION, S.E.)

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 OCT 26 P 2:59
REGIONAL HEARING
CLERK

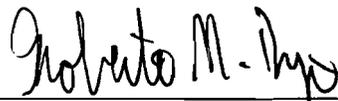
To the Honorable Court:

COMES NOW Complainant, the United States Environmental Protection Agency, by and through its counsel, pursuant to Rule 22.18(b) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(b), and very respectfully avers and prays as follows:

1. That Complainant reached an agreement in principle, dispositive of all matters asserted in the Complaint against Respondent, Cidra Excavation, S.E. (Cidra).
2. That on October 25, 2010, Respondent signed the Consent Agreement and Final Order (CAFO), memorializing such agreement in principle. The signature page will be submitted by tomorrow at the latest.
3. That the Parties believe that settlement of the matter at hand promotes procedural economy, avoiding the delays and costs resulting from an administrative hearing.

WHEREFORE, Complainant to the instant matter respectfully provides notice of settlement with Cidra. Complainant expects to serve a fully-executed CA/FO on or before November 12, 2010.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 25th day of October, 2010.



Roberto M. Durango, Esq.
Office of Regional Counsel
U.S. EPA, Region 2
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907
Telephone (787) 977-5822
Fax: (787) 729-7748

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Settlement**, dated October 22, 2010, was sent in the following manner to the addresses listed below:

Original and Copy by **Overnight**:

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

Copy by **Overnight** and **Facsimile**:

Honorable Susan L. Biro
Chief Administrative Law Judge
Environmental Protection Agency
Office of Administrative Law Judges
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005

Copy by **Certified Mail**:

Jose A. Hernandez Mayoral, Esq.
Bufete Hernandez Mayoral CSP
206 Tetuan Street, Suite 702
San Juan, PR 00901

Patricio Martinez-Lorenzo, Esq.
Martinez-Lorenzo Law Offices
Union Plaza Building, Suite 1200
416 Ponce de Leon Avenue
San Juan, PR 00918-3424

Dated: 10/25/10


Aileen Sánchez, Program Support Assistant
EPA, Region 2, Office of Regional Counsel