

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 11
2009 DEC -3 PM 3:00
REGIONAL HEARING
CLERK

IN THE MATTER OF:)

Municipality of Toa Alta)

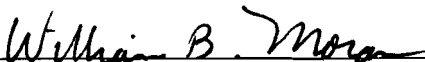
) Docket No. CWA-02-2009-3459
)
)
)

Respondent)

Order regarding EPA's Motion for Default or Exclusion of Evidence

EPA filed, on November 9, 2009, a Motion for Entry of Default or Exclusion of Evidence ("EPA Motion"). On November 20, 2009 Counsel for Respondent filed a "Moción Informativa," which Motion references the EPA Motion. However, the "Moción Informativa" is entirely in Spanish. While the Court could endeavor to have Respondent's Counsel's filing translated, it is requesting that Respondent's Counsel provide an English translation to the Court and EPA within 5 (five) days of this Order. Counsel for Respondent is also reminded to comply with the filing requirements (40 C.F.R. § 22.5), as well as all other procedural rules, as set forth in 40 C.F.R. Part 22. It would seem that Respondent's Counsel is fully able to provide the translation, as EPA's Motion was in English; it was only Respondent's Counsel's "Moción Informativa," responding to it, that was in Spanish.

Upon receiving the translated document, within the time frame noted, the Court will await any reply that may be filed by EPA and then issue an Order on EPA's Motion.



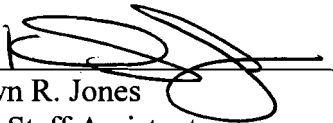
William B. Moran
United States Administrative Law Judge

Dated: December 2, 2009
Washington, D.C.

In the Matter of Municipality of Toa Alta
Docket No. CWA-02-2009-3459

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order regarding EPA's Motion for Default or Exclusion of Evidence**, dated December 2, 2009 was sent in the following manner to the addressees listed below.



Knolyn R. Jones
Legal Staff Assistant

Dated: December 2, 2009

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway, 17th Floor
New York, NY 10007

Copy by Regular Mail to:

Robert M. Durango, Esq.
Assistant Regional Counsel
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Copy by Regular Mail to:

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