



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. H.  
2010 FEB 11 PM 2:47  
REGIONAL HEARING  
CLERK

IN THE MATTER OF )  
 )  
 )  
MUNICIPALITY OF LAS PIEDRAS, ) DOCKET NO. CWA-02-2009-3456  
 )  
 )  
RESPONDENT )

ORDER TO SHOW CAUSE

The file before me reflects that Respondent has failed to file either its prehearing exchange or a statement of election only to conduct cross-examination of Complainant's witnesses as its manner of defense on or before January 11, 2010, as required by the Administrative Law Judge's Prehearing Order dated September 30, 2009, and that Respondent has not filed a motion for an extension of the filing deadline. On December 8, 2009, Complainant timely submitted its prehearing exchange.

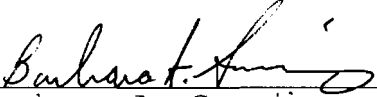
On January 11, 2010, the undersigned received a document from Essayon Design and Management Solutions, Inc., which was addressed to the Complainant. This document purports to be a Storm Water Management Plan for the Respondent. Although it was received on January 11, 2010, this submission cannot reasonably be characterized as Respondent's prehearing exchange as stated in the Prehearing Order.

On January 25, 2010, Complainant filed a Motion for Remedies seeking an extension of time to file a rebuttal prehearing exchange, the submission of which would be linked to Respondent's submission of its own proper prehearing exchange. Respondent has failed to respond to several attempts by this office to reach it telephonically and by email.<sup>1/</sup>

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<sup>1/</sup> Reportedly, Respondent also has not responded to telephone calls from Complainant. Respondent's complete lack of response is (continued...)

Under Section 22.17(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. § 22.17(a), a party may be found to be in default upon failure to comply with a prehearing order of the Administrative Law Judge. Therefore, Respondent is ordered to show cause, if any, on or before **February 19, 2010**, why Respondent failed to meet the January 11, 2010 filing deadline and why a default order should not be entered for failing to meet this deadline.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge

Dated: February 4, 2010  
Washington, DC

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<sup>1/</sup> (...continued)  
unprofessional.

**In the ADR Matter of *Municipality of Las Piedras*, Respondent.  
Docket No. CWA-02-2009-3456**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Show Cause**, dated February 4, 2010, was sent this day in the following manner to the addressees listed below.



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Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples  
Regional Hearing Clerk  
US EPA, Region II  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

One Copy by Pouch Mail to:

Roberto M. Durango, Esq.  
Assistant Regional Counsel  
U.S. EPA, Region II  
Caribbean Field Division  
Centro Europa Building  
1492 Ponce de Leon Ave., Ste. 417  
San Juan, PR 00907-1417

One Copy by Certified Receipt Mail and One Copy by Regular Mail to:

Edgar Gonzalez, Esq.  
Legal Representative  
Municipality of Las Piedras  
P.O. Box 2802  
Guaynabo, PR 00970  
(Certified Return Receipt No. 7005 0390 0002 5028 8412)

**Dated: February 4, 2010  
Washington, D.C.**