

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In re:

Commonwealth of Puerto Rico
Department of Housing

Fullana Heavy Works

Respondents

In a proceeding under Section
113(d) of the Clean Air Act

Motion

CAA-02-2007-1214

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2008 FEB 29 PM 2:38
REGIONAL HEARING
CLERK

**Motion Informing Agreement in Principle Reached by the
Parties and Requesting Term to File Executed Consent
Agreement and Final Order**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA" or "Complainant") through the undersigned attorney and respectfully alleges, prays and requests as follows:

On February 27, 2008, Complainant and the Commonwealth of Puerto Rico - Department of Housing and Fullana Heavy Works (together "Respondents") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty.

The parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order ("CA/FO"). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondents and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will be filed.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable Barbara A. Gunning, take

In the Matter of
Commonwealth of Puerto Rico -
Department of Housing and
Fullana Heavy Works
Respondents

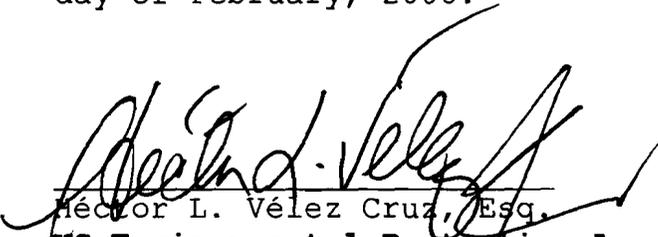
Motion
Docket No. CAA-02-2007-1214

Page 1

notice of the agreement reached by the parties and of the progress made in formalizing this agreement in a fully executed CA/FO. Complainant's deadline for filing its Initial Prehearing Exchange is February 29, 2008. Due to the complexity of the review and concurrence process within the Agency and between the parties in order to finalize a fully executed CA/FO, the parties request the Honorable Administrative Law Judge until March 29, 2008, in order to file the duly executed Consent Agreement and Final Order and notify its execution to the Presiding Officer. The Complainant does not waive any of its rights as asserted in the Administrative Complaint if by any unforeseen reason the agreement in principle does not materialize into a fully executed CA/FO.

This Motion was discussed today, February 27, 2008, with Mariacté Correa-Cestero and Germán A. Novoa Rodríguez, counsels for Respondents, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 27th day of February, 2008.



Héctor L. Vélez Cruz, Esq.
US Environmental Protection Agency, R2
Centro Europa Building, Suite 417
1492 Ponce de León
San Juan, PR 00907
Tel. 787-977-5850
Fax. 787-729-7748
velez.hector@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In re:

Commonwealth of Puerto Rico
Department of Housing

Fullana Heavy Works

Respondents

In a proceeding under Section
113(d) of the Clean Air Act

Motion

CAA-02-2007-1214

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Motion Informing Agreement in Principle Reached by the Parties and Requesting Term to File Executed Consent Agreement and Final Order*, dated February 27, 2008, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, Overnight Mail to:

Karen Maples

Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile, certified mail/return receipt to:

Attorney for Respondent, Commonwealth of PR:
Respondent, Fullana Heavy Works:

Attorney for

Mariacté Correa-Cestero, Esq.

O'Neill & Borges
American Internacional Plaza
250 Muñoz Rivera Ave, Suite 800
San Juan, PR 00918-1813
Fax (787) 753-8944.

Germán Novoa Rodríguez, Esq.

Lugo Lugo & Asociado
P. O. Box 8672
Bayamón, PR 00960-8036
Fax (787) 779-8502.

Copy by facsimile, Overnight Mail to:

Administrative Law Judge
Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Date

2/27/2008

Name

