

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

Municipality of Mayagüez

RESPONDENT

MOTION

DOCKET NUMBER

CWA-02-2011-3453

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2012 AUG 28 P 12:14  
REGIONAL HEARING  
CLERK

**Motion Informing Agreement in Principle Reached by the Parties and  
Request for Extension of Time to File Executed Consent Agreement  
and Final Order**

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

On August 24, 2012, the Municipality of Mayagüez (Respondent) and the Environmental Protection Agency ("EPA" or "Complainant") (together, "the Parties") 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 Respondent and the signature of the Regional Administrator are required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to have the Chief Administrative Law Judge, Honorable Susan L. Biro, take notice of the agreement reached by the Parties and of the progress made in formalizing this agreement in a fully executed CA/FO. 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 Presiding Officer, sixty (60) days, until October 23, 2012, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, August 24, 2012, with Luis Sánchez Mercado, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 24<sup>th</sup> day of August, 2012.



**Héctor L. Vélez Cruz**  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Municipality of Mayagüez**

**RESPONDENT**

**MOTION**

DOCKET NUMBER

CWA-02-2011-3453

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 Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated August 24, 2012, 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, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Fax (212) 637-3202.

Copy by facsimile, **Overnight Mail** to:

Attorney for Respondent, Municipality of Mayagüez  
**Luis J. Sánchez Mercado, Esq.**  
Sánchez Mercado Law Offices, P.S.C.  
P. O. Box 6551  
Mayagüez, P.R. 00681-6551  
Tel: (939) 717-9886 / (787) 374-2976  
Fax: (866) 395-8215  
[sanchezmercadolaw@gmail.com](mailto:sanchezmercadolaw@gmail.com)

Copy by facsimile, **Overnight Mail** to:

Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005  
Fax (202) 565-0044.

Date

8/24/2012

Signature

[Handwritten Signature]