

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGIONAL
2010 JAN -8 PM 2:25
REGIONAL HEARING
CLERK

IN THE MATTER OF:)

Municipality of Toa Alta)

Respondent)

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

Order regarding "Joint Informative Motion" and Respondent's "Informative Motion"

The parties filed, on December 24, 2009, a "Joint Informative Motion," in which they seek "a thirty (30) day period to allow the Parties to file a Status Report on the Parties' progress in their attempt to reach an agreement in principle with respect to the proposed penalty." On the same date, Respondent's "Informative Motion" was filed. The latter motion is an indirect response to EPA's Motion for Default or Exclusion of Evidence. Taken together, the Court views the motions as a withdrawal of EPA's Motion for default or exclusion and as a joint request that the parties be given thirty days to reach a settlement.

Upon consideration the "Joint Informative Motion" is GRANTED. However, the parties are advised that negotiations toward a settlement may not continue indefinitely. If the parties are unable to advise the Court that a settlement in principle has been reached by Friday, February 5, 2010, the Court will have no choice but to deny further extensions and to require the Respondent to submit its pre-hearing exchange within seven (7) days thereafter. The case will also be set for a hearing in March 2010. Consistent with this Order, the parties are to file a "Joint Report" advising the Court of the status of this matter by facsimile by February 5, 2010, as well as in accordance with the filing requirements of the procedural rules applicable to this proceeding.

So Ordered.

William B. Moran

William B. Moran
United States Administrative Law Judge

Dated: January 7, 2010
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 “ Joint Informative Motion” and Respondent’s Informative Motion**”, dated January 7, 2010 was sent in the following manner to the addressees listed below.


Knolyn R. Jones
Legal Staff Assistant

Dated: January 7, 2010

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:

Silvia Carreno-Coll, Esq.
Assistant Regional Counsel
U.S. EPA
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907-1417

Copy by Regular Mail to:

Ledo Hans L. Valiente Gil
LCDO Ricardo Robles Caraballo
P.O. Box 2130
Bayamon, PR 00960