

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL HEARING  
2009 OCT - 6 PM 1:19

In the Matter of:

**MUNICIPALITY OF CAYEY**  
P. O. Box 371330  
Cayey, Puerto Rico 00737-1330

**RESPONDENT**

Proceeding pursuant to Section 309(g)(2)(B) of  
the Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS A  
CLASS II CIVIL PENALTY**

**DOCKET NUMBER  
CWA-02-2009-3454**

**REQUEST FOR AN EXTENSION TO FILE AN AMMENDED ANSWER TO THE COMPLAINT AND  
SUBMITTING ADDITIONAL INFORMATION**

To the Honorable Court:

NOW COMES the Respondent to this action, Municipality of Cayey, Puerto Rico, and very respectfully avers and prays as follows:

1. The Municipality of Cayey has been directed to file an Amended Answer to the Complaint in this case on or before October 6<sup>th</sup>, 2009, as decided in an Order Granting Motion For Extension of Time to File Amended Answer dated August 18<sup>th</sup>, 2009.
2. Both parties in this matter engaged in a first informal settlement conference on August 6<sup>th</sup>, 2009, which was extremely beneficial, and in which preliminary agreements were reached, including, among others, that the municipality will submit a possible SEP project for EPA's evaluation and recommendations. It is fairly certain that the municipality and EPA might reach an amicable solution on this matter.
3. Unfortunately, Attorney Victoria Nuñez Sierra, who was in charge of developing a possible SEP project for EPA evaluation, resigned to her post on August 31<sup>st</sup>, 2009. At that that date, a possible SEP project had not been developed by Ms. Nuñez, which resulted in a serious delay in the estimated time we requested to submit a SEP project to EPA for evaluation.

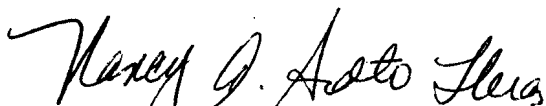
4. Notwithstanding the previously mentioned situation, the municipality requested the assistance of a Licensed Civil Engineer in evaluating and developing a possible SEP project for EPA evaluation, which will be submitted to EPA consideration on or before October 6<sup>th</sup>, 2009. However, considering that EPA needs time to evaluate our proposed SEP, and in turn recommend changes, or deny the project and request another, an additional extension to file an amended answer would be needed. We believe in good faith that this request might be a last request for extension, depending, of course on the final approval of EPA of a SEP project submitted by the municipality.

5. Considering the first step described on our previous request for extension would be completed by October 6<sup>th</sup>, which was for the municipality to submit a SEP project for EPA's evaluation, we respectfully request an extension of sixty (60) additional days to submit an answer. We believe in good faith that this extension should be sufficient for EPA to evaluate and comment on our project, and for the Municipality to make any changes requested and finally reach an agreement in this case.

6. The Municipality is submitting, on this date, copy of this request of extension to the complainant's counsel to ascertain their conformity or opposition to our extension request.

WHEREFORE it is respectfully requested that the Court take notice of the information previously stated, and grant the Municipality of Cayey request for a date extension to file and submit an amended answer to the complaint on the current proceedings, if such answer is finally deemed necessary.

Respectfully submitted in Cayey, Puerto Rico, on this 1<sup>st</sup> day of October, 2009.



Nancy A. Soto Lleras, Esq.  
Legal Affairs Director  
Municipality of Cayey, Puerto Rico  
PO Box 371330 Cayey, PR 00737-1330  
Telephone / Fax (787) 263-4400  
Email: [nsoto@cayey.gobierno.pr](mailto:nsoto@cayey.gobierno.pr)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Status Report was sent in the following manner to the addresses listed below:

Original by Regular certified mail:


Susan L. Biro  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1900L  
Washington, DC 20460

Original by Regular  
Certified Mail:

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by facsimile and  
regular mail:

Roberto M. Durango, Esq.  
Associate Regional Counsel,  
Caribbean Team  
Office of Regional Counsel  
U.S. Environmental Protection Agency,  
Region 2  
1492 Ponce de Leon Avenue, Suite 417  
San Juan, PR 00907  
Telephone (787) 977-5822  
Fax: (787) 729-7748



Nancy A. Soto Lleras, Esq.  
Legal Affairs Director  
Municipality of Cayey, Puerto Rico  
PO Box 371330 Cayey, PR 00737-1330  
Telephone / Fax (787) 263-4400  
Email: [nsoto@cayey.gobierno.pr](mailto:nsoto@cayey.gobierno.pr)