

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

Quality Engineers and Contractors, Inc.

and

Cidra Excavation, Inc.

RESPONDENTS

DOCKET NUMBER CWA-02-2007-3411

MOTION

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 FEB 27 PM 12:12  
REGIONAL HEARING  
CLERK

**Informative Motion 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 January 7, 2009, attorney for Complainant, Pedro J. Nieves-Miranda, filed a motion informing the Office of Administrative Law Judges, Honorable Barbara A. Gunning, that on January 2, 2009, the Governor of Puerto Rico, Luis G. Fortuño, nominated him as a member of the Governor's cabinet to act as President of the Environmental Quality Board. In that same motion he requested the Honorable Court to remove him as counsel of the record for Complainant in this case. Subsequently the case was reassigned to the undersigned.

Complainant and Respondents Quality Engineers and Contractors, Inc. and Cidra Excavation (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 Administrative Law Judge, Honorable Barbara A. Gunning, 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 Administrative Law Judge until March 24, 2009, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, February 24, 2009, with Patricio Martínez-Lorenzo, Esq., attorney for the Respondents, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 24<sup>th</sup> day of February, 2009.



Héctor E. Velez Cruz  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
Centro Europa Bldg., Suite 207  
1492 Ponce de León Ave.  
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**Certificate of Service**

I certify that I have this day caused to be sent the foregoing *Informative Motion and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated February 24, 2009, 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, **Regular Mail** to:

Attorney for Respondents:  
**Patricio Martínez-Lorenzo, Esq.**  
Martínez-Lorenzo Law Offices  
Union Plaza Building, Suite 1200  
416 Ponce de León Avenue.  
Hato Rey, P.R. 00918-3424  
Tel: (787) 756-5005  
Fax: (787) 641-5007.

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

Administrative Law Judge:  
**Honorable Barbara A. Gunning**  
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

2/24/09

Name

