

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 MAY 12 AM 11:24
REGIONAL HEARING
CLERK

IN THE MATTER OF:

Quality Engineers and Contractors, Inc.

and

Cidra Excavation, Inc.

RESPONDENTS

DOCKET NUMBER CWA-02-2007-3411

MOTION

**Informative Motion Regarding Progress Made in Filing an Executed
Consent Agreement and Final Order and
Third Request for Extension of Time to File**

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

Pursuant to the April 8, 2009 Order issued by the Honorable Barbara A. Gunning, Administrative Law Judge, Complainant and Respondents Quality Engineers and Contractors, Inc., and Cidra Excavation (together, the "Parties") had until April 28, 2009, to file the fully executed Consent Agreement and Final Order (CA/FO) settling all matters asserted in the Administrative Complaint, including a penalty.

During the past weeks several conference calls were held between EPA officials from the New York and San Juan office to discuss certain issues regarding the terms of the

settlement. Finally, all doubts have been clarified and the approval process for the CA/FO is in progress.

The CA/FO is up for the review and concurrence of Region 2's Regional Counsel, and for the signature of the Regional Administrator. 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 progress made in the approval process to file a fully executed CA/FO.

In light of the above, the Complainant requests the Honorable Administrative Law Judge to grant the Parties until Friday, May 15, 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 7th day of May, 2009.



Héctor E. Vélez Cruz
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U.S. Environmental Protection Agency, Region II
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Certificate of Service

I certify that I have this day caused to be sent the foregoing *Informative Motion Regarding Progress Made in Filing an Executed Consent Agreement and Final Order and Third Request for Extension of Time to File*, dated May 7, 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, 16th 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 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.

Date

5/07/09

Name

