

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

RECORDING CLERK  
2011 MAR -11 A 11:00  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG II

IN THE MATTER OF:

**Caribbean Properties Investment, Inc.**

and

**VPI Construction Corp.**

Bahía Marina Resort Development

**RESPONDENTS**

**MOTION**

**DOCKET NUMBER CWA-02-2008-3461**

**Joint Motion Informing Agreement in Principle Reached by the Parties  
and Request to Set Aside Scheduled Hearing and Extension of Time to  
File Executed Consent Agreement and Final Order**

COME NOW the parties to the instant action, through the undersigned attorneys and respectfully allege, pray and request as follows:

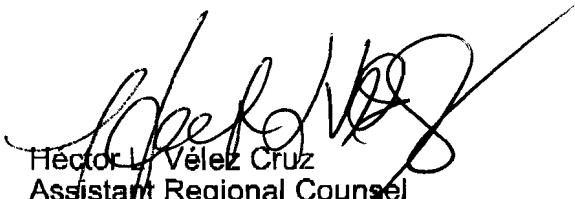
On March 3, 2011, the C.P.I. Hospitality Inc. formerly known as Caribbean Properties Investment, Inc. (Respondent) and the Environmental Protection Agency ("EPA" or "Complainant") (together, the "Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, 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). The Parties expect to finalize the CA/FO and set it into concurrence within several EPA officers located in Region 2's San Juan office by Friday, March 11, 2011. Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region

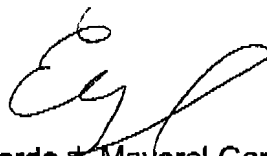
2's New York office for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondent and the signature of the Regional Administrator are required. The Parties expect the CA/FO's concurrence and signing process be finalized by April 1, 2011. Once this process 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 Presiding Officer set aside the scheduled hearing and grant until April 1, 2011, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

Respectfully submitted in San Juan, Puerto Rico, on March 3, 2011.



Hector L. Velez Cruz  
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U.S. EPA, Region II  
Centro Europa Bldg., Suite 417  
1492 Ponce de León Ave.  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Caribbean Properties Investment, Inc.**

and

**VPI Construction Corp.**

**RESPONDENTS**

**Certificate of Service**

**DOCKET NUMBER CWA-02-2008-3461**

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Joint Motion Informing Agreement in Principle Reached by the Parties and Request to Set Aside Scheduled Hearing and Extension of Time to File Executed Consent Agreement and Final Order*, dated March 3, 2011, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Federal Express** 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, **certified mail** to:

Attorney for Respondents:  
**Eduardo J. Mayoral García, Esq.**  
PMB 157  
P.O. Box 194000  
San Juan, PR 00919-4000  
Telephone/Fax: 787.754.2002  
[emayoral@gmail.com](mailto:emayoral@gmail.com)

Copy by facsimile, **Federal Express** to:

**Barbara A. Gunning**  
Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
1099 14<sup>th</sup> Street, N.W. Suite 350  
Franklin Court  
Washington, D.C. 20005  
Ph: 202.564.6255 / Fax (202) 565-0044

3/03/11 

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Office of Administrative Law Judges  
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3/3/2011