

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2008 MAR 31 PM 3:46
REGIONAL HEARING
CLERK

IN THE MATTER OF: *

DOCKET: CWA-02-2008-3451

**Puerto Rico Aqueduct & Sewer
Authority (PRASA)** *

**Ponce Regional Wastewater
Treatment Plant** *

Respondent *

MOTION FOR WITHDRAWAL AND WAIVER OF A HEARING

The resolutions of the matters in the above captioned Administrative Complaints are being embodied in a Consent Agreement that is dispositive of the material facts alleged in the Complaints. The Consent Agreement addresses also another complaint, includes a lump sum cash penalty and a Supplemental Environmental Project.

A *Prehearing Order* (Order) dated January 30, 2007 issued by the Honorable Susan L. Biro, Chief Administrative Law Judge, set a prehearing exchange schedule. The parties recognizing the requirements set forth in the Order have been making good faith efforts towards satisfying them. Also, concurrently, the Parties have pursued settlement, which, as stated above, has been reached and is being embodied in a Consent Agreement that disposes the material facts of the Complaint.

Therefore, in consideration of the time from experience that elapses for the parties to complete their respective concurrence and signatory processes, and recognizing that the filing with the Hearing Clerk of a fully executed Consent Agreement and Final Order by March 14, 2008 could not be achieved, Respondent to avoid the expenditure of significant amounts of time and

resources of the parties towards preparing for a hearing as well as of the this forum, knowingly and explicitly withdraws its request and waives its right to a hearing in the above captioned case.

Respondent has discussed this motion with Complainant, whom has allowed us to state that it accepts and acquiesces to its filing and does not object to the granting of this motion.

WHEREFORE, for the reasons above explained, their lacking any prejudice, and in the interest of judicial economy, Respondent hereby respectfully requests that the Honorable Chief Administrative Law Judge Susan L. Biro, accept Respondent's unopposed withdrawal and waiver of a hearing.

Respectfully submitted,

**PUERTO RICO AQUEDUCT AND
SEWER AUTHORITY**

By its attorney,



Jorge Marrero-Narváez
Assistant Legal Counsel
P.O. Box 7066
San Juan, Puerto Rico
Tel. 787-620-2277, extension 2668
Fax 787-620-3830

Dated: March 28, 2008

CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Withdrawal and Waiver of a Hearing, dated March 28, 2008, was sent this day in the following manner to the addressees listed below:

First Class Mail and
by facsimile to:

Karen Maples

Regional Hearing Clerk
Region II
U.S. Environmental Protection
Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

First Class Mail and
by facsimile to:

Attorney for Complainant,

Carolina Jordan García, Esq.
Office of Regional Counsel
U.S. Environmental Protection
Agency, Centro Europa Building
1492 Ponce de León Ave. Suite 207
Santurce, Puerto Rico 00907-4127

First Class Mail and
by facsimile to:

Administrative Law Judge,

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection
Agency
Mail Code 1900L
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460


