

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Félix Ayala and Silvette Ayala
d/b/a Cantera El Roble
State Road 827, Km 2.0
Piñas Ward
Toa Alta, PR 00953

Proceeding to Assess Class II Civil
Penalty Under Section 309(g)

DOCKET NUMBER
CWA-02-2009-3451

RESPONDENTS

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION 2
2010 SEP -8 PM 3:10
REGIONAL HEARING
CLERK

Motion to Comply with Order

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

As stated in Complainant's previous "Motion to Comply with Order," EPA and Respondents Félix Ayala and Silvette Ayala (together, "the Parties") reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including a penalty. However, Respondent Félix Ayala is still waiting for the issuance of a series of official documents to further support his inability to pay claim. Thus, the CAFO is expected to be filed as soon as the documents –whose content has already been discussed by the parties- are made part of Complainant's file.

As it has been previously informed, the Parties have reached 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 for their review and concurrence. Also, in order to file a duly executed CA/FO, the signature of the Respondents and the signature of EPA's Caribbean Environmental Protection Division Director are required.

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.

Respectfully submitted, in San Juan, Puerto Rico, this 3rd day of September, 2010.



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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 *Motion in Compliance with Order*, dated July 30, 2010, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy, overnight mail via **UPS** 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 **Regular Mail** to:

Attorney for Respondents:
Janelle Falcon, Esq.
Toa Alta Heights
18th Street, N19
Toa Alta, PR 00953
Tel: (787) 344-5315

Copy by facsimile, overnight mail via **UPS** 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.

9-3-2010
Date


Name