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FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 202-565-0044

To: Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
Office of Administrative Law Judges

From: **Héctor L. Vélez, Esq.**  
Office of Regional Counsel - Caribbean Team

Re: **In the Matter of Municipality of Mayagüez**  
DOCKET NUMBER CWA-02-2011-3453  
**Motion Informing Agreement in Principle Reached by the Parties**

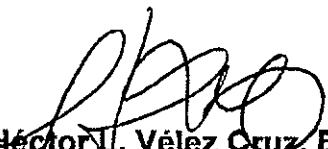
Date: August 24, 2012

RECEIVED BY OALJ  
2012 AUG 24 PM 4: 27

Good afternoon.

Enclosed please find the ***Motion Informing Agreement in Principle Reached by the Parties*** for the above captioned matter.

Should you have any questions or comments, please contact me.

  
**Héctor L. Vélez Cruz, Esq.**  
Associate Regional Counsel  
Office of Regional Counsel, Caribbean Team  
US Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

IN THE MATTER OF:

**Municipality of Mayagüez**

**RESPONDENT**

**MOTION**

**DOCKET NUMBER**

**CWA-02-2011-3453**

RECEIVED BY OALJ  
2012 AUG 24 PM 4: 27

**Motion Informing Agreement in Principle Reached by the Parties 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 August 24, 2012, the Municipality of Mayagüez (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.

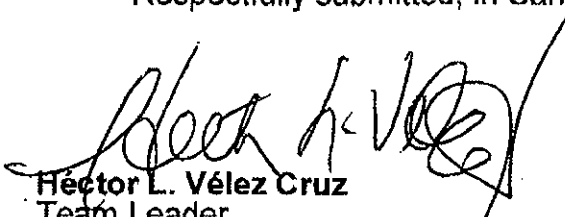
The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order (CA/FO). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York 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 Chief Administrative Law Judge, Honorable Susan L. Biro, 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, sixty (60) days, until October 23, 2012, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer.

This Motion was discussed today, August 24, 2012, with Luis Sánchez Mercado, Esq., attorney for Respondent, who agreed to the filing of this motion.

Respectfully submitted, in San Juan, Puerto Rico, this 24<sup>th</sup> day of August, 2012.



**Héctor L. Vélez Cruz**  
Team Leader  
Office of Regional Counsel – Caribbean Team  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II**

IN THE MATTER OF:

**Municipality of Mayagüez**

**RESPONDENT**

**MOTION**

**DOCKET NUMBER**

**CWA-02-2011-3453**

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing *Motion Informing Agreement in Principle Reached by the Parties and Request for Extension of Time to File Executed Consent Agreement and Final Order*, dated August 24, 2012, 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, **Overnight Mail to:**

Attorney for Respondent, Municipality of Mayagüez  
**Luis J. Sánchez Mercado, Esq.**  
Sánchez Mercado Law Offices, P.S.C.  
P. O. Box 6551  
Mayagüez, P.R. 00681-6551  
Tel: (939) 717-9886 / (787) 374-2976  
Fax: (866) 395-8215  
[sanchezmercadolaw@gmail.com](mailto:sanchezmercadolaw@gmail.com)

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

Chief Administrative Law Judge  
**Honorable Susan L. Biro**  
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

*8/24/2012*

Signature

