

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)
)
MUNICIPALITY OF CAYEY,) Docket No. CWA-02-2009-3454
)
Respondent)

**ORDER GRANTING THIRD REQUEST FOR EXTENSION OF TIME
TO FILE AMENDED ANSWER**

In response to the Complaint filed in this matter, Respondent, acting *pro se*, filed an Answer which failed to respond to each allegation in the Complaint as required by 40 C.F.R. § 22.15. Respondent was ordered to file on or before July 10, 2009, an amended answer to the Complaint if the parties do not reach a settlement beforehand. On July 9, Respondent submitted a request for an extension of time to file on the basis of a high probability of reaching a settlement of this case which could render an answer unnecessary and/or might modify any possible answers. The request was granted, and Respondent's amended answer was ordered to be filed on or before August 14, 2009. Respondent sought a second extension of time to file, which was supported by Complainant, and he was granted an extension until October 6, 2009 to file the amended answer. On October 2, 2009, Respondent submitted a third Request for an Extension to File an Amended Answer to the Complaint and Submitting Additional Information.

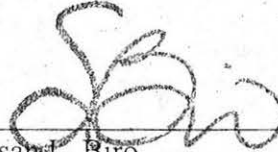
The Request states that the parties agreed that Respondent would submit a Supplemental Environmental Project (SEP), but that one of Respondent's attorneys resigned her post at the end of August, which delayed the estimated time to submit a SEP. The Request states further that Respondent has engaged an engineer to develop a SEP, and that it will be submitted to Complainant for consideration on or before October 6, 2009. Considering the time needed for EPA to evaluate the SEP, and for any modification or drafting of a new SEP, Respondent requests an additional sixty days to submit an answer. The Request does not state whether Complainant opposes the relief sought, but indicates that a copy is being submitted to Complainant's counsel to ascertain whether Complainant opposes it.

Upon telephone contact from the undersigned's staff attorney, counsel for Complainant stated that he has received a proposed SEP from the Respondent and that he has no objection to the Request.

A sixty day extension, particularly after two other extensions of time, is an unusually lengthy period. However, considering that Respondent is a municipality, that it has submitted a SEP proposal, and that Complainant does not object to the extension sought, the Request will be

granted.

For good cause, the Request for Extension of Time is **GRANTED**. Accordingly, if the parties have not filed the fully executed Consent Agreement and Final Order beforehand, Respondent shall file an Amended Answer to the Complaint on or before **December 7, 2009**.



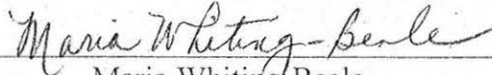
Susan L. Biro
Chief Administrative Law Judge

Date: October 6, 2009
Washington, D.C.

In the Matter of Municipality of Cayey, Respondent
Docket No. CWA-02-2009-3454

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Third Motion For Extension Of Time To File Amended Answer**, dated October 6, 2009, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: October 6, 2009

Original And One Copy By Pouch Mail To:

Karen Maples
Regional Hearing Clerk
U.S. EPA
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy By Regular Mail To:

Silvia Carreno-Coll, Esquire
Office of Regional Counsel
U.S. EPA
Caribbean Field Division
Centro Europa Building
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907-1417

Copy By Regular Mail To:

Nancy A. Soto Lleras, Esquire
Director Legal Affairs
Victoria Nunez Sierra, Esquire
Municipality of Cayey
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Cayey, PR 00737-1330