

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF:

**Marina PDR Operations, LLC**  
4900 State Road PR-3  
Fajardo, PR 00738-4067

**Marina Puerto Del Rey**  
NPDES MSGP Tracking Number  
PRR053171

**RESPONDENT**

**MOTION**

**DOCKET NUMBER CWA-02-2017-3452**

**JOINT MOTION TO REQUEST STAY OF THE PROCEEDINGS, OR IN THE  
ALTERNATIVE, COMPLAINANT'S EXTENSION OF TIME FOR ITS PREHEARING  
EXCHANGE DUE DATE**

COMES NOW Complainant, the U.S. Environmental Protection Agency ("EPA"), and Marina PDR Operations, LLC ("Respondent") (together the "Parties"), through the undersigned attorneys, and respectfully allege, pray and request as follow:

Pursuant to the March 6, 2017 Prehearing Order (the "Order") issued by the Administrative Law Judge, Honorable Christine D. Coughlin, the Parties were directed to engage in a settlement conference to attempt to reach an amicable resolution of the above captioned case on or before March 17, 2017. Also, Complainant was ordered to file a Status Report regarding the conference and the status of settlement on or before March 24, 2017. Furthermore, Complainant was ordered to submit its Prehearing Exchange by April 14, 2017 in the event that a fully-executed Consent Agreement and

Final Order ("CA/FO") had not been filed with the Regional Hearing Clerk on or before April 14, 2017.

After Complainant's filing of the Status Report on March 21, 2017, the Parties continued holding good faith settlement negotiations, aiming to reach an agreement dispositive of all matters asserted in the administrative complaint, including a penalty, that would be satisfactory to both. As a result of these discussions, on April 6, 2017, Complainant received a revised settlement offer, which Complainant accepted as appropriate for resolving the allegations asserted in the Complaint.


The Parties are currently engaged in discussions as to the final language and terms of the CA/FO. Once the CA/FO is finalized and signed by Respondent, Complainant will place it into concurrence within several EPA's officers located in Puerto Rico and New York for their review and concurrence. Once this process concludes, the fully-executed CA/FO will immediately be filed with the Regional Hearing Clerk. The Parties' goal is to file a fully-executed CA/FO by May 31, 2017.

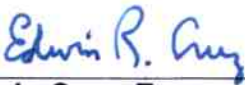
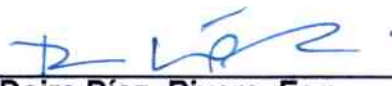
In light of the above, and considering that there is no undue delay, bad faith or dilatory motive that can affect either party's rights under law, and there is no prejudice or additional burden to Respondent, the Parties request the Honorable Administrative Law Judge to stay the proceedings and allow until May 31, 2017, in order to file the duly executed CA/FO and notify its execution to the Presiding Officer, or in the alternative, to grant Complainant thirty (30) additional days from the April 14, 2017 deadline, in order to file its Initial Prehearing Exchange.

This Motion has been filed today in order to have the Administrative Law Judge, Honorable Christine D. Coughlin, take notice that the Parties have reached an agreement

dispositive of all matters asserted in the administrative complaint referenced in the above captioned case.

Respectfully submitted, in Guaynabo, Puerto Rico, this 11<sup>th</sup> day of April, 2017.

  
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*Attorneys for Respondent*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

IN THE MATTER OF:

**Marina PDR Operations, LLC**  
4900 State Road PR-3  
Fajardo, PR 00738-4067

**Marina Puerto Del Rey**  
**NPDES MSGP Tracking Number**  
**PRR053171**

**DOCKET NUMBER CWA-02-2017-3452**

PROCEEDING PURSUANT TO SECTION  
309(g) OF THE CLEAN WATER ACT, 33  
U.S.C. § 1319(g), TO ASSESS CLASS II  
CIVIL PENALTY

**RESPONDENT**

**CERTIFICATE OF SERVICE**

I certify that I have this day caused to be sent the foregoing **Joint Motion To Request Stay Of The Proceedings, Or In The Alternative, Complainant's Extension Of Time for Its Prehearing Exchange Due Date**, dated April 11, 2017, and bearing the above-referenced docket number, in the manner specified below:

Electronic filing through the OALJ E-Filing System to:

**Mary Angeles**  
Headquarters Hearing Clerk  
Office of Administrative Law Judges  
US Environmental Protection Agency

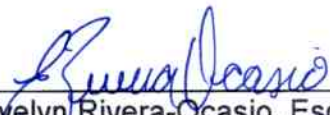
**Honorable Christine D. Coughlin**  
Administrative Law Judge  
Office of Administrative Law Judges  
US Environmental Protection Agency

Copy by Electronic mail to:

**Edwin Cruz, Esq.**  
**Doira Díaz- Rivera, Esq.**  
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*Attorneys for Respondent*

4-11-2017  
Date

  
\_\_\_\_\_  
Evelyn Rivera-Ocasio, Esq.  
Attorney for Complainant