

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

MUNICIPALITY OF LAS PIEDRAS
P. O. Box 68
Las Piedras, Puerto Rico 00771

RESPONDENT

Proceeding pursuant to Section 309(g)(2)(B) of
the Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS A
CLASS II CIVIL PENALTY**

**DOCKET NUMBER
CWA-02-2009-3456**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG II
2009 NOV -4 PM 12: 23
REGIONAL HEARING
CLERK

STATUS REPORT

To the Honorable Court:

COMES NOW the Complainant to the instant action and very respectfully avers
and prays as follows:

1. The Complainant to this action was directed to hold a settlement conference on or before October 23, 2009, in an attempt to reach an amicable resolution to this matter, and to file a status report regarding such conference on or before November 4, 2009.
2. On October 23, 2009, the undersigned held a telephone settlement conference (the October 23 Teleconference) with Edgar Gonzalez-Milan, Esq., who appeared on behalf of Respondent in response to Administrative Compliance Order (ACO), Docket Number CWA-02-2008-3118, dated February 16, 2008, and this Proceeding to Assess a Class II Civil Penalty (Complaint), Docket Number CWA-02-2009-3456, dated March 30, 2009. The ACO stems from the same factual basis as the Penalty Order before this Court.

3. During the October 23 Teleconference, the undersigned advised Mr. Gonzalez that in order to reach an amicable resolution to this matter, pursuant to Agency policy, Respondent is required to be in compliance with the ACO's requirement of submitting a complete and accurate Notice of Intent (NOI) form to EPA.

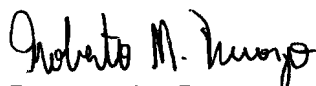
4. During the October 23 Teleconference, the undersigned advised Mr. Gonzalez of the option of reaching an amicable resolution to this matter, including the possibility of having his client propose a Supplemental Environmental Project (SEP) to mitigate the proposed penalty, pursuant to EPA's SEP Policy.

5. During the October 23 Teleconference, Mr. Gonzalez stated that he would attempt to schedule an in-person settlement conference with the undersigned. To date, Mr. Gonzalez has not provided a proposed date for such settlement conference.

6. Complainant was granted until November 4, 2009 to file a status report regarding such settlement conference(s).

WHEREFORE it is respectfully requested that the Court take notice of the status of the instant case.

Respectfully submitted in San Juan, Puerto Rico, on this 3rd day of November, 2009.



Roberto M. Durango, Esq.
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Caribbean Team
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 2
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CERTIFICATE OF SERVICE

I hereby certify that on this day I have caused to be sent the foregoing **Status Report**, dated November 3, 2009, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original by **Federal Express** to:

Judge Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Franklin Court Building
1099 14th Street, N.W., Suite 350
Washington, D.C. 20460
Ph: 202.564.6291 / Fax (202) 565-0044.

Original and copy by **Federal Express** to:

Karen Maples
Regional Hearing Clerk
U.S. EPA, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

Copy by **Regular Mail** to:

Edgar González, Esq.
Legal Representative
Municipality of Las Piedras
P.O. Box 2802
Guaynabo, PR 00970
Ph: (787) 775-8765; email: gonzalezmilan@gmail.com

 11/03/09