

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In the Matter of:

**MUNICIPALITY OF RÍO GRANDE**  
P. O. BOX 847  
RÍO GRANDE, PUERTO RICO 00745

**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-02-2009-3458**

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 AUG 12 PM 1:12  
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 engage in one or more settlement conferences on or before August 7, 2009 and attempt to reach an amicable resolution to this matter.
2. On July 29, 2009 the undersigned held a settlement conference with Alejandro Carrasco, Esq., who appeared on behalf of Respondent in response to Administrative Compliance Order (ACO), Docket Number CWA-02-2008-3131, dated February 5, 2008, and this Proceeding to Assess a Class II Civil Penalty (Complaint), Docket Number CWA-02-2009-3458, dated March 30, 2009. The ACO stems from the same factual basis as the Penalty Order before this Court.
3. During the settlement conference, the undersigned advised Mr. Carrasco that in order to reach an amicable resolution to this matter, pursuant to Agency policy,

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4. During the settlement conference, Mr. Carrasco presented a draft NOI form that Respondent is working on and stated that Respondent intends to formally submit the NOI form on or before August 14, 2009.

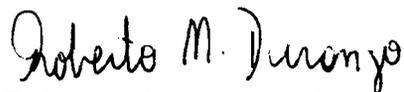
5. During the settlement conference, Mr. Carrasco suggested that Respondent intends to propose a Supplemental Environmental Project (SEP), pursuant to EPA's SEP Policy to mitigate the penalty sought in the Complaint.

6. As soon as Respondent submits the NOI form, the undersigned will propose a meeting to further explore settlement options that were brought to Mr. Carrasco's attention during the settlement conference.

7. Complainant was granted until August 14, 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 11th day of August, 2009.



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Caribbean Team  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Status Report was sent in the following manner to the addresses listed below:

Copy by Overnight and  
Facsimile:

Honorable Susan L. Biro, Chief  
Administrative Law Judge  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
1099 14<sup>th</sup> Street, N.W., Suite 350  
Washington, D.C. 20005

Original and  
Copy by Overnight:

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency,  
Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

Copy by facsimile and  
regular mail:

Alejandro Carrasco-Castillo, Esq.  
Legal Counsel  
Municipality of Rio Grande  
Parana 1684  
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San Juan, Puerto Rico 00926-3144