

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

2009 DEC 29 AM 10:55

REGIONAL HEARING
CLERK

In the Matter of:

MUNICIPALITY OF CAYEY
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

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-02-2009-3454**

STATUS REPORT

To the Honorable Court:

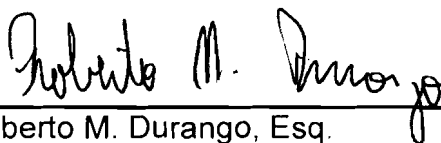
COMES NOW the Complainant to the instant action and very respectfully avers
and prays as follows:

1. Pursuant to this Honorable Court's Order on Joint Motion for Continuance, dated December 1, 2009, Complainant in the above-captioned matter was directed to file a Status Report on the progress of settlement on December 18, 2009.
2. That on Thursday, December 10, 2009, the undersigned, along with Mr. José A. Rivera and Ms. Yolianne Maclay, EPA's Multimedia Permits and Compliance Branch Enforcement Officers assigned to this matter, met with Nancy Soto, Esq., Respondent's Counsel, and Mr. Felipe de Jesus, Respondent's Environmental Consultant, with the purpose of visiting proposed Supplemental Environmental Project's (SEP) site.

3. That although the proposed SEP, as presented, did not comply with EPA's SEP Policy, Mr. Rivera and Ms. Maclay provided some guidance on some changes that could be made to the proposed SEP to comply with EPA's SEP Policy.
4. That Complainant advised Respondent that even if the suggestions were taken into account, the proposed SEP's environmental benefit may not amount to a substantial monetary reduction to the proposed penalty.
5. That Complainant advised Respondent to consider proposing a different SEP and/or consider negotiating the monetary portion alone. Mr. Rivera and Ms. Maclay provided some guidance on what other SEPs Respondent could consider proposing.
6. That Respondent suggested it intends on proposing a different SEP within the next week.

WHEREFORE it is respectfully requested that the Court take notice of the status of the foregoing progress of settlement.

Respectfully submitted in San Juan, Puerto Rico, on this 18th day of December, 2009.



Roberto M. Durango, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Office of Regional Counsel—Caribbean Team
Centro Europa Building, Ste. 417
1492 Ponce de León Ave.
San Juan, PR 00907
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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:

Original by **Federal Express** and
Facsimile:

Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-2001

Original and
Copy by **Federal Express**:

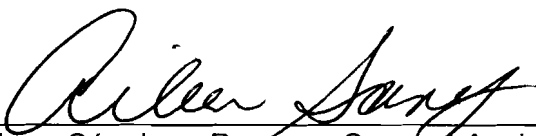
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Copy **Certified Mail**:

Nancy Soto Lleras, Esq.
Legal Division Director
Municipality of Cayey
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

Date:

12/17/09


Aileen Sánchez, Program Support Assistant
Office of Regional Counsel