



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

June 23, 2008

Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20460

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2008 JUN 24 PM 12:13
REGIONAL HEARING
CLERK

Re: In the Matter of Suiza Dairy Corporation, Docket No. EPCRA-02-2007-2019
Status Report and Request for Extension of Time

Dear Judge Gunning:

Enclosed please find the Status Report you requested in the above captioned matter. As you will see, the parties have reached a final settlement in this case and would appreciate the time requested to fully execute the Consent Agreement and Final Order. The Respondent is in agreement with the contents of this Status Report.

If you have any questions, please call me at (212) 637-3172. Again, thank you for your cooperation and assistance in this matter.

Sincerely yours,

A handwritten signature in cursive script, reading "Andrew L. Praschak".

Andrew L. Praschak
Assistant Regional Counsel
Office of Regional Counsel

Enclosures

cc: Regional Hearing Clerk, Region II (with Original CA/FO)
Angel Rodríguez, CEPD
Patricio Martínez Lorenzo, Esq.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Suiza Dairy Corporation
San Patricio Avenue
Río Piedras, San Juan, Puerto Rico

Respondent

Proceeding under Section 109 of CERCLA and
Section 325 of EPCRA

**Status Report and
Request for Extension of Time**

Docket No. CERCLA-02-2007-20

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
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REGIONAL HEARING
CLERK

**Status Report and
Request for Extension of Time**

NOW COMES Complainant, the U.S. Environmental Protection Agency (“EPA”) through the undersigned attorney and respectfully alleges and prays as follows:

The Parties have been in active negotiations for the past several months in an attempt to resolve this matter. Efforts to reach a settlement have included, but were not limited to Alternate Dispute Resolution proceedings, conference calls, meetings and exchanges of relevant information.

On or about June 13, 2008, attorneys for Respondent and Complainant reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint, including an appropriate penalty.

The Parties, thereafter expeditiously engaged in settlement discussions in order to finalize the language and terms of the Consent Agreement and Final Order (“CA/FO”). On June 17, 2008 EPA verbally accepted the last few remaining changes which were included in the CA/FO by Respondent. On June 19, 2008, attorney for Respondent informed Complainant that his client had agreed to the final terms of the CA/FO.

On June 20, 2008, the process of finalizing the CA/FO and preparing the internal EPA concurrence package was initiated by attorney for Complainant.

Once the CA/FO and concurrence package are finalized, they will be placed into concurrence with the appropriate EPA officials in Region 2’s San Juan and New York offices for review and concurrence. When concurrence is obtained, it will then be expeditiously delivered to Respondent for signature. Also, in order to file a duly executed CA/FO, the signature of the Regional

Administrator will be obtained. Once this process concludes, the fully executed CA/FO will be expeditiously filed. The Parties currently expect to file the fully executed CA/FO on or before July 23, 2008, thirty days from the date of this Status Report.

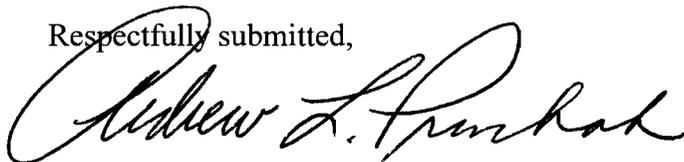
Therefore, the parties hereby respectfully ask this Honorable Judge for an extension to July 23, 2008 to file the fully executed CA/FO in this matter.

This Status Report and Motion was discussed with and reviewed by Patricio Martínez Lorenzo, Esq., counsel for Respondent, who agreed to its filing.

This Status Report has been filed today by the Complainant in order to comply with Judge Gunning's previous verbal Order for a Status Report by June 25, 2008.

If you have any questions or comments, please contact me at (212) 637-3172.

Respectfully submitted,

A handwritten signature in black ink, reading "Andrew L. Praschak". The signature is written in a cursive style with a large, looping initial "A".

Andrew L. Praschak
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007
(212) 637-3172
praschak.andrew@epa.gov

Dated: June 23, 2008
New York, New York

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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IN THE MATTER OF:) Docket No. EPCRA-02-2007-2019
)
Suiza Dairy Corporation)
San Patricio Avenue) Status Report and
Río Piedras, San Juan, Puerto Rico) Request for Extension of Time
)
Respondent.)
-----X

CERTIFICATION OF SERVICE

I certify that I have this day caused to be sent the foregoing Status Report and Request for Extension of Time, dated June 23, 2008, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

original and copy by inter-office mail to:

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

copy by e-mail and certified mail, return receipt requested, to:

Patricio Martínez-Lorenzo
Union Plaza Building, Suite 1200
416 Ponce de Leon Avenue
Hato Rey, PR 00918
e-mail: pmartior@pmlawpr.com

and copy by overnight mail to:

Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900 L
401 M Street, S.W.
Washington, D.C. 20460

Date: JUNE 23, 2008

Name: Louaine Alexander

Title: SECRETARY

Address: 290 BROADWAY, 17 FL. NY, NY. 10008