

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

Destilería Serrallés, Inc.
PO Box 198
Mercedita, PR 00715

Respondent

In a proceeding under Section 113(a) of the
Clean Air Act, 42 U.S.C. § 7413(d)

Docket No.: CAA-02-2010-1233

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 FEB 25 A 11:43
REGIONAL HEARING
CLERK

STATUS REPORT

COMES NOW the Complainant, the United States Environmental Protection Agency ("EPA") through the undersigned attorney and respectfully alleges and prays as follows:

1. Pursuant to the Prehearing Order issued by the Administrative Law Judge, Honorable Barbara A. Gunning, dated December 14, 2010, Counsel for Complainant submits the following Status Report in the above captioned matter.

2. The Prehearing Order directed Complainant and Destilería Serrallés (collectively "the Parties") to hold a settlement conference on or before January 18, 2011. In compliance with the Order, the Parties met on January 12, 2011, in an attempt to reach an amicable resolution of the referenced matter.

3. During said conference, the Parties discussed extensively all matters asserted in the Administrative Complaint and possible terms for their solution. Respondent agreed to provide Complainant with a penalty amount offer.

4. Counsels for the Parties met again on February 16, 2011, and held a conference call on February 22, 2011, in both they engaged in further discussions regarding the penalty amount. Today, February 23, 2011, Respondent sent a formal settlement offer that is being considered by Complainant.

5. As to the filing of this Status Report, the Prehearing Order directed the Complainant to file the same on or before January 27, 2011. Counsel for the Complainant respectfully requests to be excused for filing this Status Report after the established deadline. It was never her intention to disregard the schedule set by this Honorable Court and assures that in the future she will take the utmost care in double checking the accuracy of her agenda to avoid this unfortunate mistake. Counsel for the Complainant was not at any moment knowingly ignoring the deadline, and Complainant has been preparing to file its Initial PreHearing Exchange on or before February 28, 2011, as directed in the Prehearing Order.

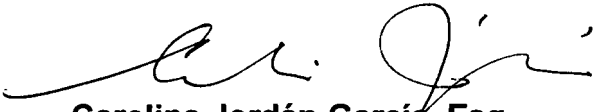
6. It is hereby respectfully requested to this Honorable Court to excuse Counsel for Complainant's honest mistake and allow us to file this Status Report.

7. This Status Report was discussed on February 22, 2011, with Francis Torres, counsel for Respondent, who agreed to the filing of the same.

Certificate of Service

I hereby certify that a true copy of this Motion for Entry of Default was served to:
Francis Torres, Esq., 705 Fernandez Juncos Avenue, San Juan, Puerto Rico, 00907-
4226.

Respectfully submitted, in San Juan, Puerto Rico, this 24th day of February,
2011.



Carolina Jordán-García, Esq.
Office of Regional Counsel - Caribbean Team
U.S. Environmental Protection Agency - Region 2
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Dated: February 24, 2011
San Juan, Puerto Rico

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CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed the foregoing Status Report to the following persons, at the addresses listed below and in the following manner:

Original and Copy by overnight mail to:

Karen Maples
Regional Hearing Clerk
Region 2
290 Broadway, 16th Floor
New York, NY 1007-1866
Fax (212) 637-3202

Copy by Facsimile and overnight mail to:

Administrative Law Judge:
Honorable Barbara A. Gunning
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044

Copy by Regular Mail:

Francis Torres, Esq.
705 Fernández Juncos Avenue
San Juan, PR 00907-4226
Tel: (787) 721-8220
Fax: (787) 721-8223

Date: 2/24/2011


San Juan, Puerto Rico
Office of Regional Counsel - CT