



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

July 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

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

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2008 JUL 22 PM 12:13  
REGIONAL HEARING  
CLERK

Dear Judge Gunning:

Enclosed please find the Status Report you requested in the above captioned matter. As you will see, the Respondent has received a final Consent Agreement and Final Order from EPA for execution and the parties are requesting an extension of time to fully execute this final document. 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,

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-02-2007-2019

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2008 JUL 22 PM 12:14  
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.

On July 2, 2008, the process of obtaining internal EPA concurrence on the final CA/FO was completed.

Upon obtaining internal concurrence, the final CA/FO was delivered to attorney for Respondent on July 7, 2008 to obtain his client's signature. Once the Respondent executes the CA/FO and returns a copy to Complainant, the signature of the Regional Administrator will be obtained, completing execution of the document. 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 August 23, 2008, thirty days from the date of this Status Report.

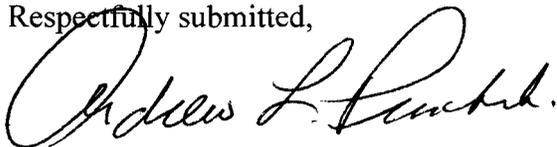
Therefore, the parties hereby respectfully ask this Honorable Judge for an extension to August 23, 2008 to file the fully executed CA/FO in this matter.

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 July 23, 2008.

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

Respectfully submitted,



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

Dated: July 22, 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 July 22, 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, 16<sup>th</sup> 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@pmllawpr.com](mailto:pmartior@pmllawpr.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: 7/22/08  
Name: Brenda Hadley  
Title: Branch Secretary  
Address: 290 Broadway, NY 10007